

6/5/2020

Edcgov.us Mail - Public comment re CEDHSP delays

PC 6-11-20

Item # 2

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3 pages



Public comment re CEDHSP delays

1 message

Eric Fechter <ejfechter@gmail.com>


Thu, Jun 4, 2020 at 4:58 PM

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Please add to file #19-1670

Thank you

 **Public comment on CEDHSP Delays.pdf**
88K

June 4, 2020

The County of El Dorado Planning Commission
The County of El Dorado Planning and Building Department
2850 Fairlane Court Building C Placerville, CA 95667

RE: Continued Applicant Delays for the Central El Dorado Hills Specific Plan

Planning Commissioners,

In a memo to your Commission dated May 28, 2020, county planning manager Mel Pabalinas has, *yet again*, made an inexplicable request for continuance of the Central El Dorado Hills Specific Plan (CEDHSP) agenda item on behalf of the project Applicant, Serrano Associates LLC.

This *forth* and latest memo follows three prior continuance requests (all granted) based on a variety of excuses ranging from "analysis and response to public comments" to "the interest of protecting health" to "the applicant desires to attend the meeting in-person".

Let me take a moment to address this latest bogus appeal by the Applicant.

Serrano Associates' Kirk Bone asserts in his letter of May 27, 2020: *"Please accept this letter as our request to continue the above referenced project until the County as adopted a policy to evaluate Vehicle Miles Traveled (VMT)... we believe that the final environmental document should include a thorough discussion and evaluation of VMT that is consistent with State law, County policy and CEQA processes."*

As you're aware, Vehicle Miles Traveled (VMT) referenced in Mr. Bone's letter originates from Senate Bill No. 743 (sb743) which required an amendment to the State CEQA Guidelines in order to provide an alternative means to LOS for evaluating transportation impacts. The resulting amendments provided new CEQA Guidelines Section 15064.3 "Determining the Significance of Transportation Impacts" which includes a requirement for VMT analysis, and further addresses how that requirement shall be implemented.

CEQA Guidelines §15064.3(c) states:

"The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide." (emphasis added)

CEQA Guidelines §15007(b) states:

"Amendments to the Guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments." (emphasis added).

CEQA Guidelines §15007(c) states:

"If a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved."

The CEDHSP county file shows that the Final Environmental Impact CEQA report was issued and made public in October 2019—well before the VMT state compliance mandate of July 1, 2020. Based on the current CEQA Guidelines (*supra*), and the fact the county has not yet elected to be governed by the provisions of newly added §15064.3(c), the VMT analysis requirement does not apply to the CEDHSP—even if the project is still pending after July 1, 2020—because the Environmental Impact report was already finalized. In other words, the existing CEQA is “adequate and complete” and there’s simply no compelling reason to drag this project further along until a policy is established by the county.

Let’s be honest, the real reason for these continuous delays by the Applicant is that the current Board of Supervisors is unlikely to approve the project. By delaying until 2021, when up to three Supervisors could be replaced (Districts 1, 2 and 3), the project has a higher likelihood of approval.

Per the El Dorado County Code, only the Board of Supervisors has the authority to approve a Specific Plan and General Plan amendment, yet the project continues in a holding pattern with the Planning Commission at the behest of the Applicant, even after at least three Commission meetings (11/14/2019; 12/12/2019; 1/13/2020) and three continuances of the forth (final) Commission meeting (2/13/2020; 3/26/2020; 4/26/2020). Ask yourself: Would the same deference be given to an impacted resident who requested a continuance (let alone four)? Of course not.

The county’s own “Planning Services Discretionary Review Process” timeline states that the upon receiving the staff report, the Planning Commission process is expected to take “10-45 Days”. Yet the CEDHSP has been pending since 2012—that’s more than seven years of time and resources by county staff and the planning department. To further delay the CEDHSP during a time of economic uncertainty is a disservice to the nearly 200,000 taxpayers and residents of El Dorado County.

The county works for its residents, not Serrano Associates. I urge you to do what you know is in the public’s best interest: avoid any further delays on the CEDHSP project.

Respectfully submitted,

Eric Fechter

El Dorado Hills