

8/9/2021

Edcgov.us Mail - Item #22 Legistar #21-1182 Re: Heritage at Carson Creek Project



*Public Comment # 22*  
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>  
*BOS Rec'd 8-9-21*

---

## Item #22 Legistar #21-1182 Re: Heritage at Carson Creek Project

---

**Sue Taylor** <sue-taylor@comcast.net>  
To: Clerk of the Board <edc.cob@edcgov.us>

Mon, Aug 9, 2021 at 3:06 AM

Please submit to the Board of Supervisors and attach to Item #22 on the 8-11-21 agenda.

Thank you,  
Sue Taylor

---

 **Comments to BOS\_8-11-21.pdf**  
82K

8-10-21

Per BOS meeting 8-11-21:  
Item #22 Legistar #21-1182  
Re: Heritage at Carson Creek Project

To the Board of Supervisors,

We ask that you follow the EDC Planning Commission recommendation for denial of the Heritage at Carson Creek Project (Specific Plan Amendment SP-R20-001/Tentative Subdivision Map TM20-0001/Development Agreement DA20-001 for the reasons cited by the Planning Commission. Also due to the fact that this project violates the settlement agreement for the Carson Creek Specific Plan. Therefore, it is not legal to break that settlement, especially when the party of the settlement has stated opposition to any settlement agreement changes.

The following are comments received by the county from Taxpayers for Quality Growth on 11/6/19:

**From:** Bennett, Bill  
**Sent:** Wednesday, November 6, 2019 12:23 PM  
**To:** [edc.cob@edcgov.us](mailto:edc.cob@edcgov.us); [planning@edcgov.us](mailto:planning@edcgov.us)  
**Subject:** Subject: Nov 19, 2019 Hearing – Carson Creek Specific Plan Amendment (Pre-Application PA17-0004)

El Dorado County Board of Supervisors:

El Dorado County Taxpayers for Quality Growth reviewed the proposal by AKT Investments, Inc. last winter to alter the Carson Creek Specific Plan. We understand an initial hearing is scheduled on November 19 at the Board of Supervisors on that subject. Quality Growth is a signatory to the Carson Creek Settlement Agreement.

After our review of the AKT proposal, we indicated to AKT in an e-mail on February 20, 2019 (attached) that **Quality Growth does not want to alter the present Carson Creek Settlement Agreement and does not support the changes proposed by AKT.**

Thank you for your consideration.

Bill Bennett  
El Dorado County Taxpayers for Quality Growth

This is the February 20, 2019 message that was (attached):

## Carson Creek Meeting Follow Up

From: Bill Bennett <[bbennett@geiconsultants.com](mailto:bbennett@geiconsultants.com)>

To Chrysa Demos

Hi Chrysa:

I am so sorry about the delay in getting back to you on the proposal outlined in your letter dated December 4, 2018. The proposal was to rezone roughly 90 acres of research and development and industrial land to age-restricted, "senior" single family residential. I appreciate your patience while I gathered opinions from our group.

I circulated the letter and the accompanying traffic analysis report to the El Dorado County Taxpayers for Quality Growth and other community members for their input. I received a number of comments back.

**The consensus is to retain the current conditions presented in the Carson Creek Settlement Agreement.** While we might appreciate some aspects of the proposal, the collective thought was not to alter the planning and balance of what was developed for the settlement.

Again, thank you for seeking our input and patiently waiting for my reply. Please feel free to contact me if you have any further questions.

Best Regards,

Bill  
(916) 764-0917 cell

**From:** Chrysa Demos <[Chrysa@aktdev.com](mailto:Chrysa@aktdev.com)>  
**Sent:** Thursday, January 10, 2019 10:58 AM  
**To:** Bennett, Bill <[BBennett@geiconsultants.com](mailto:BBennett@geiconsultants.com)>  
**Subject:** Carson Creek Meeting Follow Up

Dear Bill,

Happy New Year! I hope you are doing well and having a great week.

After our meeting on October 4<sup>th</sup>, we sent you a letter outlining the process we are undertaking with the Carson Creek project. Did you receive that letter?

We would like to schedule a follow up meeting to discuss the project. Angelo and I are more than willing to meet you in Pilot Hill, or another location convenient to you.

Warm regards,

Chrysa  
Chrysanthy Tsakopoulos Demos  
President & CEO  
AKT Investments, Inc.  
7700 College Town Drive, Suite 101  
Sacramento, CA 95826  
Phone (916) 383-2500

---

This has been brought up numerous times to the County and the County continues to ignore the law regarding the settlement agreement. Also, the County should not be approving any projects outside of the approved General Plan. Including Measure E. The County since the passing of Measure E has consistently ignored the required mitigation for road capacity putting the county back to paper roads that will never be built in order to meet the LOS requirements, in this case a community region of LOS E. The connecting interchange is already at F. Per DOT, "*A connection to White Rock Road at the future Empire Ranch Parkway intersection is planned for, but not programmed in the County's 20-year Capital Improvement Program.*" Therefore according to Policy TC-Xf: At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: **(1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.**

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: **(1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards**

**detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.**

Since the Interchange is not part of the CIP, then the developer must construct the portion of the interchange required to maintain LOS E.

Other General Plan and Measure E policies that have been ignored:

**Policy TC-Xa** Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

**Policy TC-Xa 1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.**

**Policy TC-Xe** For the purposes of this Transportation and Circulation Element, "worsen" is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

The Transportation Impact Study found that "The Project is anticipated to generate 144 AM peak hour trips, 164 PM peak hour trips, and 1968 daily trips. So this establishes that this project "worsens traffic congestion as defined in Policy TC-Xe.

AND:

This project is now residential which now Policy TC-Xa (1) applies.

The study declared that since the number of trips would be less than would be generated from Industrial and Research and Development land uses that therefore the traffic would be less. Well first of all the worsen condition applies to residential development not industrial and research and development. Secondly industrial, research and development traffic would be coming and going in the opposite direction as residential traffic during peak hours. This analogy is apples to oranges and does not apply.

**Policy TC-Xa 2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.**

This project is not listed in the County's list of roads that are allowed to operate at LOS F and per the impact study this project is impacting numerous roads and the highway with LOS F capacity. The impact fees being implemented will not cover the cost of the necessary roads to prevent LOS F. Most of the required hypothetical road projects are slated to be constructed any time between 2031 and 2040. Per Policies TC-Xa2, TC-Xc, TC-Xd and TC-Xg, the developer must construct the roads to prevent the impact. The county can then engage in a reimbursement agreement if they wish, or per policy TC-Xa (7) if the developer cannot mitigate the project then the county must deny the project. But just paying a slight fee does not fulfill the requirements of the General Plan or Measure E.

Policy TC-Xa 7. Before giving approval of any kind to a residential development project of five or more units or parcels of land, **the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project** in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

**Policy TC-Xc Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)**

**Policy TC-Xd Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions** or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Policy TC-Xg **Each development project shall** dedicate right-of-way, design and **construct or fund any improvements necessary to mitigate the effects of traffic from the project.** The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require

dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Much of the mitigation from DOT was mushy and undefined or would be addressed at a later date. There are strict requirements in our General Plan and within Measure E that have not been studied, defined or addressed. This alone should cause for denial of this project.

Policy TC-Xh **All subdivisions shall be conditioned to pay the traffic impact fees** in effect at the time a building permit is issued for any parcel created by the subdivision.

It is unclear if the policy is being applied as a condition due to the county renaming traffic impact fees.

Per consultant's report:

*"Based on the traffic study conducted for the project, several improvements to offsite intersections would be necessary to ensure that the project is consistent with County policies and standards relating to traffic congestion and intersection levels of service.*

*Those improvements have been made Conditions of Approval for the project. The project would be conditioned to pay the required Traffic Impact Mitigation (TIM) Fees, at the time of building permit submittal. (Transportation Element Policies TC-Xa, TC-Xc, TCXd, TC-Xe, TC-Xf , TC-Xg, TC-Xh)".*

The above is not enough. Neither the General Plan Policies or Measure E Requirements for Road Capacity have been clearly defined, outlined or make understandable to the general public. It is clear reading through the staff reports that the staff is aligned with assisting the developer through a maze of words rather than defending the public's interest by applying the law as was expected by the residents of the County. This project requires a general plan amendment therefore showing that it does not comply with the General Plan, nor does the project comply to the will of the voters of El Dorado County, or does it comply with CEQA, when the 2004 General Plan and the Specific Plan were considered in regards to the balance of land use. The county has, since these plans were adopted, rezoned other industrial lands to commercial and public uses therefore taking more productive land out of use causing an already compromised plan to be even more unbalanced.

Per report for the project:

4) Development Agreement

DAs are authorized by Government Code Sections 65864 through 65869.5 and County Zoning Ordinance 130.85. A DA is adopted by ordinance. **The purpose of a DA "is to provide assurance to an applicant for a**

**development project that upon approval of the project the applicant may proceed in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs of development”** (County Zoning Ordinance 130.85.005).

The DA has been prepared through negotiations between the applicant and County staff, County Counsel, and the Chief Administrators Office. The BOS has review authority of the DA, **based on the review and recommendation by Planning Commission**. The final terms are subject to BOS approval by ordinance.

First, the Development Agreement **was not** reviewed by the Planning Commission to develop recommendations from what would be the public’s representatives. Instead, they denied the project. This should be the same decision coming from our Board of Supervisors. Furthermore, a specific plan gives a developer consistency in developing a project over a long period of time when policies change, they are protected from those changes, whether good or bad to the developer. The developer of THIS specific plan is requesting that they no longer need to comply with the policies that were agreed upon for allowing the development since the General Plan has recently changed in their favor. This was not the agreement. If the County allows these kind of changes, then specific plans have no meaning. They are nothing but lies on papers that go with our known paper roads and EID’s paper water. Not only is this proposed specific plan being thrown out the window beyond offensive, it is downright disgusting. On top of this the developer is requesting a development agreement to lock in whatever they cherry pick in the future, rules that only they can be protected by, but not comply to when it becomes too burdensome. Another issue is that the county on the majority of projects do not follow through with the overseeing of conditions of approval or tracking required mitigation. The promises and guarantees between developer and the county mean nothing as shown by the county staff going along with all of the proposed modifications in this not only agreed upon specific plan, but also blowing off the settlement agreement as mentioned above.

As seen in the report below the LOS requirements were not taken seriously.

**Carson Creek Specific Plan EIR:**

The CCSP EIR evaluated traffic impacts under Section 4.5 and found that the CCSP would have a less than significant impact with regards to traffic and circulation with implementation of several mitigation measures that required the project applicant to construct, fully fund, or pay a fair share contribution to several roadway improvements. **The potential for development within the adjacent parcels**



**that could support offsite circulation infrastructure to result in impacts associated with transportation was not evaluated in the CCSP EIR.**

- a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? While the CCSP EIR focused on the impacts of project-generated traffic on the levels of service for roadways and intersections in the project vicinity, changes to the Public Resources Code and CEQA Guidelines made in December 2018 now preclude use of level of service or other measures of vehicle congestion to identify environmental impacts. Instead, this analysis considers the degree to which the project could contribute to VMT in the region. **Level of service may be considered by the County outside of the CEQA process in relation to General Plan consistency; the Transportation Impact Study provides analysis based on level of service, but that analysis is not germane to this Initial Study.**

**This project should be denied based on not following the El Dorado County General Plan, the Carson Creek Specific Plan, the Carson Creek settlement agreement or the will of the public.**

Thank you for your consideration,

Sue Taylor and

Sue Taylor for  
Save Our County



*Public Comment #22*

County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

*Bees Rcvd. 8-9-21*

## DA20-0001

**dknowle1@comcast.net** <dknowle1@comcast.net>  
To: BOSONE@edc.gov.us, BOSTWO@edc.gov.us, Edc.cob@edcgov.us

Sun, Aug 8, 2021 at 10:31 PM

At the 10 August meeting there will be a group of people calling themselves Concerned Residents of El Dorado Hills Heritage Village. This is a small, but vocal group of residents concerned about a public park, its possible lighting, and its funding. Their issues are based on half-truths and falsehoods. They assert as fact that the taxation is expensive and unfair. The current fee charged to residents is \$15.00. This is not a large or unfair amount. They claim the LLAD assessment is illegal. They claim the neighborhood is a protected senior citizen's community. It is designed to be an active 55+ community. Some residents are not even 55 (only one person per household need be over 55). I have no idea what a protected senior community is. They claim only Heritage residents pay for the maintenance of the park. The EDHCSD only charges us 80% of the requirement, the EDSCSD picks up 20% of the fee.

The lights they are concerned about have never been turned on, so it is difficult to understand how the lights are shining into someone's house. I can see the light poles from my residence. I have never seen lit lights.

This group is currently attempting to bully the Lennar Corporation by complaining to the Board of Supervisors about a separate, unrelated project. Such action could be called NIMBYism, or tyranny of the minority, or political black mail. They hope to use social media, local news media, and television media to leverage their position.

Yet there has never been a moderated, open forum to discuss the pros and cons of their issues. Having a meeting of 50 people with the same goal (getting rid of the lights, not funding the maintenance fees, and closing down the park), should not be construed as representing the 1200 residents (so far) of the community (it is only 60% built out).

Most of my neighbors seem reasonable, and I think if many of them heard the factual answers to the "grievances" of this group, they would not have any issues with the park, how it was created, how it is funded, and how it will be used. So far they have heard mostly hyperbole and alternative facts.

As you conduct your 10 August meeting, I hope you will keep this in mind as they lobby you to prevent Lennar's next local development.

Your job is to look out for the interests of all El Dorado Hills residents, not just the loudest residents. The silent majority votes, too.

David S. Knowles

2933 Calypso Circle

El Dorado Hills, CA 95762



Public Comment #22  
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>  
Bos Rcvd 8-9-21

**El Dorado Hills CSD - Letter to Board of Supervisors - RE: Carson Creek Heritage Development Project (Item #22 on BOS Agenda for 8/10/2021)**

Tauni Fessler <tfessler@edhcsd.org>  
To: edc.cob@edcgov.us  
Cc: Jeff Kernen <jkernen@edhcsd.org>

Mon, Aug 9, 2021 at 1:19 PM

Good afternoon Kim – attached is a letter from the EDHCS D to the BOS regarding the Carson Creek Heritage Project, planned to be reviewed by the Board at tomorrow’s BOS meeting (8/10/2021, Item #22). This letter was originally sent on 8/6 to Gina Hamilton for the BOS, but she informed us that she could not bring it forward to the Board, that we needed to send it to them directly.

If you could please provide this letter and attachments to the Board, in advance of tomorrow’s meeting, we would greatly appreciate it.

Any questions please let me know. Thank you!



**Tauni Fessler**

*Principal Planner*

1021 Harvard Way, El Dorado Hills, CA 95762

Direct Phone: (916) 614-3236

[tfessler@edhcsd.org](mailto:tfessler@edhcsd.org) | [www.edhcsd.org](http://www.edhcsd.org)

**4 attachments**



image001.png  
24K

2021\_08\_06\_EDHCS D\_Lennar\_Heritage Carson Creek SP Amendment\_Comment Letter on COAs\_DA\_response\_COB.pdf  
186K

Att 1\_2021\_07\_02\_EDHCS D\_Lennar\_Heritage Carson Creek SP Amendment\_Comment Letter on COAs\_DA\_revised2 tf.pdf  
74K



August 6, 2021

El Dorado County Board of Supervisors  
Sent via email to: Kim Dawson, Clerk of the Board of Supervisors ([edc.cob@edcgov.us](mailto:edc.cob@edcgov.us))

**RE: CONDITIONS OF APPROVAL AND DEVELOPMENT AGREEMENT FOR THE  
CARSON CREEK SPECIFIC PLAN AMENDMENT, TENTATIVE SUBDIVISION MAP,  
AND DEVELOPMENT AGREEMENT – CARSON CREEK HERITAGE**  
*(TM20-0001 SP-R20-0001 DA20-0001; Lennar Homes of California, Inc. / CTA  
Engineering & Surveying)*

The El Dorado Hills Community Services District (“District” or “EDHCSD”) appreciates this opportunity to provide additional comments specifically to the Conditions of Approval (“COAs”) and Development Agreement (“DA”) for the Carson Creek Heritage Project. After the June 10, 2021 Planning Commission, the District submitted a letter with several questions related to the COAs, as well as requested to be a contributing party to the DA in addition to the reference to a 30-acre regional park, which is attached here.

The District appreciates County staff addressing most of the issues raised in our previous letter. County memos dated 7/8/2021 and 7/27/2021 include new language for several Conditions of Approval and one Mitigation Measure. The District does, however, have more comments regarding this project.

### **LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT**

The Carson Creek Specific Plan Conditions of Approval states a funding mechanism, such as a Landscape and Lighting Assessment District (LLAD), or Community Facilities District (CFD) must be formed for development of parks, maintenance of open space, landscaping, lighting and other common or public areas prior to approval of the final map. Formation of the Carson Creek LLAD #39 is complete. Should this application be approved by the County, then the proposed project(s) created as a result of this application approval shall be required to become additional members of this LLAD for its portion of direct benefit, **and** be conditioned to be included in District’s CFD 2019-01 for the remaining general benefit portion. The importance of this requirement could not be understated, as many – if not all – of you have received messages from the Carson Creek Heritage residents about their current LLAD funding and/or concerns with a public park. The history of Carson Creek Specific Plan is difficult to retell, however, the Board should know that an County-wide maintenance funding mechanism was anticipated and agreed to in a litigation settlement agreement. That did not happen. When Carson Creek was annexed into the EDH CSD boundaries the Four Season subdivision should have been required, as a condition of approval, to initiate the formation of the LLAD for public park maintenance funding. That did not happen either. The Heritage subdivision that is being built-out now is the initiating LLAD subdivision to fund their portion of direct benefit associated to a public park. This current application in front of

you would derive a direct benefit of the public park that is currently approved and under construction, as there is no other agreement in place to anticipate any further parks in the Specific Plan due to the lack of a Parkland Dedication Agreement with the Developer at this time. By requiring this condition – which was commented upon and requested in 2020 – the result would be a lessened burden of assessment(s) upon the current Heritage community due to the direct and indirect benefit analyses' findings. Such findings of an assessment engineer should be a condition onto and funded by the Developer as well.

The applicant shall also coordinate with the District in forming a component of CFD 2019-01 which will serve as a back-up funding mechanism to the Homeowner's Association for the maintenance and operation of landscaping, streetscape, lighting, fencing, trails, walkways, signage, soundwalls, entry, monuments, private recreation facilities, and other common or public areas. Developer to pay all formation costs.

Finally, the District has made requests specifically to strengthen language requiring a Parkland Dedication Agreement. The COAs as drafted speak to the developer showing evidence of an agreement with the CSD, but no requirements of the parkland itself. Without stronger language, the District does not have assurance of proper parkland, and the public therefore may not benefit from good park and recreation facilities.

Any questions regarding the above, please feel free to reach out to me at (916) 614-3236 or email [tfessler@edhcsd.org](mailto:tfessler@edhcsd.org). The District may provide additional comment after clarification is made by the County on the above items.

Best regards,

*Tauni Fessler*

Tauni Fessler  
Principal Planner  
El Dorado Hills Community Services District

Attachments:

1. District Letter dated 7/2/2021
2. District Letter dated 6/30/2020

cc: Lennar Homes – Sean MacDiarmid, Director of Forward Planning



July 2, 2021

Gina Hamilton, Senior Planner  
El Dorado County Planning and Building Department  
Planning Division  
2850 Fairlane Court, Building C  
Placerville, CA 95667

RE: **CONDITIONS OF APPROVAL AND DEVELOPMENT AGREEMENT FOR THE CARSON CREEK SPECIFIC PLAN AMENDMENT, TENTATIVE SUBDIVISION MAP, AND DEVELOPMENT AGREEMENT – CARSON CREEK HERITAGE**  
*(TM20-0001 SP-R20-0001 DA20-0001; Lennar Homes of California, Inc. / CTA Engineering & Surveying)*

The El Dorado Hills Community Services District (“District” or “EDHCSD”) appreciates this opportunity to provide additional comments specifically to the Conditions of Approval (“COAs”) and Development Agreement (“DA”) for the Carson Creek Heritage Project. As mentioned during the June 10, 2021 Planning Commission, the District had several questions related to the COAs, as well as requested to be a contributing party to the DA in addition to the reference to a 30-acre regional park.

**Below are the District’s requested changes related to the Conditions of Approval:**

**Planning Services**

- **Item #1.A.11** *(page 3 of 28 of updated COAs)*  
*“Supplement Carson Creek Specific Plan Figure 7 Pedestrian Trail System, with Figure 7a, Amended Pedestrian Trail System which removed I and RD referenced in the lower portion of the Figure 7 Pedestrian Trail System, replaces with Village 11 and includes a private Clubhouse Site, Local Commercial and OS and Revise Schematic Pedestrian Trail Layout Alignment.”*

**EDHCSD Comment:** The Pedestrian Trail System, as described by Lennar, will be maintained by the Homeowners Association (HOA), but considered a public accessible trail. **The District requests to have the following added to this condition: “The EDHCSD shall review the Pedestrian Trail System plans prior to County approval.”**

The Project, as described, should be conditioned to satisfy the public trails and connectivity component, providing public trail system(s) that meet the identified needs of the community, as expressed through the adopted El Dorado County Active Transportation Plan and El Dorado Hills CSD Master Plan.

## Carson Creek Specific Plan Conditions of Approval

- **Item #7 Agriculture Fencing** (page 4 of 28 of updated COAs)

*“Agricultural fencing per County Resolution No 98A-90 standards shall be required as a condition of approval of tentative maps along the southern boundary of Carson Creek, along the Southern Pacific Railroad Right-of-Way (ROW), and along the Sacramento/El Dorado County line, in any location not built with a 6-foot solid fence. Fencing is required to be maintained by the property owners, or El Dorado Hills Community Services District (EDHCS D), and shall be required in the CC&Rs. (COA 7.2.1 in the CCSP)”*

EDHCS D Comment: Given the District will not be the property owners of said parcel along the southern boundary of Carson Creek because there is no condition upon the Developer to dedicate the land nor enter into a Parkland Dedication Agreement, or; Pre-Parkland Dedication Agreement, therein lies a *cart-and-horse* issue to solve with this condition. As such, the District recommends this condition be re-written as, **“Fencing is required to be maintained by the property owner(s), until such time the property is sold or deeded to another party, in which the maintenance obligation would transfer to the new owner(s) for maintenance. In the event that the property and fencing is deeded to a public entity, then any provisions for fencing standards embodied within the CC&Rs shall be considered null and void.”**

By including this item in the CC&Rs, the District will have the opportunity to review and comment on the CC&Rs. However, should the District become the owner of said parcel or a portion thereof, the fencing requirement should be removed to allow the District to install fencing that which is appropriate for a recreational facility.

- **Item #9 Open Space Maintenance** (page 4 of 28 of updated COAs)

*“An updated open space management plan shall be prepared by the developer, subject to review and approval by the EDHCS D. The plan shall include wildfire management plans for the open space. (COA 7.2.3 in the CCSP).”*

EDHCS D Comment: Recommend re-writing condition as, **“An updated open space management plan..., subject to review by the EDHCS D. The plan shall include wildfire management plans for the open space.”**

- **Item #10 Parkland Dedication** (page 5 of 28 of updated COAs)

*“If parkland is dedicated to the EDHCS D, prior to County approval of any final map containing such parkland, the developer shall show evidence of a recorded agreement with the EDHCS D for the location, size, park improvements (including water meters and sewer hook ups), maintenance, and timing of dedication and acceptance of the applicable park(s). The developer will be required to provide a Phase 1 environmental assessment of land to be dedicated to a public agency. (COA 7.2.7, in the CCSP).”*

EDHCS D Comment: The Developer is to work with the District regarding parkland to be dedicated, as such, any parkland to be dedicated shall meet adopted District policy guidelines for acceptable parkland. The condition should be re-written as, **“If parkland is dedicated to the EDHCS D, prior to County approval of any final map containing such parkland, the developer shall work with the EDHCS D to ensure the parkland to be dedicated is in conformance with District Policy Guide Series 6000 – Facilities Development.”** The District will provide a copy of applicable District Policy for reference.

- **Item #12.B** (page 5 of 28 of updated COAs)

*“As a condition of approval of all tentative maps, a wood or other solid fence, at least six feet in height, will be constructed by the developer for all residential lots adjacent to the boundaries of the Specific Plan (COA 7.2.9 in the CCSP).”*

*B. The CC&Rs will specify the fence design approval process. Fence design will be as approved by the EDHCSD and the appropriate design review committee.”*

**EDHCSD Comment:** In the event the District is not the enforcement authority for the Carson Creek Heritage Village 11 CC&Rs and Design Review Committee, the above should be re-written to state, **“Fence design will be as approved by the authorized enforcement authority for CC&Rs and Design Review (i.e. HOA or EDHCSD).”**

### **Mitigation Measures**

- **Item #36 CCSP EIR Mitigation Measure 4.16.1 (as modified to reflect that El Dorado Irrigation District (EID) has sufficient capacity to serve the project): Active Parks and Recreational Facilities** (page 18 of 28 of updated COAs)

*“The CCSP project developer was required to pay in-lieu fees for the purchase and development of approximately 7 acres of active parks and recreation facilities in addition to dedicating 31.2 acres for such purposes. Actual land and in-lieu fees will vary based on the final densities proposed in each phase of dedication development. For the Carson Creek SPA project, the project applicant shall dedicate land and/or pay in-lieu fees consistent with the requirements of County Code Section 120.12.090 as it exists at the time of final map approval. As it is currently adopted, County Code Section 120.12.090 requires the project applicant to dedicate land and/or pay in-lieu fees sufficient for the provision of 4 acres of parkland.”*

**EDHCSD Comment:** **No change to COA.** However, there are several quantities noted in the above statement, many of which are “carry-overs” from the original COAs. The District is seeking clarification from the County on the park and recreation facilities referenced and the quantities. Please explain the references made to –

- a. “7 acres of active parks and recreation facilities in addition to dedicating 31.2 acres for such purposes.”
- b. “As it is currently adopted, County Code Section 120.12.090 requires the project applicant to dedicate land and/or pay in-lieu fees sufficient for the provision of 4 acres of parkland.”

The mere calculation of less than approximately 7 acres of parkland lends a hand toward the Developer seeking credit for parkland on previous Specific Plan phases. Such an affordance would be unacceptable and not in the best interests of the public’s desires, nor the public’s resources, i.e., public funds. Should the logic be provided that past deliverables be given credit, then the lack of deliverables agreed to in the past must also be reconciled at this time, including all terms within the Settlement Agreement.



The District was most recently involved in a discussion via Zoom concerning this Project, entitled "Meet w/ CSD re Carson Creek Specific Plan". During that conversation there was discussion – the primary discussion subject – concerning the language and reference(s) for a 30-acre regional park. Unfortunately, the District overlooked that this topical matter was the final opportunity to contribute in more depth to the Development Agreement (DA), however the comments that were shared during that meeting were taken into consideration and reflected in the draft DA.

The District's position remains the same as previously expressed in several past comment letters related to the lack of satisfaction of the Settlement Agreement terms and would appreciate further conversations to address those deliverables related specifically to the Project's impacts, exactions, and expectations of/from/to the Community Services District and its authorized public service areas of responsibility.

Additionally, in conversation with the Developer (Lennar), it was expressed that receiving County approvals was desired prior to entering into any negotiation(s) or agreement(s) with the District. This seems to be a *cart-and-horse* issue. It is crucial that the District participate in the process of identifying the appropriate amount and location of public parkland to be dedicated. Public funds (ie Park Impact Fees) are utilized to construct such recreational facilities. Identifying the best, most suitable land for this purpose is in accordance with District Policy, fiscal responsibility, and the District's Mission Statement, "Enhance the quality of life for the El Dorado Hills Community through innovative, responsible leadership and by providing superior services and facilities."

The District is also providing additional comments not specific to the outlined COAs referenced above. These items may be informational to the County/Developer, rather than COAs, however are important components of the Project approval:

### **El Dorado Hills Community Services District (EDHCSD)**

- **Item #1 CC&Rs**

The Developer shall cooperate with the EDHCSD to develop and record a set of CC&R's, with the authority of CC&R enforcement assigned to the District should the Homeowners Association fail.

- **Item #2 Park Development and Fees**

a. **Park Impact Fees**: The District collects a park development impact fee at the time of building permit issuance for the purpose of financing the construction and maintenance of park and recreational facilities within the District. The parties agree that the County-approved Park Development Impact Fee in effect at the time at which a building permit is issued will be applied to each household. This fee is in addition to the parkland dedication requirement.

1. After the issuance of a building permit for any parcel within the Property for which a Park Development Impact Fee has been paid, should the nature of the permitted building be changed, Developer, and/or its successor in interest, shall be liable to the District for payment of the difference between the Park Development Impact Fee assessed at the time of pulling the building permit and the Park Development Impact Fee in effect at the time the building is modified.

b. **Quimby Act Parkland Dedication**: Pursuant to District Policy No. 6110 and the Quimby Act, all subdividers of land within the District's jurisdiction shall dedicate park land suitable for active recreation use, or pay fees in-lieu thereof. Developer agrees to comply with the District's Policy No. 6110 and the Quimby Act Parkland Dedication, as

well as for parkland dedication requirements set forth by the County Subdivision Ordinance and/or County prescribed conditions for approval of the Project.

- c. Refuse Collection Service Franchise Fee: District provides, through its franchisee, solid waste collection, disposal and recycling services, and Developer agrees that it shall not seek such services to the Property from any other entity.
- d. Cable Television Franchise Fee: Currently, Comcast Cable Communities, LLC “Comcast”) has a franchise agreement with the County for the provision of cable television services to residences within the County, including the Project. As part of such franchise agreement, Comcast pays to the County 5% of the total gross revenue paid to Comcast for cable services within the franchise area, which sum is provided to District. The receipt by the District of the franchise fee is a material term and inducement to the District's consent to annexation of the Property into the District. In the event the District is unable to enter into an agreement with Comcast and/or the County for the payment to the District of the 5% of total gross revenue for cable television service within the Project, either party may terminate this Agreement and the District may withdraw its consent to annexation.
- e. Disclosure. A park lighting disclosure statement must be included withal sales and lease agreements for all project residential and commercial properties located within the subject Project boundary in an effort to mitigate future complaints regarding lighting of public park facilities.

Any questions regarding the above, please feel free to reach out to me at (916) 614-3236 or email [tfessler@edhcsd.org](mailto:tfessler@edhcsd.org). The District may provide additional comment after clarification is made by the County on the above items.

Best regards,

*Tauni Fessler*

Tauni Fessler  
Director of Parks and Planning  
El Dorado Hills Community Services District

Attachments:

1. Disclosure Statement – Lighting

cc: Lennar Homes – Sean MacDiarmid, Director of Forward Planning



**El Dorado Hills**  
Community Services District

June 30, 2020

Gina Hamilton, Project Planner  
El Dorado County Planning Department  
2850 Fairlane Court  
Placerville, CA 95667

RE: **TM20-0001 SP-R20-0001 CARSON CREEK HERITAGE**  
*(Lennar Homes of California, Inc. / CTA Engineering & Surveying)*

The El Dorado Hills Community Services District ("District") appreciates this opportunity to respond to the request for comments on the above referenced project. The District has reviewed the information provided regarding the applicant's request of a Tentative Map involving several components including a Specific Plan Amendment and Rezone. The District has the following comments:

### **COUNTY ZONING FOR RESIDENTIAL PER PROJECT APPLICATION**

The Project Application indicates a Specific Plan Amendment to convert 57 acres of Industrial, 33.3 acres of Research and Development, and 12.4 acres of Open Space to 84.1 acres of Residential Village consisting of 415 single-family age-restricted housing units, and 3.1 acres of Community Center, including an minimal increase to Open Space of 0.9 acres, the addition of 1.7 acres of Commercial, with **no change to the park (reference to 30-acre Regional Park and neighborhood parks)**.

### **PARKLAND DEDICATION & IMPACT FEE REQUIREMENTS**

Per District Policy 6110.10, All subdividers of land within the District's jurisdiction shall dedicate park land suitable for active recreation use, or pay fees in lieu thereof (Quimby), or by District Board authorization, follow a combination of these alternatives.

Application of all Parkland Dedication requirements shall follow the El Dorado County Subdivision Ordinance and be consistent with the project.

The District would like to address the proposal to designate the 30-acre Regional park site identified in the application as "park". At this time, the District does not consider the 30-acre parcel to meet/satisfy District parkland dedication requirements. Obligations per the Settlement Agreement, dated September 27, 1999, (attached), remain to be satisfied. Additionally, the District continues to reiterate the importance of meeting with El Dorado County and the Developer to further discuss the options and requirements related to satisfying the parkland dedication for PA 17-0004 and any future Carson Creek development(s). *(See comments provided previously in letter dated January 29, 2019)*.

As an alternative to parkland dedication, per District Policy 6110.20, where Quimby fees are paid in lieu of land dedication; the sum owed shall be determined by District staff by consulting

with the County Assessor's Office, County Planning Department and/or an approved private appraiser, as authorized by ordinance.

Private parks (neighborhood parks behind development gates) are eligible for a portion of parkland credit per County Subdivision Ordinance and District policy, and are not eligible for park impact fee reduction, as the park impact fee imposed is for public parks, not private parks.

### **LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT**

The Carson Creek Specific Plan Conditions of Approval states a funding mechanism, such as a Landscape and Lighting Assessment District (LLAD), or Community Facilities District (CFD) must be formed for development of parks, maintenance of open space, landscaping, lighting and other common or public areas prior to approval of the final map. Formation of the Carson Creek LLAD #39 is complete. Should this application be approved by the County, then the proposed project(s) created as a result of this application approval shall be required to become additional members of this LLAD for its portion of direct benefit, and be conditioned to be included in District's CFD 2019-01 for the remaining general benefit portion.

The applicant shall also coordinate with the District in forming a component of CFD 2019-01 which will serve as a back-up funding mechanism to the Homeowner's Association for the maintenance and operation of landscaping, streetscape, lighting, fencing, trails, walkways, signage, soundwalls, entry, monuments, private recreation facilities, and other common or public areas. Developer to pay all formation costs.

### **CARSON CREEK AGE-RESTRICTED HOUSING**

Per Carson Creek Settlement Agreement, dated September 27, 1999, the density of residential development allowed in the Carson Creek Specific Plan allows for 1,700 age-restricted residential dwelling units. With this application it is suggested the residential units would increase by 230 age-restricted units. It is incumbent upon the County to assure consistency with this requirement and all other conditions of approval and findings of consistency with the Settlement Agreement.

Should you have any questions or comments regarding the concerns expressed in this letter, please contact me at (916) 614-3236.

Best regards,

*Tauni Fessler*

Tauni Fessler  
Director of Parks and Planning  
El Dorado Hills Community Services District

Attachments:

1. Letter dated January 29, 2019 to El Dorado County for PA 17-0004 Carson Creek
2. Carson Creek 1999 Settlement Agreement



*Public Comment #22*  
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>  
*Bos RCD. 8-9-21*

## Heritage at Carson Creek Village II

Janet Kuenzi <kuenzijanet@gmail.com>  
To: edc.cob@edcgov.us

Mon, Aug 9, 2021 at 1:45 PM

To the Board of Supervisors,

At this time please deny the change in zoning that Lennar Homes has requested in order to build a new development named Heritage at Carson Creek Village II. I own a home in Heritage at El Dorado Hills which will be adjacent to the development they wish to build.

Rezoning industrial zones without an adequate buffer to housing is detrimental to a community. Residents of Heritage at El Dorado Hills who live along Escalona Way and the portion of Calypso Circle that borders the business/industrial park suffer from noise and visual pollution because there is not an adequate buffer to protect them from the noise of traffic and loading/unloading of trucks 24/7. Every time they look out a window at the street or step out of their homes they are confronted with the pallets, containers, trailers, barrels and debris that are stored at the rear of business' in the industrial park. Lennar has indicated there will be a 30 foot buffer in Heritage at Carson Creek Village II. A 30 foot buffer is not adequate as any one of those residents along Escalona Way and Calypso Circle will tell you. Lennar needs to demonstrate they can correct this problem at Heritage El Dorado Hills and adequately plan for Heritage at Carson Creek Village II so this is not a problem.

The environmental impact at Heritage El Dorado Hills is a great concern and Lennar needs to demonstrate they can address and correct these concerns and address the same concerns for Heritage at Carson Creek Village II before being given permission to proceed. Lennar's own consultants, Helix Environmental and Foothill Associates, as well as Dudek hired by El Dorado County Planning Dept., have identified habitat for threatened/endangered species in the Carson Creek Preserve. Lennar is building a 4.65 acre park immediately adjacent to Carson Creek Preserve. They have installed 50 foot lights that will operate until 10pm and shine into the Preserve impacting wildlife, especially nocturnal wildlife. Runoff from the park is also a great concern as the runoff goes directly to an asphalt path and into the Preserve. These issues cannot be repeated at another development next to Carson Creek Preserve. Lennar is the current Preserve manager. It is imperative they demonstrate they can be responsible for Carson Creek Preserve

It has been indicated that the homes in Heritage at Carson Creek Village II will have 18 foot driveways. I have an 18 foot driveway and it is not adequate for parking a pick-up or SUV without the vehicle hanging over the sidewalk. That is if you are lucky enough to have a sidewalk. No parking is allowed in the street (either side) and there are no sidewalks in front of my home. This must not be allowed to be repeated in another development just so a few more homes can be crammed into a development.

Please have Lennar address these very important issues and demonstrate they can by correcting the environmental concerns and buffer from the business park in Heritage El Dorado Hills, and designing adequate driveways in future developments before granting them permission to proceed. Promises are not enough.

Sincerely,

Jan Kuenzi  
6501 Primavera Lane  
El Dorado Hills, CA 9576



*Public Comment #22*  
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>  
*Bos FCCW. Aug 8-9-21*

**Re: DA20-0001 & "Sports Park" Heritage Senior Retirement Community, Lennar**

michele.m@charter.net <michele.m@charter.net>

Mon, Aug 9, 2021 at 1:56 PM

To: "bosone@edcgov.us" <bosone@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>, "bobw1800@gmail.com" <bobw1800@gmail.com>, "robchisam@gmail.com" <robchisam@gmail.com>

Dear Supervisor Bosone,

Residents here at Heritage are very concerned. Lennar is building a "Sports Park", that many of us were not told about or a "small park" was mentioned.

Now Lennar wants approval for an additional home development, not a senior retirement community! Why wasn't that park planned to be located there??

These 50+ foot lights at this "Sports Park", are unacceptable. Hours of operation of this park? Children's playgrounds? We are a senior adult retirement community. Many moved here for the urban area, for quiet and peacefulness. Heritage phase 1 on the North side of Carson Creek and Heritage phase 2 on the south side of Carson Creek, as well as Four Seasons are all Senior Retirement Communities. We now pay association dues for our indoor and outdoor pools, our tennis courts, bocce ball courts, recreation areas! Why is this park here?

From a mile++, both ways, from Heritage and Four Seasons (Retirement community) is where family homes are located! This park is opening up many areas of concern. SAFETY for our senior residents is very important. There has already been a few vehicle accidents here! Our main gate is open 6am until 6pm, just steps away from this park! Lennar will not be finished building homes in Heritage for at least 2 years!!! Who will be monitoring parking so emergency vehicles have access? Who will lock the bathrooms at this park? The playground and bocce ball courts are steps away from the backyards of our community homes! The 50 foot lights will shine on homes for blocks! Can you see some of our concerns? Why should we pay association dues for our community and also taxes for this unnecessary park we don't want or need in this area? We have our own facilities! It should have been located in an area where single family homes and children are located! These wetlands are a habitat for many endangered species. Not sure what is going on with all that. Please consider our concerns and requests. Thank you.

M. Morey and over 400+ residents at Heritage!



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

## Re: DA20-0001 & "Sports Park" Heritage Senior Retirement Community, Lennar

michele.m@charter.net <michele.m@charter.net>

Mon, Aug 9, 2021 at 2:08 PM

To: "bosone@edcgov.us" <bosone@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>, "bobw1800@gmail.com" <bobw1800@gmail.com>, "robchisam@gmail.com" <robchisam@gmail.com>

Dear Supervisor Bosone,

Residents here at Heritage are very concerned. Lennar is building a "Sports Park" within the Heritage Village community, that many of us were not told about or were told that it would be a "small park".

Now Lennar wants approval for an additional home development (Heritage at Carson Creek), that is also a senior retirement community! Why wasn't that park planned to be located near Blackstone where families with children are living?

These 50+ foot lights at this "Sports Park", are unacceptable. What will be the hours of operation of this park? Children's playgrounds, teenagers hanging out, vagrants- this is inappropriate for a retired, senior community.

We are a senior adult retirement community. Many moved here for the urban area, for quiet and peacefulness. Heritage phase 1 on the North side of Carson Creek and Heritage phase 2 on the south side of Carson Creek, as well as Four Seasons are all Senior Retirement Communities. We now pay association dues for our own indoor and outdoor pools, our tennis courts, bocce ball courts, recreation areas! Why is this park here? (You made a deal with Lennar to cut down the size of our facilities to build this family park on our property and Lennar was able to build more homes instead of increasing the size of our facilities. And we have to pay fees to maintain and upkeep a park that we do not need).

Within less than 1.5 miles in both directions from Heritage and Four Seasons (both Retirement communities) family homes can be located! This Heritage Village Park is creating many areas of concern. SAFETY for our senior residents is very important. There have already been a few vehicle accidents here! Our main gate is open 6am until 6pm, just steps away from this park! Lennar will not be finished building homes in Heritage for at least 2 years!!! This will keep our gates as possible entry for many unwanted visitors. Who will be monitoring parking so emergency vehicles have access? Who will lock the bathrooms at this park? Who will clean up the trash and possible graffiti in the park? The playground and bocce ball courts are steps away from the backyards of our community homes! The 50 foot lights will shine on homes for blocks! Can you see some of our concerns? Why should we pay association dues for our community and also taxes for this unnecessary park we don't want or need in this area? We have our own facilities! It should have been located in an area where family homes with children are located! These wetlands are a habitat for many endangered/threatened species. We want to keep them safe as well.

Not sure what is going on with all that.

Please consider our concerns and requests. Thank you.

M. Morey and residents at Heritage!

M. Morey and over 400+ residents at Heritage!