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To: BOS One – John Hidahl
BOS Two – Shiva Frentzen
BOS Three – Brian Veercamp
BOS Four – Lori Parlin
BOS Five – Sue Novasel

Subjects: 1. The Vineyards at El Dorado Hills – Deny This Project
2. Suggestions for the consideration by the Board of Supervisors to better represent the citizens of El Dorado County

1. Deny the Planned Development proposal for The Vineyards at El Dorado Hills

Why is this proposal even being considered? Why can developers just keep coming back for more profitable projects to the detriment of existing property owners? A project for this property was approved for development several years ago in about 2007. It was named Diamante. It proposed a split into 5 acre parcels in conformance the zoning for our rural area. It was one of 5 parcels with proposals along Malcolm Dixon Road. There was much local opposition due to poor planning and the circumvention of the 5 acre minimum using the guise of "planned development". I, along with many other local citizens, opposed the other projects because of this higher density and related factors – i.e. traffic, water, sewer, lack of conformity to the existing area, etc. However, when the proposal for Diamante came before the Board of Supervisors, I specifically attended that meeting and voiced my support for that proposal because it did conform to the existing zoning and preserved our rural way of life. The Diamante project was approved. Omni Financial was a party to one of these projects and saw first-hand the opposition to the type development they are proposing in this "Vineyards of El Dorado Hills" project. They are now trying to subvert the zoning of this area using a "planned development" bonus. The use of Planned Developments and their density bonus is a means to get higher density than the basic zoning allows. Instead of the area retaining its rural character, which is embodied in the RE-5 zoning, these type developments usually

feature "exclusive gated enclaves" which is the antithesis of a rural area. The use of "planned developments" to get higher densities was never voted on by the citizens whereas the General Plan with its rural RE-5 zoning was voted on and approved by the citizens.

The developer seemed to be trying to pursue this proposal when the public was least able to react or participate - i.e. just before Christmas. Also, there was an inadequate period of notification of the hearing date to the public and adjoining residents. There were signs on the property signs regarding a future development but these were down for months and even when in place, were not located to be easily visible from the road.

The "Planned Development" proviso and its' accompanying density bonus is not a guarantee to developers and does not conform to a rural character of this area. Now is the time to actually "protect our county" instead of this simply being a catchy campaign slogan. Therefore the Board of Supervisors needs to deny this and all similar developers proposals

Background

When the "General Plan" was on the ballot for a vote I went to the meetings that were held to get support for that plan. An El Dorado County representative explained the areas on the north side of Green Valley Road were being zoned to retain their rural character - i.e. RE-5. Nothing was said about any exceptions or the subterfuge of using "planned developments" as a way for developers to get higher densities and also higher profits. The residents along the historical Malcolm Dixon Rd have now had high density housing imposed on them in a way that was not compatible with the surroundings regardless of what was marked on the "Negative Environmental Declaration". This project was known as the Wilson Estates before the name was changed to the Overlook.

Malcolm Dixon Road is a rural road running in an east/west direction where it fronts these projects. It has a very high usage by walkers and bicyclists. It is very dangerous twice a day due to the sun greatly hindering visibility of these hikers and bicyclists. The Overlook project was very unpopular because of it's' density but it did originally have a 14 foot setback from Malcolm Dixon to its' residential fences. This could have been used advantageously for a bike/walking path along one of the most dangerous parts of the road. However, the developer was allowed, during construction, to ignore the 14 foot setback shown on their plans and move the fences right onto the edge of the road easement. In fact, part of the fence was on the road easement and the developer used poor quality materials that did not even meet the minimum standards set out in their plan. I called the Planning Department and they said this setback change was under the authority of the Department of Transportation. The DOT assigned representative for this project told me that once the project was approved the developer had the right to change the setback. I also called Supervisor 1's office and asked his clerk for him to call about this matter but I never received a return call.

The residents along Malcolm Dixon Road now have a plain 6 foot high wood fence whereas there is a lot of distance between the lots on the Green Valley Road side and Green Valley Road. This "open space" is what qualified this project as a "Planned Development", which provided the developer with more density. This resulted in lower costs for the developer per lot and more profit! Why wasn't there a transition zone on the Malcolm Dixon Road side verses all on the Green Valley Road side? Any argument that the 'open space' on the Green Valley Road side benefits wildlife is a little absurd since it puts any wildlife in a strip between fences and a heavily travelled road. A more logical explanation is that the setback from Green Valley Road basically benefitted the developer due to slope and traffic noise considerations.

When all the projects were being considered, a unified traffic circulation plan was proposed. The DOT proposed a road that was to connect between Malcolm Dixon and Green Valley Roads. At that time I maintained that the location proposed by the Department of Transportation was very poor since it was based on a false logic of natural traffic flow. I suggested that it could be made much more effective by moving it toward Salmon Falls Road whereas it would intersect Green Valley Road across from Loch Way and there could be a controlled intersection. However, the DOT representative always insisted it was properly located. Time has confirmed my earlier conclusion. I maintained that traffic was not going to come out of this project onto Malcolm Dixon Road and go east to the crossroad and then going down to Green Valley Road, where the visibility to oncoming Green Valley road traffic is not nearly as good and where there is no traffic signal, so they can then go West on Green Valley Road which then passes the Loch intersection. This is in contrast to my contention that the traffic from this project would go west toward Salmon falls Road where they could have the advantage of traffic signals if they were going towards Folsom, to El Dorado Hills Boulevard, Franciscan Drive, or Silva Valley Road. The solution to this poor planning was to put illogical turn restrictions for vehicles entering or exiting this development from Malcolm Dixon Road. These turn restrictions are frequently ignored and cannot be enforced. Also, the Malcolm Dixon Crossroad that was supposed to be the solution, according to DOT, has never been completed and is not needed.

The Overlook project could be the poster child of poor planning! It is the result of a planning, review and approval process gone awry. This project was jammed into a rural area and has streets that are so narrow that all curbs are painted red and marked "Fire Lane". Plus, there is almost no on street parking. What the residents of this rural area received was a plain wood fence being placed on the Malcolm Dixon road easement, as contrary to the approved plan with more decorative fencing and a 14 foot setback from the road easement. This left the local residents with a wood fence and weeds with no landscaping or maintenance

which is a fire hazard. Please see attachment A to view the stark contrast between a rural area, along Arroyo Vista Road, as contrasted to the gated Overlook planned development.

What is the significance of these factors since the Overlook project has already been built?

1. It gives a background as to why the public does not trust the government.
2. Supervisor Hidahl wants this project to fund a one million dollar intersection improvement at Loch Way and Green Valley Road in his supervisorial district. However, it is in no way related to the Vineyard project or any of the others along Malcolm Dixon that have not been started. He cites traffic analysis to show that this project will affect that intersection. This analysis and conclusions seem to be based on the same invalid assumptions as were made by DOT in their flawed decision as to where to put the crossroad. However the reality is that my earlier analysis was correct and that most traffic, unless they are going to Cameron Park, Placerville or one of the strawberry patches, will go west to either Allegheny or Salmon Falls where they can go through a controlled intersection. This logical traffic flow is why the Vineyard developer was seeking to remove the turn restrictions. I understand that these turn restrictions are now removed for this project. Thus, the Loch intersection will see virtually no impact from traffic generated from these projects. Therefore, there is no reason that the Vineyards project should provide funding for a Loch Way intersection improvement. It should be noted that there is an alternative to using the Loch intersection by entering that development from Silva Valley Road. **If there is one million dollars available as a result of this Vineyard project perhaps it should be used to create a bike/walking path from Salmon Falls Road to at least the S curve.**

Supervisor Parlin, who represents the district in which this project is located, stated she was told that there was no opposition to this project. At the December 17th BOS meeting to consider this project, she acknowledged that there was actually considerable opposition. She presented a motion to deny this proposal. However, Supervisor Hidahl only wanted a continuance because he made the point that his district would lose out on this \$1 Million intersection.

2. Considerations for the Board Supervisors

1. When a property is purchased it should only be allowed to be developed based on the zoning that the voters approved. Why should a developer be able to amend the zoning or density, even if using the "planned development" bypass, to get more density. The developers know the zoning when the property is purchased and should be required to conform to it as has been the case with most, if not all, existing residents in the area.
2. Supervisor Hidahl mentioned that if the "planned development" provision is not allowed it should be eliminated. There would be a lot of support for that. Planned developments

and their accompanying density bonuses were not voted on or approved by the citizens. The BOS should give leadership and guidance that "Planned Developments" should only rarely be considered and only when there are compelling public benefit reasons and not just the ruse that any "open space" is beneficial to the public. Just look at the map of the county and you will find vast areas of open space public land.

3. Why does planning department usually try to assist the developers versus protecting current tax-paying citizens and the rural life style that brought them here. The BOS should provide the vision, leadership and direction to actually "Protect Our County" instead of this, or some variation, simply being a campaign slogan.
4. Why can developers resubmit proposals multiple times to try to get their higher density projects approved?
5. Who and why was it determined that "open space" was so valuable. In this case, 5 acre parcels with owners responsible for their property are usually much better maintained and fire resistant than open space type areas. Drive down Arroyo Vista and see how owners of these properties usually care for the land and contrast this to the fire susceptible weed covered "open space" in the Overlook project.
6. The County has always said it promotes the rural lifestyle. Exactly what is conveyed by having exclusive housing enclaves behind locked gates? Not exactly what the term rural implies. (see attachment B for a contrast of the rural setting on Arroyo Vista as contrasted to a gated high density area as shown by the Overlook)
7. It was said that 42 houses in this development would not use any more water than 21 houses on 5 acre parcels. Exactly how was that determined and what about the need for water for the grapevines. Also, who is going ensure that the grapes are maintained, watered, picked and not just planted for marketing purposes and abandoned. Do we really need more wine grapes in this county? I understand the HOA will have this responsibility but without an enforcement mechanism to ensure the HOA fulfills this responsibility.
8. If there really is a problem with the Loch Way intersection why doesn't the area served by that road form an assessment district or other entity to correct their problem?
9. The Overlook project was unanimously approved by the Members of the Board of Supervisors. After sitting through various BOS meetings the question is raised as to why the county even has districts since all Supervisors can vote on all issues even when it has nothing to do with their district. Why should the Supervisor from the Tahoe area vote on a project on Malcolm Dixon Road? Likewise, why should the Supervisors from the west slope districts be able to vote on proposals that have nothing to do with the area affected? Perhaps Supervisors should only vote "present" if the proposal is not related to their

district. Another possibility is to grant 2 votes to the supervisor in which the project is located. The current system makes it seem like vote trading is very tempting. This should be a high concern for all citizens.

10. Insist that the historical one-room, red schoolhouse on Malcolm Dixon road be preserved. The original Diamente project did protect this resource. The presenter for Omni's current proposal was very dismissive of the idea of protecting the schoolhouse saying it probably wasn't structurally fit implying it would likely be removed. How many original one-room schoolhouses remain where today's children can see what history's children experienced. Perhaps the County should forge a path to the preservation of this local treasure. Perhaps civic groups could be involved or even individuals may be willing to participate through time, talents and money. Personally, I will donate \$200.00 to this effort and I have had others also tell me they would contribute.
11. The BOS should direct the Department of Transportation to abandon all plans to remove the historical S curve on Malcolm Dixon Road and replace it with a very costly realignment of Malcolm Dixon Road, Chartraw Road and the proposed crossroad extension. This is particularly not needed since the illogical turn restrictions from these projects have been removed. The current intersection of Chartraw and Malcolm Dixon provides excellent visibility in both directions and the DOT plan would provide negligible benefits.

These are just a few of the questions and considerations that need to be made by the Board of Supervisors. In the meantime, **deny this proposal for the Vineyards** and tell Omni Financial to only return with a with a true 5 acre plan as this is zoned.

Respectfully Submitted

Vern and Phyllis Miller

Attachment A

A Pictorial Primer of the Difference between "Rural" and the Results from Indifference and Bias of County Officials toward Developers and Higher Densities and Against Existing Residents

It's time for the Supervisors to give new guidelines and set new standards!

What is "Rural"

Photos from Malcolm Dixon Rd and Arroyo Vista Road



Farm closed for the season.

Photo along Malcolm Dixon Road where Vineyards is proposed. This is what Overlook property looked like before Planners and Developers abused the RE 5 zoning-very rural!



This is Overlook from Green Valley Road. Note distance to fences. This land qualified this project for a density bonus? However, this land is between Overlook's fences and heavily traveled Green Valley Rd. What was the public, environmental or wildlife benefit?





This is what the planners, DOT, and developers did to the local residents' rural setting. We got a fence right on the historical Malcolm Dixon Road right of way. There was supposed to be a 14 foot setback which could have had a bike/walking path and made this section of the road much safer. Note the illegal turn restriction signs.



Turn restriction sign being ignored.



The road, Malcolm Dixon Crossing, from Overlook onto Green Valley Road could have been placed in a much safer location. Traffic at 55 mph has only 5 seconds from becoming visible to this intersection.



Interior of Overlook - note street width is very narrow with red curbs on both sides marked "fire lane". There are 2 pullouts totaling 3 cars of on-street parking for this section of the subdivision. This is not very rural or compatible with the surrounding area.

DO WE NEED MORE "exclusive gated enclaves" in our rural area?