

December 17, 2007

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

**RE: Request for Denial of Z07-0048/PD05-0006/TM05-1393
Serrano Village M Phase 4**

Dear Supervisor:

We are Green Springs Ranch property owners adjacent to the Serrano Village M open space. We attended the Planning Commission hearing for the above project on December 13, 2007 and requested a continuance because the noticing did not reach us. The allotted 3 minutes speaking time in hearing was not enough to discuss our questions and comments as listed below. There was barely time to request a continuance in order to allow us time to review the staff report. While the noticing was determined to be 'legal' it was hardly adequate, and the continuance was denied.

The Staff Report for the subject project contains inconsistencies and insufficient documentation of the findings to support rezone of lots H and J from Open Space zoning to Residential zoning. The attached list enumerates inconsistencies and unanswered questions which should have been addressed by Staff in their report, and which were not.

1. **CEQA Finding 1.0:** This finding states in part "*No impacts have been identified which were not discussed and mitigated in the EIR*".

The open space proposed for change of use is not golf course or bare land; it contains significant areas of dense oak woodland, wildlife trail, creeks, and a possible historical structure. While golf course may be accounted for as open space in Serrano, it is not viewed as equivalent to oak woodland under an EIR. The 1988 EIR was prepared taking this land into account as natural open space configured as a corridor containing the creek and dense woodland area.. The EIR must specifically address the open space corridor as unimportant to maintain in order to declare the project exempt from environmental analysis. In accordance with CEQA section 15162, a supplemental environmental review is necessary. Additionally, the historical stone wall discussed in more detail in item 6 below, may in itself require additional environmental review of the site. Note that CEQA section 15164 requires a substantial explanation to accompany findings for exemption, and that explanation is not evident in the staff report.

2. **Administrative Finding 2.4.3:** "*That the site is physically suitable for the type of development.*"

Planning Staff states here that large Lots D-J would accommodate flexible building pad locations. However, there are many constraints due to slopes, creek setbacks, and conditioned firesafe and building setbacks, which severely restrict the location of buildable site on Lot J, and to a lesser extent on Lot H. The building envelope location has been left up to the applicant to determine and has not been reviewed by Staff. Staff is allowing approval of lots which are not necessarily buildable within the constraints of County standards, and for which the applicant will need to ask for exceptions in order to develop. (See item 5 below) Further detailed review by Staff is required.

3. **Administrative Finding 2.4.5:** *“That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.”*

This finding states that the project is “minimizing impacts to Natural Resources”. We would like to request some explanation of this. Open space has the “minimum” impact on the environment. How does an intensification of use to Residential zoning minimize the impact further? Certainly the construction of homes on lots J and H will result in “substantial and avoidable injury to fish or wildlife and their habitat”.

Planning Staff noted in hearing that both lots H and J bisect Allegheny Creek, but took this comment no further. When the area encompassed by Lots H & J was designated as Open Space, the wildlife trail along Allegheny Creek was contiguous through Green Springs Ranch and Serrano. The rezone from Open Space to residential Lots H and J break up the Open Space with the addition of fencing and structures, and this wildlife trail is cut off. These two lots include the junction of Allegheny Creek with an intermittent stream and wildlife trail from the north. This issue was questioned in our letter dated January 8, 2006, and has not yet been addressed. Further environmental review is required.

4. **Zoning:** The proposed zoning of R1-PD for Lots D through J would allow for the possibility of further subdividing these parcels into less than 1 acre lots in the future. It is unclear whether or not this is the intent of the applicant. The zoning of R3A-PD would be more appropriate for the larger parcels, be more in keeping with the design intent of a buffer between Serrano and the more rural Green Springs Ranch subdivision, and still allow the applicant his lots. The change to R3A-PD for the large lots rather than R1-PD should be reviewed and considered.
5. **Lot J:** The ability to develop this lot within the setbacks and without special setback reductions or exemptions was brought up by a councilmember. The answer was not addressed in detail, and the answer is ‘no’. This lot is not a legal lot and is not developable without design waivers (see Exhibit A, attached).
- The lot does not meet the 3:1 ratio set forth in condition no. 5. The depth is approximately 930 feet, and the frontage is approximately 220 feet.
 - The lot does not meet requirements of the Design Improvement Standard Manual(DISM) section 2B)10 for average width to depth ratio.
 - During the hearing, the applicant said they ‘thought’ the slopes in the buildable area were 20 percent. The slope is actually 26 percent.
 - The buildable frontage exclusive of setbacks is approximately 65 feet. This is not enough to accommodate the standard custom Serrano dwelling with side entry garage on 26 percent slopes. It is likely the future owner will need to remove many trees and grade well outside any proposed building envelope on all sides, and likely encroach into the minimum creek setback to the north and the firesafe setback to the south (see next bullet item). Additionally, any pool or accessory structures as well as grading for them, would not fit within the buildable area.
 - This lot is 4.96 acres. Lots over 1 acre require a 30 foot firesafe setback. The applicant has already assumed the fire department will allow a reduced setback to 10 feet on Lot J because it is so constrained. An exception is being assumed/requested before the lots have been created, even though condition 56 specifically requires 30 foot side setbacks to meet firesafe standards.
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6. **Lot H:**
 - There is a very old hand built stone wall approximately 4-5 feet in height, which runs east to west for about 100 feet on this lot. This was brought to the attention of staff with photos included, to determine if there was any cultural value (see attached Exhibit B). We were told the wall could be historical, and could indicate the existence of a cemetery or burial site, or have some other significance (copy of email available on request). There are indian grinding rocks further up the creek. There is no mention in the staff report of the existence of this wall, nor of any research having been done. In accordance with CEQA 15064.5, further review is necessary.
 - Should development be approved for this lot, a height restriction should be imposed such as was imposed on Lot D (proposed condition 8). This would minimize the impact on the adjacent Green Springs Ranch property owners. It is questionable as to why this condition was not applied to all of the border parcels and should be further reviewed, as it would clearly make a difference in our case and probably others.
7. **Lot 144:** This lot does not meet the area requirement of the DISM. The slope is consistently 21 percent, which requires a lot area of at least 21,000 square feet. However, the total area is only 20,000 square feet, and therefore does not constitute a legal lot. This and all proposed lots should be reviewed for consistency with the DISM standards as required, as this was not one of the DISM Design Waivers allowed by Condition 1E.
8. **Allegheny Creek:** The zoning change from Open Space to Residential lots will have a huge effect on the wildlife passage along the creek, which has been totally disregarded. See item 3 above.
9. **Green Springs Ranch "Border Committee":** The applicant stated in hearing that this Border Committee represents the residents of Green Springs Ranch, and that there were no objections to the proposed development changes. This is not true and was not supported by any documentation. We were never contacted on this subject by the Border Committee. When we contacted them over a year ago, we were told in no uncertain terms that they were not interested in representing us in this regard. The comments by the applicant indicating a neutral stance by the Green Springs Ranch neighbors should not be factored in to any approvals of this project.
10. **Condition 5:** Condition no.5 requires the lots abutting Green Springs Ranch to maintain a 3:1 ratio of lot depth to lot frontage in accordance with the County Design and Improvement Standards Manual (DISM). The configuration of Lots D, E, F, and J do not meet this requirement. Also, please note that an inconsistency has been written into this condition with the words "depth" and "frontage" reversed. Had the condition not referenced the DISM manual, it would be unclear as to what is required. This condition needs to be corrected and Lots D, E, F, and J reviewed and revised to meet this standard.
11. **Condition 13:** Condition no.13 states that *all* lots are to have setbacks of 30 feet in front, 10 feet on the side, and 30 feet in the rear. This is in conflict with the previous agreement to provide 100 foot setbacks adjacent to Green Springs Ranch, as forwarded to proposed condition no. 7. It is also inconsistent with condition 56 requiring a minimum of 30 feet on Lots D through J. This condition needs to be revised for consistency with the other conditions, and to ensure that the required 100 foot setbacks to Green Springs Ranch will not be voided.
12. **Tree Preservation:** Page 6 of the staff report discusses building envelopes as a measure of tree protection. However, there is no mention of a building envelope requirement in the proposed

conditions of approval. Additionally, other Villages within Serrano allow grading, tree removal, pools, and accessory structures outside the established building envelopes. The building envelope applies only to the location of the main structure. There is nothing here to require protection of the tree canopy on proposed Lots D-J, as is suggested by Planning Staff. The conditions should

be revised to address this issue, and should include what development, if any, specifically, is to be allowed outside the building envelopes.

Note that envelopes which are proposed to be established by the applicant prior to the final map will not protect the tree canopy if pools and other structures are allowed outside the envelope. The adjacent Village K utilizes building envelopes for tree protection. However an aerial photo and review of permitted structures to date will reveal how little protection this has afforded the existing oak woodland in Village K (see attached Exhibits C and D). The County has some responsibility for accountability regarding preservation of the dense oak woodland throughout phase 4 of Village M.

It is understood that more information regarding tree retention and mitigation planting was provided for this project than for others in the past. Where are the exhibits showing the documentation to support the numbers presented on page 11 of the staff report? Nothing is noted on the supporting information listed on page 13 of the Staff Report.

13. **Density Transfer:** Phase 4 of Village M was originally to consist of 5 residential lots plus open space. Page 4 of the staff report indicates that 37 lots were “contemplated”, but not approved. The current proposal is for 38 lots. This is a significant difference, especially in light of the fact that the entire Village M was originally to be reserved for 4 to 7 acre lots (page 3). When asked about this, the Staff Planner simply said this is a “minor” change.

This may very well meet the requirements of any density transfer flexibility standards, but that is not documented here. It appears that none of the lots should be less than 4 acres in size. Additionally, the report states that the rural nature of the area will be preserved through the use of a chip seal road surface. This is not really adequate means for preserving the rural nature of an area. If ‘density transfer’ is to be utilized to approve this project, it should be explained in detail in the staff report.

14. **Notification:** The sole means of notification for the planning commission hearing was an 1/8th page ad in the Mountain Democrat (El Dorado Hills circulation is 455 copies). While this may meet the legal requirements for notification, it could reasonably be considered substandard as the sole noticing for this project. Our parcel shares a property line with the Phase 4 Village M open space, now proposed for rezone to residential parcels. We were not directly notified of the completion of the staff report or of the hearing until the afternoon prior to the hearing. Less than 24 hours was not enough time for our review of the findings and staff report, but has yielded the many issues listed above.

The following property owners, besides ourselves, are immediately adjacent to phase 4 Village M. A number of them reside out of the area, have no access to local papers, and must be notified by mail. These property owners should be directly notified of the proposed changes:

- Susan & Douglas Hoisington, Lot 85, APN 067-501-06
- Lorelee Ribiero, trustee, Lot 86, APN 067-501-13
- Lowry Investment Group, Lot 88, APN 067-501-17
- Robert Haffner, Lot 89, APN 067-501-18

At the 12/13 hearing, the applicants stated that they were not aware of any objections by residents of Green Springs Ranch. This is not true, as we met with the applicants in their offices in January of 2006 and made our concerns clear to them at that time.

Attachments 3 & 4 and Exhibits A through E listed on page 13 of the Staff Report have not been included on the county website. They appear to provide general information rather than detailed supporting documents, however. We may have additional comments when this information is made available, and will add them as an addendum to this document.

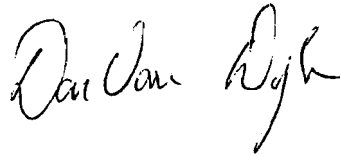
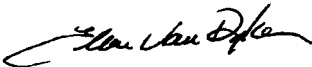
Conclusion:

We would like to see lots H and J retained as open space. We believe we have offered enough issues here to deem the review as incomplete and inconsistent, and to merit a re-review by Planning Staff and the Planning Commission of the proposed rezone and planned development.

Additionally, please note that I (Ellen) am an employee of the Permit Center for Development Services. I have been aware that this project was under review. The Senior Planner initially in charge of the project recommended I write the letter dated January 8th 2006, which was provided as an attachment to the staff report on the day of the Planning Commission hearing. I was subsequently directed by my immediate supervisor to not speak with any planners involved on the project. We were told that we would be notified and would have an opportunity to review the staff report when the time came. I did as I was directed and had no influence on the subsequent report, but our notification never came until the afternoon before hearing. This was not enough time to gain access to the exhibits missing from the website, request additional information, or provide the input to staff which we were previously denied doing.

Thank you for taking our questions and issues regarding this project under your consideration.

Sincerely,



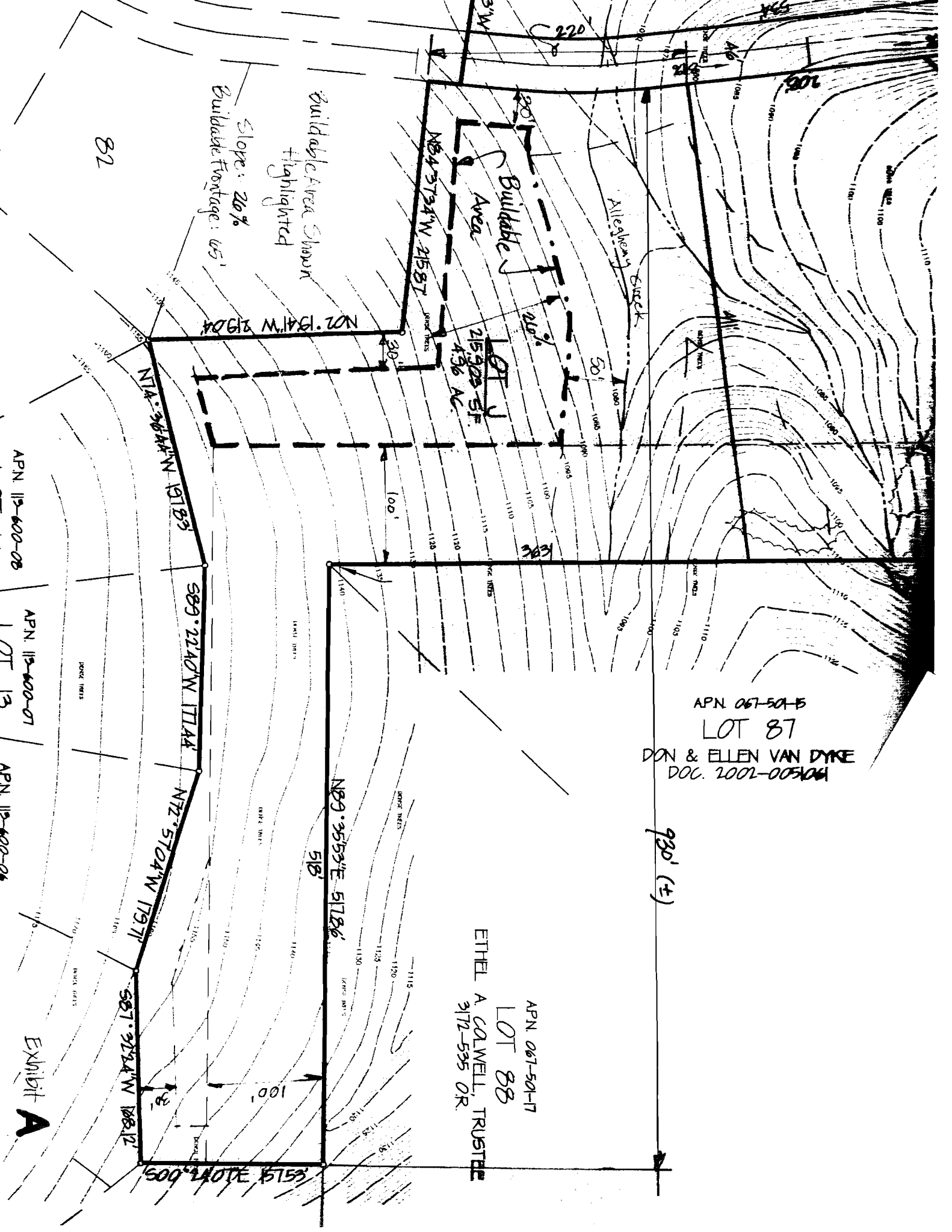
Ellen and Don Van Dyke
2011 East Green Springs Road, Rescue CA, 95672

vandyke.5@sbcglobal.net
(530)676-8025

Enclosures:

1. Exhibit A - Lot J Buildable Area
2. Exhibit B - Wall Photo
3. Exhibit C - Partial Village K Aerial Photo, 2003
4. Exhibit D - Partial Village K Aerial Photo, 2007

Cc: Mel Pabalinas, Planning Services
Wayne Ordos, Green Springs Ranch HOA President
Charlie Frey, Green Springs Ranch Border Committee



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Buildable Area Shown
Highlighted
Slope: 20%
Buildable Footage: 65'

Buildable Area

215,925 SF
4.96 AC

APN 067-501-B
LOT 81
DON & ELLEN VAN DYKE
DOC. 2002-005104

930' (±)

APN 067-501-17
LOT 88
ETHEL A. COLWELL, TRUSTEE
372-535 OR

APN 115-600-08

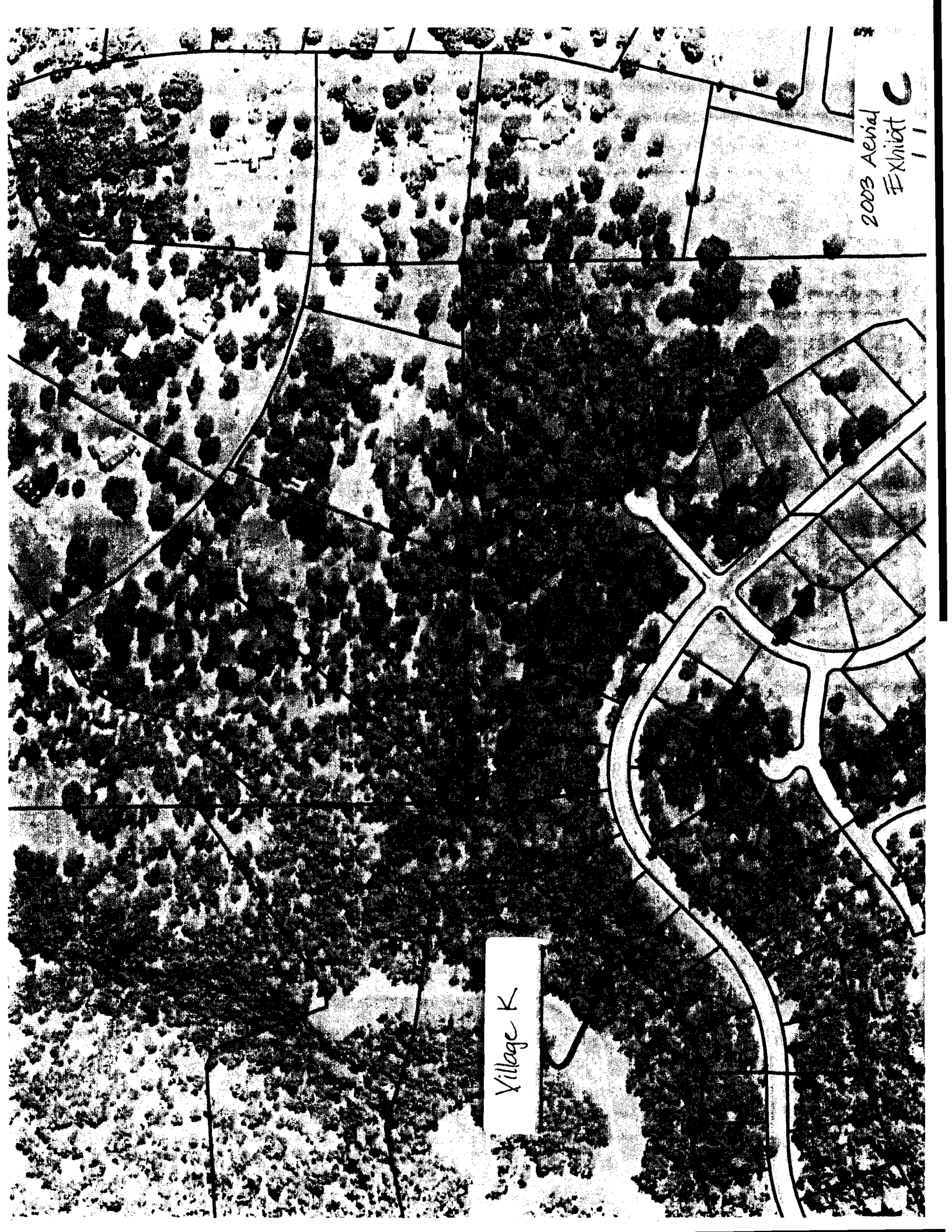
APN 115-600-07

APN 115-600-06

Exhibit A



Lot H-Wall Photo
Exhibit B



2003 Aerial

Exhibit C

Village K

2007 Aerial
Exhibit D

Village K

