

## Serrano Village M5 - Appeal

### Questions for Record:

#### Category 1: Challenging the 46-Year-Old EIR & CEQA Compliance

- For County Counsel & Planning Staff: "Given that CEQA Guidelines Section 15163 mandates a Supplemental EIR when there are substantial changes in the project's physical circumstances, how does the County legally justify relying on a 46-year-old EIR that never modeled or anticipated decades of unmitigated density transfers and a localized baseline of 6,000 daily vehicle trips?"
- For the Planning Director: "Can staff point to any traffic study inside the original 46-year-old EIR that explicitly evaluated the cumulative public safety impacts of placing a four-way intersection with private security gate queues on this specific, topographically restricted segment of Appian Way?"
- For County Counsel: "If this Board approves this project without a Supplemental EIR, how is the County mitigating its immediate legal vulnerability to a prejudicial abuse of discretion lawsuit for using an environmental baseline that is nearly half a century out of date?"

#### Category 2: Defending the Unengineered Design Waiver

- For the DOT Director: "The conditions of approval state that the design for this non-standard easement onto a vital County collector road will be determined at a future date 'as directed by DOT.' How can the Planning Commission or the public properly evaluate environmental and public safety impacts under CEQA when no engineered plans currently exist for this waiver?"
- For the DOT Director: "Does the DOT standard operating procedure typically allow for the structural and geometric approval of a non-standard intersection leg on a steep, compound horizontal and vertical curve *before* engineered construction and sight-distance profiles are submitted?"

#### Category 3: Exposing the 4-Way Stop & Gridlock Hazards

- For the DOT Traffic Engineer: "El Dorado County design standards require intersection controls to facilitate predictable, continuous traffic flow. Because

real-world data shows the Sangiovese gate routinely stalls traffic for 10 minutes or more, and Appian Way has no center turn storage lane, where does the DOT expect these multi-vehicle queues to sit if not spilled directly backward into the active public 4-way intersection?"

- For the DOT Traffic Engineer: "Forcing a mandatory 4-way stop on a steep, winding segment of a collector road forces drivers to stop with limited sight distance on a compound horizontal vertical curve that is described in the Fehr and Peer Traffic Report Dec 2025 "sight distance constraints created by the geometry of Appian Way". Does the DOT explicitly certify that forcing abrupt stops with notably constrained sight distance, on a compound curve complies with standard DOT stopping sight distance requirements?"
- For the DOT Traffic Engineer: "If a 4-way stop creates an unmitigated rear-end collision hazard due to the topography, and staff has noted a 2-way stop is a failed alternative due to conflicting multi-leg movements, isn't that an engineering admission that this specific location cannot safely support an easement, and must therefore undergo a full Design Exception process?"

#### Category 4: Dismantling the "2 AM Trips" Testimony

- For the Planning Staff: "The applicant testified that this project only generates 'about 2 AM trips per day.' Did the County's traffic review accept this number in isolation, or did it mathematically model the compounding conflict of dropping this new leg directly into a bottleneck that handles up to 6,000 combined daily vehicle trips?"

Tara Mccann  
Appellant

## FORMAL MEMORANDUM OF APPEAL

TO: The Honorable Board of Supervisors / Planning Commission, El Dorado County

FROM: Tara Mccann

DATE OF APPEAL: June 16, 2026

SUBJECT: Appeal of Project Approval and Mandated Conditions of Approval  
(Unengineered Easement Waiver on Appian Way)

REQUESTED ACTION: Remand the project back to the Planning Commission and the Department of Transportation (DOT) to undergo a mandatory Discretionary Project Review and Design Exception process.

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### I. EXECUTIVE SUMMARY

This appeal is submitted to formally contest the deeply flawed approval of a non-standard driveway/easement access across Appian Way. The engineering "fix" currently mandated by the conditions of approval—an all-way stop control (4-way stop)—is not a viable solution. Rather, it represents the tipping point of a worst-case traffic and public safety scenario. This operational failure is the direct result of:

1. Decades of unmitigated, cumulative zoning density changes and flawed density transfers.
2. Severe, unalterable topographic and geometric roadway constraints on Appian Way.
3. The unlawful approval of a critical design waiver for a non-standard easement without engineered plans, deferring the actual design to an unknown future date "as directed by DOT."

The project cannot legally be approved because it actively makes existing public safety conditions worse. The applicant must be required to file a formal Design Exception backed by complete engineering and undergo a comprehensive Discretionary Project Review through the DOT.

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## II. COMPREHENSIVE GROUNDS FOR APPEAL

### 1. Outdated Planning Baseline (The 1988 Specific Plan Failure)

- **Expired Projections:** The project relies on spatial and density baselines established under an outdated 1988 Specific Plan.
- **Unanalyzed Growth:** This 1988 framework never anticipated, modeled, or evaluated the massive, cumulative influx of residential growth that has shifted onto this specific corridor over the last several decades.
- **Chokepoint Creation:** Treating this localized application as an isolated, low-impact minor modification ignores nearly 40 years of unmitigated regional densification.

### 2. Flawed Density Transfers Without Off-Site Infrastructure Upgrades

- **Paper Transfers, Real Traffic:** Recent density transfers shifted significant unit counts into this immediate subdivision zone. However, these density changes were granted without requiring corresponding off-site infrastructure upgrades.
- **Overburdened Public Assets:** While private unit numbers were scaled upward on paper, the physical capacity of the public collector road, Appian Way, remained stagnant.
- **Suppressed Traffic Reality:** The applicant's public testimony that this project only adds "2 AM trips per day" is highly misleading. It intentionally masks the compounding impact of cutting a brand-new intersection leg directly into a bottleneck that already handles up to 6,000 combined vehicle trips per day (4,000 on Appian Way; 2,000 at Sangiovese Drive).

### 3. Approval of a Deferred, Unengineered Design Waiver

- **No Engineered Plans:** The developer requested, and was granted, a design waiver for a critical, non-standard easement connecting directly to a vital county collector road. Shockingly, this waiver was approved without any engineered plans attached to it.
- **"Blind" Approval:** The project conditions state that the final design will be determined at some unknown time in the future "as directed by DOT." Approving a high-risk connection to a public collector road on an undefined, conceptual promise completely bypasses public oversight and engineering scrutiny.
- **Bypassing the Public Process:** By deferring the actual engineering work to a future administrative decision, the public and the Board are being forced to

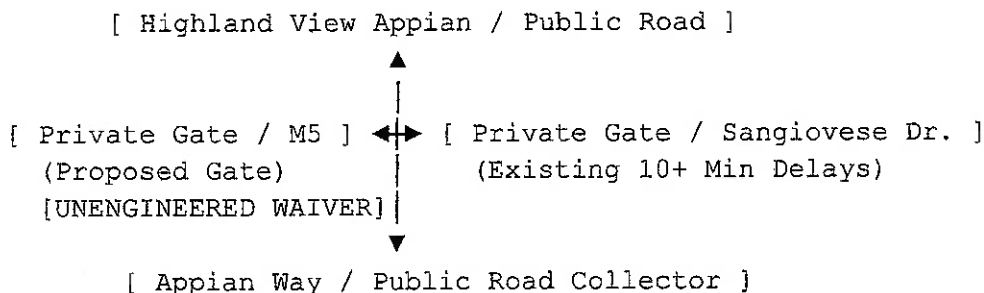
accept an unknown, unvetted design at a location that is already topographically hazardous.

#### 4. Permanent, Unalterable Topographic and Geometric Roadway Constraints

- **Blind Curve Physics:** The proposed intersection sits on a steep grade characterized by severe, compounding vertical and horizontal curves along Appian Way.
- **Zero Sight Distance:** These pre-existing physical constraints mean that stopping sight distance is already severely limited.
- **Non-Standard Conditions:** Standard, textbook roadway models do not apply to this severe topography—a reality that cannot be engineered away later via administrative DOT directions without public review.

#### 5. The Mandated 4-Way Stop is an Operational Admission of Failure

- **The "Bandage" Hazard:** Forcing an all-way stop onto a steep, winding, blind collector road directly violates standard DOT stopping sight distance regulations. It requires fast-moving public traffic to make abrupt stops in a blind zone, inviting high-speed rear-end and broadside collisions.
- **The Failed 2-Way Alternative:** Reverting to a traditional 2-way stop creates an equally dangerous hazard. It forces complex, conflicting left-turn and cross-traffic movements across four legs under the exact same zero-visibility topographic conditions.



#### 6. Conflicting Grid Controls and High-Risk Traffic Queuing

- **Systemic Incompatibility:** The design forces a high-speed public collector (Appian Way) to lock grids with two highly restrictive private access legs regulated by mechanical security gates and guardhouses.

- Documented 10+ Minute Bottlenecks: Real-world data shows that the existing Sangiovese gate routinely stalls incoming visitors, contractors, and heavy service vehicles for 10 minutes or more.
  - Intersection Gridlock: Because Appian Way lacks a continuous center two-way left-turn lane for vehicle storage and features narrow, restrictive shoulders, these private gate queues will spill backward directly into the active public 4-way intersection.
  - Trapped Commuters: Commuting members of the public will be left trapped and idling inside a blind, zero-visibility curve, creating an immediate, severe collision environment.
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### III. LEGAL REQUISITES & PROCEDURAL REMEDY

Under El Dorado County Transportation Elements, a project cannot be approved if its access mechanisms worsen public safety or degrade existing roadway conditions. Furthermore, approving a critical design waiver for a non-standard collector connection without finished engineering plans violates standard planning practices and environmental review integrity.

#### The CEQA Mandate for a Supplemental EIR

This project is being forced into the 1988 El Dorado Hills Specific Plan, which is now 38 years outdated, and relies entirely on a 46-year-old Environmental Impact Report (EIR).

- Under CEQA Guidelines Section 15163, a Supplemental EIR (SEIR) is legally triggered when "substantial changes occur with respect to the circumstances under which the project is undertaken."
- A 46-year-old EIR cannot mathematically or legally account for decades of unmitigated density transfers, a baseline traffic increase of up to 6,000 daily trips, and the permanent geometric blind curves of Appian Way.
- Relying on an ancient environmental document to approve an unengineered "blind" waiver constitutes a prejudicial abuse of discretion.

Because the geometry of Appian Way makes it physically impossible for this project's easement to meet Standard Plan Design sight distance requirements, the developer cannot utilize deferred administrative pathways, unvetted future waivers, or outdated EIR exemptions.

#### The Required Mechanism:

1. The applicant must be ordered to halt standard administrative processing.
  2. The project must be re-processed as a Discretionary Project, which legally triggers the CEQA review pipeline.
  3. The County must order a Supplemental EIR (SEIR) to comprehensively analyze the cumulative traffic, circulation, and public safety impacts of this intersection under modern 2026 conditions.
  4. The applicant must submit full, detailed engineered plans for the non-standard easement immediately to be analyzed within that Supplemental EIR, alongside a formal Design Exception filing.
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#### IV. CONCLUSION

We respectfully request that this Board grant the appeal, deny the unengineered design waivers, and remand the project back to the Planning Commission and the Department of Transportation. The project must be ordered to undergo proper Discretionary Project processing, full engineering submission, and the legally mandated Supplemental EIR to address the 38-year gap in environmental review."

We request that this Board grant the appeal and remand the project back to the Planning Commission and the Department of Transportation for proper discretionary processing, complete engineering submission, and comprehensive safety vetting.

Respectfully Submitted,

Tara Mccann

# EXHIBIT

## DESIGN WAIVER

To obtain a design waiver for an easement or road standard in El Dorado County, applicants must process a Design Waiver application concurrently with their tentative map. Approval requires meeting four strict findings.

### Requirements and Conditions for a Design Waiver

The authority to grant a Design Waiver to deviate from the Design and Improvement Standards Manual (DISM) or Title 120 (Subdivisions) falls under Section 120.44.040 (Exceptions/Waivers) of the County Code of Ordinances. The Planning Commission or Zoning Administrator must make all four of the following findings:

1. Special Circumstances: There are unique physical conditions or circumstances peculiar to the property (e.g., severe topography, irregular shape, or size).
2. Hardship: Strict application of the county standard would cause an "extraordinary and unnecessary hardship" in developing the property.
3. No Public Injury: The waiver will not be injurious to adjacent properties or detrimental to the public health, safety, convenience, and general welfare.
4. Consistency with Objectives: The waiver will not nullify the objectives of the County General Plan, DISM, or the Subdivision Map Act.

### Hardship Requirements

To successfully cite a hardship, applicants cannot merely claim financial inconvenience. The hardship must be tied directly to the physical characteristics of the land, rather than the personal or financial situation of the applicant. Your civil engineer or surveyor must clearly document how the strict application of the standard plan limits the reasonable use of the property due to these physical constraints.

In El Dorado County, a Design Waiver application strictly requires engineered plans and hard data at the time of the tentative map submittal. It is legally impossible to merely

submit a "placeholder statement" to defer the waiver process until after the tentative map is approved.

Under El Dorado County Code Section 120.44.020, design waivers must be processed and voted on by the Planning Commission at the exact same time they approve or deny the tentative map.

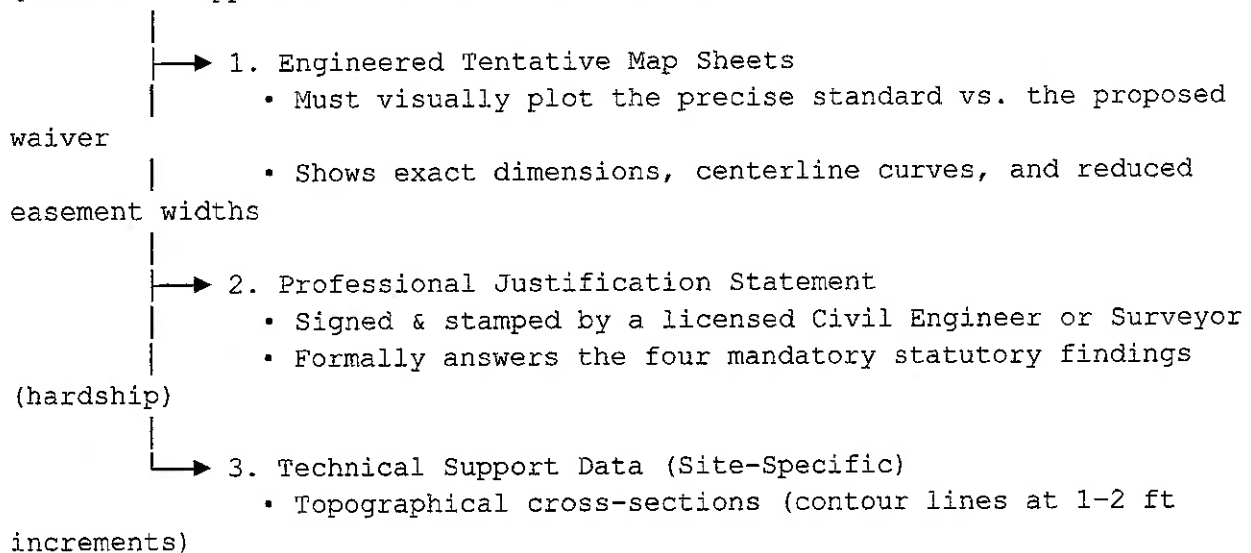
## Why a "Statement to Defer" is Rejected

- The "Deemed Complete" Rule: El Dorado County Planning Services will deem your entire tentative map application incomplete and refuse to process it if the engineering detail for the waiver is missing.
- CEQA and Public Notice Laws: Modifications to road easements or standard widths alter the project's physical footprint. The County cannot perform its required California Environmental Quality Act (CEQA) environmental review or issue public notices without knowing the exact dimensions of the proposed deviations.
- No Post-Approval Promises: The Planning Commission cannot legally grant a tentative map based on a vague future request; they must rule on precise, unchangeable plan configurations.

## What Physically Constitutes a Design Waiver Application?

When an applicant processes a road or easement waiver concurrently with a tentative map, the submittal must physically include the following technical components:

[Universal Application Form] + [Filing Fees]



- Civil grading plans proving standard rules cause "excessive land alteration"
- Traffic or sight-distance analysis (if narrowing a standard road easement)

1. **Engineered Tentative Map Sheets:** The map itself must physically illustrate the waiver. For example, if you are seeking a modification of Standard Plan 101B (roadway right-of-way/easement width), the map must explicitly depict the standard width alongside your proposed narrower alternative, complete with civil dimensions.
2. **Professional Justification Statement:** A written brief prepared and signed by a licensed Civil Engineer or Land Surveyor. This statement cannot just say "we want a waiver." It must explicitly document why the site's severe topography or physical constraints make the County Design Standard Plan functionally impossible to build. ]
3. **Topographical and Grading Exhibits:** Cross-sections showing existing site topography (using contour lines at 1-foot or 2-foot vertical increments). This data must physically prove to the County Engineer that forcing the project to meet standard specifications would result in unnecessary, excessive grading or environmental degradation.
4. **Sight-Distance & Safety Profiles:** If the waiver impacts an easement or road standard, you must provide engineering data proving that the deviation will not compromise fire engine access, turnouts, or minimum safety sight distances

An applicant requesting an undefined, blank-check waiver to be handled "as directed by DOT" at a future date is a severe violation of California planning law and El Dorado County's own code.

By law, a Design Waiver cannot be deferred to a later time. Deferring engineering metrics to the Department of Transportation (DOT) post-approval bypasses the required public process and violates the California Environmental Quality Act (CEQA)

## 1. The Legal Defect: Why "As Directed by DOT" is Illegal

An undefined waiver violates multiple layers of municipal and state law, making it highly vulnerable on appeal:

- **Unlawful Delegation of Authority:** Under El Dorado County Code Section 120.44.020, the Planning Commission or Board of Supervisors holds the

exclusive legal authority to grant or deny design waivers. The Board cannot legally delegate a sweeping legislative decision to DOT staff to figure out later.

- **Illegal Deferral of Environmental Mitigation (CEQA):** If a project changes road alignments, reduces widths, or adds stop controls, these physical adjustments alter traffic safety patterns. Under CEQA, mitigation measures and project designs cannot be deferred to a future date. The exact, engineered scope of the waiver must be disclosed and evaluated in the environmental document *before* the project is approved.
  - **Deprivation of Due Process:** Approving a project with a future "to-be-determined" waiver deprives the public and groups like the El Dorado Hills Area Planning Advisory Committee (APAC) of their right to review, critique, and testify on the actual safety data at a public hearing.
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## 2. Traffic Safety and Density Transfer Arguments for the Appeal

The specific issues compounding the Serrano Village M project present robust grounds for the appeal:

### Density Transfers and Trip Generation

When a developer initiates a density transfer within a Master Planned Community, they concentrate units onto a smaller, more restricted parcel. Concentrating high density onto a single village site spikes local Average Daily Trips (ADT) beyond what the adjacent roadway network was originally designed to handle. This rapid influx of localized traffic changes the baseline environmental impacts, invalidating older, generic Master Plan EIR assumptions.

### The "Rush" to Install a 4-Way Stop

Installing a multi-way stop control on a windy, curvy road with documented sight distance limitations is heavily restricted by the California Manual on Uniform Traffic Control Devices (CA MUTCD).

- **The Hazard:** If a stop sign is placed immediately around a blind curve or on a steep incline, approaching drivers cannot see the stopped queue in time. [1]
- **The Result:** Instead of fixing safety, the 4-way stop creates an active hazard by introducing severe rear-end collision traps. The CA MUTCD explicitly states that

stop signs should not be used for speed control or as a substitute for proper intersection sight distance configuration.

### Sight Distance Violations

Under DISM Standard Plan 101 and DOT standards, intersections must meet minimum corner sight distance requirements based on the design speed of the road. If the developer does not provide stamped engineering plans proving that minimum sight distances are physically achievable at the proposed intersection, the County cannot legally make the mandatory statutory finding that the waiver "will not be injurious to public welfare or safety".

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### Summary Checklist for the Appeal Testimony

1. Procedural Invalidation: The developer failed to provide concrete, engineered plans for the waiver, which violates the County's submittal requirements.
2. Deficient Fact-Finding: The Board cannot legally verify that the project is safe because the developer provided no technical data to support a hardship finding. ]
3. Compounded Public Danger: Combining density-driven traffic increases with a blind, non-MUTCD-compliant 4-way stop on a windy hillside creates a severe public liability for rear-end accidents

# EXHIBIT

## DESIGN EXCEPTION

While a Design Waiver is explicitly tied to the Subdivision Ordinance for tract/parcel maps, a Design Exception is typically triggered through the El Dorado County Department of Transportation (DOT) or specific community master plans.

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### Key Triggers: When a Design Exception is Required

A Design Exception is required whenever construction or site layout modifications create direct conflicts with the Design and Improvement Standards Manual (DISM) or Standard Plan 101/201 series in the following scenarios:

- Reduction in Standard Road Widths: Decreasing the required width of a public or programmatic right-of-way (e.g., reducing a standard 40-foot wide Standard Plan 101A roadway due to physical boundary limitations).
  - Geometric & Alignment Deviations: Altering minimal engineering safety metrics, such as modifying the standard centerline turning radii, changing maximum road grades, or altering standard curb, gutter, and sidewalk configurations.
  - Encroachment & Access Issues: Modifying standard commercial ingress or egress locations near public thoroughfares where full physical integration with existing County road geometry is blocked by existing structures.
  - Specific Plan Area Upgrades: Building within designated local zones (like specific master-planned communities) where custom street types or site design criteria require a professional engineer's modification rather than a legislative subdivision waiver.
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### The Administrative Threshold

To grant a Design Exception, the reviewing authority (typically the DOT Director or designated review body) must officially sign off on an engineered Design Exception Fact Sheet. The exception can only legally be granted if the applicant provides stamped data proving: ]

1. **Safety is Enhanced/Maintained:** The deviation will not create dangerous traffic conditions or blind sight-distance corners. [1]
2. **Environmental Footprint is Reduced:** Forcing the standard design plan would cause excessive, destructive grading on steep slopes or damage protected local habitats.
3. **Intent is Met:** The proposed alternative substantially matches the overall structural integrity and flow capacity intended by the original standard plan

# EXHIBIT

## Application of an unvetted 4-Way Stop / 2 Way Stop Controlled Intersection

Mandating a 4-way stop at the intersection of Appian Way and Sangiovese Drive/Village M5 creates a worst-case traffic scenario. It attempts to fix an unsafe driveway layout but introduces severe, unmitigated hazards that violate El Dorado County Geometric and Traffic Design standards.

### 1. Severe Sight Distance Violations

- **Blind Topography:** The intersection is located on a steep, winding section of Appian Way featuring compound vertical and horizontal curves.
- **Forced Abrupt Stops:** Forcing public traffic on Appian Way to come to a mandatory stop in the middle of a blind curve violates Department of Transportation (DOT) stopping sight distance requirements.
- **Collision Risk:** Stopping vehicles on a blind curve drastically increases the risk of high-speed rear-end and broadside collisions.

### 2. Conflicting Grid Controls and Dangerous Queue Spillovers

- **Mismatch of Road Networks:** The intersection forces a 4-way meeting point between two fast-flowing public legs (Appian Way) and two heavily restricted private legs (Sangiovese Drive and Village M5).
- **Gate Delays:** Security procedures and mechanical gates at the private entrances regularly cause severe delays, with incoming vehicles, contractors, and service vehicles stalled for 10 minutes or more.
- **Hazardous Stacking:** These delays force private traffic to queue backward. Because there is no center two-way turn lane and very little shoulder, these queues will spill directly into the active 4-way intersection.
- **Trapped Public Traffic:** Public through-traffic on Appian Way will be trapped behind idling private gate queues, leaving vehicles stalled in vulnerable positions with near-zero visibility.

### The Failed Alternative: Why a 2-Way Stop Fails

While a 4-way stop creates dangerous gridlock, a standard 2-Way stop is also a failed alternative. It would require conflicting vehicle movements across four legs of the intersection, forcing drivers to navigate the same severe sight-distance deficiencies and blind curves without the aid of regulated traffic control.

## The Flawed Process: The Misguided Easement Approach

The root of this dangerous intersection lies in the hurried and flawed approval of the easement itself.

- **Unvetted Easement Waivers:** The project was approved for a landlocked parcel featuring waivers for two easements on Appian Way without proper vetting or review by the DOT.
- **Misleading Testimony:** During the Planning Commission hearing, Serrano representative Kirk Bone misleadingly testified that the project would only generate "about 2 AM trips per day." He omitted the compounding impact of an intersection placed on a corridor handling up to 6,000 vehicle trips per day (combined traffic on Appian Way/Sangiovese Drive).
- **Bypassing Required Processes:** Because this proposed non-standard easement cannot meet standard El Dorado County design and safety requirements, the Applicant should be required to file a Design Exception and process it as a Discretionary Project. This mechanism forces the DOT to thoroughly review whether the access makes conditions worse—which, under current designs, it clearly does.

## Requested Action for Appeal

The goal of this appeal is not to force a non-studied 4-way stop that makes conditions worse. The requested action is to remand the project back to the Planning Commission and DOT to properly process the easement through the required Discretionary Project and Design Exception mechanisms. The project did apply the County criteria for a Design Waiver per County policy requirements and conditions and directs significant liability to the County. See DESIGN WAIVER CRITERIA

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**Planning Commission Minority Report Submittal-Serrano M5**

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From Bob Williams <Bob.Williams@edcgov.us>

Date Thu 6/11/2026 9:48 AM

To Karen L. Garner <Karen.L.Garner@edcgov.us>; BOS-Clerk of the Board <edc.cob@edcgov.us>

Cc Robert J. Peters <Robert.Peters@edcgov.us>; Ande Flower <Ande.Flower@edcgov.us>; Cameron W. Welch <Cameron.Welch@edcgov.us>; Kim Dawson <kim.dawson@edcgov.us>

Dear Executive Secretary, El Dorado County Planning Commission:

Pursuant to Planning Commission By-Laws §5(e), and as a member voting in the minority on Item #26-0960 (TM25-0003 / PD25-0005 / Serrano Village M5), I respectfully request that the following rationale be entered into the Commission minutes, transmitted to the Board of Supervisors for consideration, and published in the Board of Supervisors' June 16, 2026, meeting agenda Item 41 as an exhibit.

**Rationale for Dissenting Vote**

**1. Reliance on a Morphed Specific Plan, a 46-Year-Old EIR, and an Expired Development Agreement**

**a. Evolution of the EDHSP**

The 1988 El Dorado Hills Specific Plan (EDHSP) predates the County General Plan by fourteen years. While senior Planning Department staff have characterized the General Plan as outdated, the Staff Report simultaneously relies on a Specific Plan that has undergone decades of incremental modifications. Village M is a clear example: originally planned for 37 lots, it is now proposed for 166. This cumulative morphing undermines the integrity of the original land-use structure and the conditions under which the EDHSP was approved.

**b. Reliance on a 1980 Environmental Impact Review (EIR)**

Staff asserted CEQA exemption based on a 46-year-old EIR prepared in 1980. I could not concur with the premise that no substantial changes have occurred in nearly five decades. Traffic patterns, population, commercial development, and environmental conditions in El Dorado Hills have changed dramatically. Reliance on such an outdated document does not satisfy CEQA's requirement for meaningful environmental review when new impacts are reasonably foreseeable. A CEQA exception should not be granted when based on a facially flawed and outdated EIR.

**c. Expired Development Agreement and Density Transfers**

Staff further relied on Section 2.1.1 of the EDHSP Development Agreement—an agreement that expired decades ago—to justify transferring density from other villages into Village M. While Staff argues that total EDHSP lot counts have not been exceeded, this does not override Village M's expressly stated purpose. The EDHSP itself acknowledges that Village M contains sensitive tree cover, wildlife habitat, and steep topography, and therefore was "reserved for the largest lots within the Specific Plan area."

The expired DA cannot be used to justify a density increase that contradicts the Specific Plan's own stated intent. Overriding well-established environmental and topographical conditions is not justified by the developer's mere desire to increase the density of saleable lots.

## **2. Potential Litigation Exposure and Unresolved Parkland Obligations**

### **a. Village J Lot H (Bass Lake) Park Obligation**

The Staff Report asserts that Serrano Associates has fulfilled all EDHSP parkland requirements. However, documentation provided by the applicant in response to my request shows that the deed transferring Village J Lot H to EDHCSD contains a reversion clause allowing Serrano to rescind the transfer if the park is not constructed. No park has been built. Thus, the EDHSP park obligation remains unfulfilled. EDHCSD's inaction does not extinguish Serrano's obligation, nor does it relieve the County of its duty to enforce Specific Plan requirements. Declaring the obligation satisfied exposes the County to unnecessary legal risk.

### **b. Park Impact Fee Discount**

Serrano Associates has historically received a 50% Park Impact Fee discount not available to any other new development within EDHCSD. Recent court decisions—including *Sheetz v. County of El Dorado* and *Austin v. County of Alameda*—underscore the legal vulnerability of disproportionate or unsupported fee structures. By collecting and administering these fees, the County becomes a participant in a preferential arrangement that may not withstand legal scrutiny. While the M5 proposal involves only ten lots (approximately \$75,000 in discounted fees), other pending EDHSP proposals would magnify this exposure. Historically, it takes a single disgruntled taxpayer to effectively change the administration of disparate mitigation fees. An analysis by County Counsel to evaluate potential exposure may be prudent regarding the EDHCSD/Serrano disproportionate PIF mitigation fee structure and EDC's role in fund collection and oversight.

### **c. Additional Disparities**

Other preferential arrangements—such as taxpayer-funded maintenance of Village Green Park and the absence of LLAD assessments for Serrano—further illustrate inequities embedded within the EDHSP framework. These disparities are increasingly difficult to justify.

## **3. Traffic Mitigation and Insufficient Analysis**

Staff determined that no full traffic impact analysis was required, although the line-of-sight review was helpful. The Commission lacked adequate information to evaluate the proposed four-way stop mitigation. Public testimony reflected significant disagreement regarding the appropriateness of the four-way stop. The Commission majority ultimately removed DOT's recommended mitigation from the Conditions of Approval without any alternative analysis. Given the known traffic challenges in this area, I believe a more robust traffic evaluation is necessary before approving the project.

## **4. Procedural Deficiencies and Concerns Regarding Neutrality**

### **a. Staff Analysis**

The analysis of *design waivers* did not reflect a neutral evaluation of the merits. While the Staff Report acknowledged Village M's unique environmental characteristics, it nonetheless recommended approval

of a proposal that substantially increases density in direct conflict with those characteristics.

**b. July 29, 2025 Board of Supervisors Hearing**

The Staff Report did not disclose that, during the July 29, 2025 Board hearing on TM24-0001 / Z24-0001 / PD24-0001, an alternative proposal—developed between Staff and the applicant—was introduced for the first time at the Board level. This proposal was not presented to or considered by the Planning Commission. Government Code §65356 mandates that any substantial modification not previously considered by the Commission must be referred back to the Commission for recommendation. Allowing an unvetted alternative to reach a vote appears inconsistent with this statutory requirement. This should have been disclosed to the Planning Commission during the hearing for the current proposal.

**Conclusion**

My dissenting vote reflects concerns regarding legal exposure, procedural integrity, environmental review adequacy, and fairness to the broader El Dorado Hills community. The record does not support the staff's conclusion that all EDHSP obligations have been fulfilled, nor does it justify reliance on outdated or expired documents to support substantial changes to Village M.

I respectfully request that this rationale be entered into the Planning Commission minutes, transmitted to the Board of Supervisors, and included as an exhibit for the appeal proceedings.

**Robert Williams** Planning Commissioner, District 2

# EXHIBIT

## Legal Citations from California Case Law

California appellate and Supreme Court precedents:

### 1. On the Illegality of Deferring Engineering Plans and Design Waivers

Developers cannot defer environmental and engineering metrics to staff after project approval. The project must be fully defined before the public hearing.

- *Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296*
  - The Rule: A agency cannot approve a project and defer the study of environmental impacts or engineering solutions to a future date "subject to staff approval." Deferring the formulation of environmental mitigations or structural designs to county staff bypasses the entire public review process and is a direct violation of CEQA.
- *Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70*
  - The Rule: Permitting a developer to submit a vague, undefined plan to be fleshed out later "as directed" by a department violates CEQA's requirement for a stable, defined project description. The public is entitled to review the actual engineering data and configurations *before* project approval, not after.

### 2. On the Inapplicability of Old EIRs Due to Changed Circumstances

The County cannot use a 1980 EIR to shield a 2026 project if density transfers and traffic volumes have created entirely new or more severe impacts.

- *Friends of the College of San Mateo v. San Mateo County Community College Dist. (2016) 1 Cal.5th 937*
  - The Rule: Under California Public Resources Code Section 21166, subsequent environmental review is strictly required if substantial changes occur in the project's circumstances, or if new information shows that the project will cause "substantially more severe" environmental impacts than originally predicted. Going from 37 ranchettes to 166 homes

and 6,000 cumulative daily trips constitutes a severe change in circumstances.

- *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152
  - The Rule: An agency cannot rely on a previously approved general plan or specific plan EIR if the assumptions built into that old EIR are no longer accurate or if the mitigation measures outlined in that original document have proven to be non-existent or ineffective (such as the unconditioned queuing space at the Serrano Rear Gate).

### 3. On the Illegal Delegation of Legislative Authority

The Board of Supervisors cannot delegate its voting power over waivers to the Department of Transportation.

- *Schectman v. County of Santa Clara* (1983) 139 Cal.App.3d 149
  - The Rule: Local legislative and quasi-judicial bodies (like a Board of Supervisors) cannot delegate their discretionary decision-making authority—such as granting land use variances or subdivision design waivers—to administrative county departments or staff. If local ordinance states the Board must find a "hardship" to grant a waiver, that finding must be made on the record by the Board itself via engineered evidence

# EXHIBIT

## LETTERS OF SUMMARY DEMONSTRATING COMMUNITY CONSENSSES

Dear El Dorado County Board of Supervisors,

I am writing to formally oppose the proposed Serrano Village M5 project and to express my strong support for the community appeals currently before the County.

While this project may be presented as a continuation of long-range planning efforts, the reality is that El Dorado Hills today bears little resemblance to the community envisioned when the original environmental analysis was conducted decades ago. Population growth, increased housing density, changing travel patterns, school demands, emergency response needs, and traffic congestion have fundamentally altered local conditions.

Of particular concern is the impact on the Silva Valley Parkway and Appian Way corridors, which already experience significant congestion during peak travel periods. Substantial evidence demonstrates that traffic conditions have changed in ways that were not anticipated by the 1988 planning documents. The projected impacts at the Appian Way/Sangiovese Drive intersection alone raise serious concerns regarding public safety, emergency vehicle access, quality of life, and the County's ability to maintain acceptable transportation standards.

The California Environmental Quality Act was designed to ensure that government decisions are based on current facts—not outdated assumptions. Under CEQA Guidelines §§ 15162 and 15163, changed circumstances require a fresh and comprehensive evaluation of environmental impacts. Reliance on an obsolete Environmental Impact Report fails to provide decision-makers or residents with an accurate assessment of today's conditions.

We ask that the Before any approvals are granted, the County should require preparation of a Supplemental Environmental Impact Report (SEIR) that evaluates:

- Current traffic volumes and roadway capacity
- Updated Vehicle Miles Traveled (VMT) analysis
- Cumulative impacts from recent and pending developments
- Emergency evacuation and public safety considerations

- Infrastructure, school, water, and service demands resulting from increased density
- The project's consistency with current community needs and planning objectives

The residents of El Dorado County deserve decisions grounded in present-day realities rather than decades-old projections. Responsible growth requires thoughtful planning, transparent analysis, and full compliance with CEQA. Anything less risks placing additional burdens on existing residents while undermining public confidence in the planning process.

I respectfully urge the Board to uphold the community appeals, require a Supplemental Environmental Impact Report, and ensure that any future decisions regarding Serrano Village M5 are based on accurate, current, and complete environmental review.

Thank you for your consideration and for your service to the residents of El Dorado County.

Respectfully,

Residents of El Dorado Hills