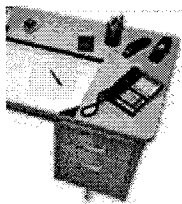


PC 3/11/10
#13



Roger P Trout/PV/EDC
03/10/2010 01:31 PM

To Charlene M Tim/PV/EDC@TCP, Pierre
Rivas/PV/EDC@TCP

cc

bcc

Subject Fw: LAFCO Comments re Malcolm Dixon Road Estates
Subdivision

Pierre and Char: Please copy LAFCO letter for the file and PC.

Thanks,

Roger Trout
Director, Development Services Department

----- Forwarded by Roger P Trout/PV/EDC on 03/10/2010 01:29 PM -----



"Erica Sanchez"
<erica.sanchez@edcgov.us>
03/10/2010 12:42 PM

To <lou.rain@edcgov.us>, <vineyard@dkcellars.com>,
<tom.heflin@edcgov.us>, <walter.mathews@edcgov.us>,
<alan.tolhurst@edcgov.us>
cc <roger.trout@edcgov.us>, <mike.baron@edcgov.us>

Subject LAFCO Comments re Malcolm Dixon Road Estates
Subdivision

Chair Rain and members of the El Dorado County Planning Commission,

El Dorado LAFCO respectfully submits the attached letter regarding the Malcolm Dixon Road Estates Subdivision Mitigated Negative Declaration. This letter is being sent via email to ensure adequate time for your review and consideration for the March 11, 2010 Planning Commission hearing. A hard copy will also be mailed to all parties this afternoon.

If there are any questions, LAFCO staff can be reached at (530) 295-2707. I will also be in attendance at tomorrow's hearing to answer any questions that the Commission may have.

Sincerely,

Erica Sanchez

Policy Analyst
El Dorado LAFCO
550 Main Street, Suite E
Placerville, CA 95667
(530) 295-2707
(530) 295-1208 fax
www.edlafco.us

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

550 Main Street Suite E • Placerville, CA 95667

Phone: (530) 295-2707 • Fax: (530) 295-1208

lafco@edcgov.us • www.edlafco.us

VIA EMAIL

Hard copy to be mailed

March 10, 2010

Lou Rain, Chair
El Dorado County Planning Commission
2850 Fairlane Court
Placerville, CA 95667

Re: Malcolm Dixon Road Estates Subdivision Mitigated Negative Declaration

Dear Chair Rain and members of the El Dorado County Planning Commission,

Thank you for the opportunity to provide comments regarding the Malcolm Dixon Road Estates Subdivision. The above project will require LAFCO approval for annexation into the El Dorado Irrigation District (EID) and El Dorado Hills County Water District (El Dorado Hills Fire) prior to receiving water and fire suppression services for the proposed subdivision. Since LAFCO will also require an environmental review for the application, it is in the best interest of the applicant and all involved parties if one CEQA document is prepared that covers all of the necessary processes.

On February 18, 2010, LAFCO submitted comments to County Planning staff regarding areas of concern with the Mitigated Negative Declaration (MND) within the public review period of the document. While some of our minor concerns were addressed within the MND, LAFCO respectfully disagrees with County Planning's reluctance to incorporate our more substantial concerns within the document. In order to accurately analyze the timely availability of water service to this project and the cumulative impacts of known surrounding land uses, LAFCO recommends the following comments be incorporated into the MND:

- Surrounding Land Uses and Setting – page 1: The description of surrounding land uses is inaccurate in that it solely describes areas adjacent to the project site as "undeveloped". Although the areas directly to the north, south and west of the project are currently undeveloped, they are all known and expected to be developed in the near future with residential projects that have been recently reviewed by the Planning Commission and approved by the Board of Supervisors. These projects include the Alto Subdivision to the North, the La Cañada Subdivision to the Northwest, and the Diamante Subdivision to the West and South. Though these future developments are briefly referenced in other parts of the MND, it is important that they be acknowledged in this section as well in order to accurately reflect the adjacent land use; failure to recognize these adjoining projects paints an imprecise picture of the eventual (future and known)-character of the area.

S:\Projects\MISC\Inquiries\Malcolm Dixon Road Estates\Malcolm Dixon Estates Planning Commission Comment Letter.doc

COMMISSIONERS

Public Member: Francesca Loftis • Alternate Public Member: Norm Rowett
City Members: Jerry Birdwell, Carl Hagen • Alternate City Member: Mark Acuna
County Members: Ron Briggs, James R. Sweeney • Alternate County Member: Ray Nutting
Special District Members: Ken Humphreys, Harry J. Norris • Alternate Special District Member: Michael Cooper

STAFF

José C. Henriquez, Executive Officer • Erica Sanchez, Policy Analyst
Denise Tebaldi, Interim Commission Clerk • Andrew Morris, Commission Counsel

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10 MAR 10 PM 1:47

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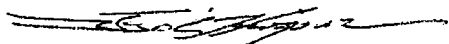
- XVI. Utilities and Service Systems – page 31, section d: This section should incorporate LAFCO's previously submitted comments regarding the project's current ability to purchase water meters from EID. The project is within the District's El Dorado Hills supply area, which primarily pumps water from Folsom Reservoir. It should be noted that our comments regarding meter availability in this supply region are based entirely on information from EID's 2009 *Water Resources and Service Reliability Report* (adopted by EID last July) and EID's facility improvement letter to the Malcolm Dixon Road Estates applicant (November 2009).

Though EID has a surplus of available water supply in the El Dorado Hills supply area, delivery of this water is currently restricted by infrastructure capacity at the El Dorado Hills Water Treatment Plant. Water meter availability in the El Dorado Hills supply region is 3,597 equivalent dwelling units (EDUs), while contractual commitments total 4,192 EDUs. Thus, at this time, the water meter availability based on the infrastructure-based yield is less than the contractual commitments in the area, and is not currently sufficient to serve the all of the existing contractual commitments. According to the above documents, water meters in the El Dorado Hills region are currently only available for purchase by parties with existing commitments to serve from the District; parties that do not have existing contractual commitments will not be eligible to purchase water meters until further expansions are completed. The Malcolm Dixon Road Estates Subdivision does not hold any contractual commitments for water. While EID has taken steps to defer a portion of the existing commitments for the next five years, thus expanding their water capacity for the time being, this may not be a long-term solution to address the District's infrastructure capacity beyond this five year period. Additional expansions at the El Dorado Hills Water Treatment Plant are listed in EID's recently adopted 2010-2014 Capital Improvement Plan but all funding is dependent on future facility capacity charges from new developments.

- XVII. Mandatory Findings of Significance – page 33, section b: This section should provide a much more substantial analysis of cumulatively considerable impacts from all known development projects in the surrounding area, including the recently approved La Canada, Alto and Diamante Subdivisions. A cumulative impact should be quantified with regards to water demands, individual septic system impacts in the absence of wastewater service, loss of agricultural land, and traffic circulation. The other three projects are known and have gone through the County approval processes. Consequently, they should not go unnoticed or unmentioned in the cumulative impacts section. To discuss them would be appropriate, not at all "speculative" and consistent with CEQA Regulations §15064(h) and 15130.

LAFCO sees the comments above as necessary additions and integral to the adequacy of the MND. Once again, thank you for considering our comments regarding this project; we look forward to their incorporation into the final environmental document. LAFCO staff can be contacted at (530) 295-2707 if you have any questions.

Sincerely,


José C. Henriquez, Executive Officer

cc: Dave Pratt, El Dorado County Planning Commission
Tom Heflin, El Dorado County Planning Commission
Walter Mathews, El Dorado County Planning Commission
Alan Tolhurst, El Dorado County Planning Commission
Roger Trout, Director, Development Services
Michael Baron, Project Planner
Martin Boone, Omni Financial, LLC
Kaycie Edwards, North Coast Resource Management

March 8, 2010

To: El Dorado County Planning Commission

From: Paul Sayegh

Hearing Date: March 11, 2010

PC 3/11/10
#13

10 MAR 10 PM 12:19

RECEIVED
PLANNING DEPARTMENT

Comments Regarding:

Rezone Z05-0015

TM05/Malcolm Dixon Road Estates, submitted by Omni Financial/Martin Boone

The above referenced project should not be approved at this time, and I request that this project be denied until the project complies with CEQA law and complies with the El Dorado General Plan requirements. I offer the following comments to support this request.

1. The notice of public hearing originally announced and sent out to property owners did not meet the 30 day review period as required by CEQA since the County required written information be sent to the County a week prior to the meeting which reduced the 30 day period. Instead of re-noticing the public, the County canceled the meeting the day before and moved it, confusing the public. The County never noticed the public properly, depriving bordering property owners sufficient review time and a firm meeting date to be heard. This is a clear CEQA violation. A proper notice with a true 30 day comment period needs to be done.
2. I witnessed month's worth of grading and thousands of yards of dirt moved on this project site illegally and without permit. The County has record of massive illegal grading activity through the wetlands portion of this project several years ago for preparation of this development and to establish building sites. County LMIS records prove that no permit was issued and the County issued a stop work order on 12-19-05. There are also many records of e-mail and phone calls I made contacting the County regarding this illegal grading performed on this property. Despite the fact that the illegal and significant grading went right through the wetlands area of the project to sidestep environmental compliance, and despite the fact that the County has record of this, the County now wants to approve a CEQA document without so much as a mention of this or an evaluation.

One only has to visit the property to witness the building pads already graded. The possible environmental damages need to be accessed prior to approval. By handing out a “stop work order” after illegal grading, and then approving the project without an evaluation of damage and a CEQA review, the County encourages environmental slaughter. A proper environmental review needs to be done prior to approval.

3. The CEQA document fails to evaluate cumulative impacts in part XVII as required by CEQA. In discussion (B) there are no past, current, or probable future projects mentioned at all despite the County recently approving several bordering this project. The County is inappropriately “tiering” the Mitigated Negative Declaration from the General Plan EIR but failing to provide specific references to analysis (as required by CEQA law) in the General Plan EIR and failing to consider aspects of the Project that were not evaluated and/or not sufficiently evaluated in the General Plan EIR. Numerous projects have been approved bordering this project and the County is required to evaluate “real time” impacts of nearby projects. It is inappropriate to tier off a General Plan document that is non specific in nature to the specific area of development and prepared before knowledge of what would be actually built in the area. The buildout is now known and cumulative effects can be properly evaluated. Water, sewage, residential runoff, density, air quality, animal impacts, possible effects to New York Creek from the COMBINED projects has not been evaluated in the General Plan or in this CEQA Negative Dec. The General Plan CEQA document does not cover this in any detail and would not be accurate anyway due to the wide variety of projects now approved after the writing of the General Plan CEQA. An accurate and up to date environmental analysis is required by CEQA law and this project as submitted does not comply. **Section 15152. Tiering (from CEQA Law) confirms this point.**

- (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.

4. There is no contractual commitment to provide water from EID to this project and without such a contract, approving the project is premature.
5. Septics. An analysis should be done regarding (a) feasibility of sewer hookup and if septic systems are used, what the impacts will be especially since the County soils report indicates minimal topsoil and the General Plan CEQA document is rather negative on West Slope Property septic compatibility. There is no statement confirming that this and the combined local projects will comply with AB885.
6. The County has inappropriately deferred analysis of the cumulative impact of septic systems on this and other local projects by simply stating that the "Review by the Department of Environmental Management and compliance with existing regulations would ensure that all septic systems constructed as part of the project would function properly and would not violate any water quality standards or discharge requirements." This is not an analysis as required by CEQA.
7. Section 2.2.5.3 of the General Plan requires numerous criteria in rezoning. This project fails to evaluate or even discuss if #3 availability of public waste water systems was feasible, #8 septic or leach field capability or #16 the proximity to a perennial water source...in this case New York Creek that has recently been recognized by the County as perennial.
8. The Negative Dec inappropriately deferred the performance of necessary investigations, studies or inquiry with respect to the development of mitigation measures and provided no performance standards, criteria or specific guidance with respect to future studies used to develop mitigation measures.
9. The Mitigated Negative Declaration and the Initial Study fail to provide substantial evidence to support the County's conclusions that the Project will not have a significant effect on the environment.

The County is violating their duty to prepare a legally adequate environmental impact report as required by CEQA and the CEQA Guidelines (Title 23 California Code of Regulations, § 15000 *et seq.*).

In closing, I encourage the County to deny this project until it complies with CEQA and General Plan requirements

COUNTY COPY

(Provided by
Paul Sayegh --
speaking points)

PC 3/11/10
#13

Paul Sayegh

Oral comments made at 3-11-10 El Dorado County Planning Commission

Subject Malcolm Dixon Road Estates

1. This Project was never given a fair 30 day review period by Public Hearing Notice. The requirement for written information to be received 7 days prior to the meeting reduced the 30 day comment period to less than 30 days. The project should be re-noticed and given the full 30 days as required by CEQA. Moving the meeting date at the last minute is unfair to the public without some notification and especially to the bordering property owners. (Explain Notice)
2. The Mitigated Negative Declaration (MND) was changed and submitted to you today and is NOT THE DOCUMENT THE PUBLIC HAS REVIEWED. The public has not seen or reviewed the document to object or agree with the changes because it was only released today. The project must be re-noticed and given a full 30 day review period for the public as required by CEQA.
3. The new MND Description Introduction on pg 2 claims creation of 15 residential parcels which conflicts statements in the MND. (provide documentation)
4. There are no references to page numbers and documents for supporting documents as required by CEQA for areas of tiering. The MND, except for a notice of general areas, does not specifically mention, quote, or use any statements from the tiering document they are using and the MND despite stating it is tiering never mentions a specific tiering action in the MND. The MND has little specifics facts or support. New CEQA law revisions and case law have determined that the actual references from the supporting documents must be used, not just giving us a list for the public to have to locate, search and find and confirm. The MND needs to be revised and re-submitted for public review and include the written support of those portions that are tiered.
5. Other parts of the document states they are tiering off the General Plan but do not provide project specifics required by CEQA law section 12152. However, the MND does not claim to rely on tiering for section XVII MANDATORY FINDINGS OF SIGNIFICANCE specifically (b) Cumulative effects and for that reason must be analyzed per CEQA guidelines. The MND discussion contains no studies, reports, references or facts to support its findings. It is opinion based, does not cover or even mention cumulative impacts from ALL septic impacts of all the nearby projects, grey water reaching New York Creek, AB885, residential runoff, insecticides, fertilizers, household chemicals, animal impacts, water impacts to the county and other vital cumulative issues from all the combined projects in the area that will flow to New York Creek. Again an analysis must be done to support the claim that there is less than significant impacts. No reports, analysis, or studies have been done to make this claim, it is simply opinion. In addition, neighboring projects are using the density bonus, a policy that was not included in the General Plan Forecasts. Using General Plan tiering for density and its associated impacts (lights, vehicles etc) can not be utilized here since the County opened the door to density bonus in bordering projects.

The Density Bonus is a policy and policies were not included in the analysis in the General Plan EIR and density in this area has now been increased without analysis. Even though this project does not use the density bonus, cumulative impacts of this project combined with bordering projects using the density bonus has not been analyzed as required by CEQA. See the General Plan EIR page 4-1 which states (read forecast and provide document).

6. EID has not given a commitment to serve this development. In a letter dated November 2, 2009 EID states "Your property does not have a commitment to serve". EID also states in their 2009 Water Resources and Service Reliability Report section 7.1 page 24 that water meters are limited to those parties with contractual commitments. In the nutshell, EID will not provide water at this time. (provide letters).
7. As noted in my comments already submitted, thousands of yards of dirt were moved through the wetlands area to establish multiple building pads without a permit several years ago. The County issued a stop order. No impacts have been analyzed then or now. Since this is a Biological Issue that has not been analyzed, the County CAN NOT TIER Biological Resources until it is analyzed per CEQA law. In addition, section IV of the MND already claims there may be significant impacts without addressing this information. An analysis could result in a full EIR (provide LMIS Document)

In closing, errors in the MND, the lack of a reasonable public notification, no analysis for cumulative impacts, conflicting documentation on water availability, last minute changes made in this public CEQA document without public notification or review, massive grading without permits and a last minute significantly changed MND document that has not seen public review. I ask you to deny this project and recirculate the revised, corrected and appropriate CEQA document with a proper 30 day notice.

DEVELOPMENT SERVICES DEPARTMENT

(Handed out by Paul Saygt
at meeting) PC 3/11/10
#13

COUNTY OF EL DORADO

<http://www.edcgov.us/devservices>



PLACERVILLE OFFICE:

2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5316 / (530) 622-1708 FAX
buldddept@edcgov.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@edcgov.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:

3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@edcgov.us
Counter Hours: 8:00 AM to 4:00 PM

DATE POSTED
JAN 22

NOTICE OF PUBLIC HEARING

The County of El Dorado Planning Commission will hold a public hearing in the Building C Hearing Room, 2850 Fairlane Court, Placerville, CA 95667 on **February 25, 2010, at 8:30 a.m.**, to consider **Rezone Z05-0015/Tentative Map TM05-1401/Malcolm Dixon Road Estates** submitted by OMNI FINANCIAL, L.L.C./MARTIN BOONE to rezone from Exclusive Agriculture (AE) to Estate Residential Five-Acre (RE-5); and a Tentative Map to create 8 residential lots ranging in size from 5.0 acres to 5.6 acres. The property, identified by Assessor's Parcel Number 126-100-23, consisting of 40.6 acres, is located on the north side of Malcolm Dixon Road, approximately one-half mile east of the intersection with Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV. [Project Planner: Michael Baron] (Mitigated negative declaration prepared)*

Staff Reports are available two weeks prior at www.edcgov.us/Planning/PC.html

All persons interested are invited to attend and be heard or to write their comments to the Planning Commission. If you challenge the application in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to, the public hearing. Any written correspondence should be directed to County of El Dorado Planning Services; 2850 Fairlane Court; Placerville, CA 95667 or via e-mail: planning@edcgov.us.

*A negative declaration has been prepared for this project and may be reviewed and/or obtained in County of El Dorado Planning Services, 2850 Fairlane Court, Placerville, CA 95667, during normal business hours or online at www.edcgov.us/Planning/ProjectInquiry.asp. A negative declaration is a document filed to satisfy CEQA (California Environmental Quality Act). This document states that there are no significant environmental effects resulting from the project, or that conditions have been proposed which would mitigate or reduce potential negative effects to an insignificant level. The public review period for the negative declaration set forth in the California Environmental Quality Act (CEQA) for this project is thirty days, beginning January 22, 2010, and ending February 20, 2010 (or next business day).

To ensure delivery to the Commission prior to the hearing, any written information from the public must be received by Planning Services by Thursday the week prior to the meeting. Planning Services cannot guarantee that any FAX or mail received the day of the Commission meeting will be delivered to the Commission prior to any action.

COUNTY OF EL DORADO PLANNING COMMISSION

ROGER P. TROUT, Director

Development Services

January 22, 2010

(Handed out by
Paul Sayegh at meeting)

PC 3/11/10

#13

Environmental Checklist/Discussion of Impacts

Page 2

located adjacent to Malcolm Dixon Road in the southeast of the project site. There are several aquatic features on the site. Surrounding land uses include rural residences, pastureland, a new residential development to the northeast and oak savannah.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

El Dorado County Environmental Management Department: Septic Permits
California Department of Fish and Game: Streambed Alteration Permits
El Dorado Irrigation District: Public Water Improvements
El Dorado County Department of Transportation: Road improvement Permits
El Dorado County Surveyors Office: Road Name Petitions and Addressing
El Dorado Hills Fire Department: Wildland Fire Safety and Fire Hydrants
LAFCO: Annexation into Water and Fire Districts
Central Valley RWQCB: Drainage and Runoff

PROJECT DESCRIPTION

Introduction

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts resulting from the proposed residential project. The project would allow the creation of fifteen residential parcels.

Project Location and Surrounding Land Uses

The project site is located within the El Dorado Hills Area. The project site is surrounded by both developed and undeveloped residential parcels.

Project Characteristics

The project would create 8 residential parcels. Interior roads would be constructed within the project area for internal circulation with access onto Malcolm Dixon Road as well as future access to Salmon Falls Road through an adjacent subdivision to the northwest.

(Handed out by Paul Sayegh at meeting) PC 3/11/10 #13

4 LAND USE FORECASTS AND DEVELOPMENT ESTIMATES

4.1 INTRODUCTION

The purpose of this chapter is to provide an overview of current and projected levels of population, housing, and employment in El Dorado County for each of the equal-weight alternatives. Data on the county's existing demographic characteristics are based on information obtained from the California Department of Finance (DOF), the California Employment Development Department (EDD), and the U.S. Census Bureau. The firm of Economic & Planning Systems, Inc. (EPS) was retained to develop residential and nonresidential land use forecasts in support of the General Plan process. Specifically, EPS estimated future levels of housing and employment in the County (excluding the Lake Tahoe Basin) through the planning horizon (2025) and ultimately to theoretical buildout for all four equal-weight General Plan alternatives. EDAW's senior economist provided peer review of EPS's work.

4.2 USE OF FORECASTS IN ENVIRONMENTAL IMPACT ANALYSIS

The land use forecasts are an integral part of the General Plan EIR analysis, particularly the forecasts for the planning horizon year (2025). These forecasts provide the foundation for much of the environmental analysis by estimating the extent and location of future development within El Dorado County. To estimate the level of development at buildout, all land uses designated on the land use map for each alternative were assumed to be developed to maximum densities permitted, subject to any restrictions on subdivision applicable to that alternative. However, full buildout is not expected to occur by 2025 for any of the alternatives. For 2025 forecasts, future development was projected based on future population estimates and assumptions as to how that growth would be allocated throughout the County based on various factors and development constraints. These forecasts are broken down into 13 market areas (see Table 3-5) because the precise location of future development cannot be predicted. The forecasts are further broken down by traffic analysis zone (TAZ) to provide the main input for the traffic modeling prepared for the EIR. The 2025 and buildout development forecasts serve as the basis for determining impacts associated with the proposed general plan alternatives. **The EIR analyzes the locations where the land use forecasts project development to occur in the context of known environmental resources. The forecasts themselves do not take into account policies proposed in each alternative that may affect the extent, location or design of future development.** These policies are considered in conjunction with the forecasts to fully analyze potential environmental impacts.

→ Density Bonus is a Policy

George A. Wheeldon - President
Division 4

George W. Osborne - Director
Division 1

Bill George - Director
Division 3



El Dorado Irrigation District

(Handed out by
Paul Sayashat
meeting)
John P. Fraser - Vice President
PC 3/11/10
#13
Division 2

Harry J. Norris - Director
Division 5

Jim Abercrombie
General Manager

Thomas D. Cumpston
General Counsel

In Reply Refer To: FIL1109-036

November 2, 2009

Martin Boone
Omni Financial LLC
1260 41st Avenue, Suite O
Capitola, CA 95010

Subject: Facility Improvement Letter (FIL), Malcolm Dixon Road Property -Annexation
Assessor's Parcel No. 126-100-23 (Outside)

Dear Mr. Boone:

This letter is in response to your request dated August 4, 2009. This letter is valid for a period of two years. If a Facility Plan Report (FPR) for your project has not been submitted to the El Dorado Irrigation District (District) within two years of the date of this letter, a new FIL will be required.

Design drawings for your project must be in conformance with the District's *Water, Sewer and Recycled Water Design and Construction Standards*.

This project is an 8-lot residential subdivision on 40.6 acres. Water service and fire hydrants are requested. The property is **not** within the District boundary and will require annexation before service can be obtained. This letter is not a commitment to serve, but does address the location and approximate capacity of existing facilities that may be available to serve your project.

Water Supply

The District has secured additional water rights and is in the process of obtaining approvals for diverting these additional supplies at Folsom Lake. The District is also underway with a phased expansion of the El Dorado Hills Water Treatment Plant that will increase water supply availability for the District. At this time, however, the District cannot estimate when this new water supply will be available to projects that don't already have a contractual commitment with the District for water service. Your project as proposed on this date would require 24 equivalent dwelling units (EDUs) of water supply. **Your parcel currently does not have a commitment to serve. Please refer to the District's annual Water Resources and Service Reliability Report for additional information on water supply availability in El Dorado Hills.**

7.1 El Dorado Hills Supply Area

The contractual commitments for the El Dorado Hills supply area total 4,192 EDUs for 2009 (Table 10). The water meter availability as of December 31, 2008 is 3,597 EDUs (Table 1), based on the available water supply determined by infrastructure restrictions. **As has been the case in all but one of the last several years, meter availability in El Dorado Hills is limited to those parties with contractual commitments. For 2009, the water meter availability based on the infrastructure restricted yield is less than the contractual commitments; however, meter availability will increase once the El Dorado Hills Water Treatment Plant undergoes further expansion.**

7.1.1 Assessment District No. 3

In May of 1985, Assessment District No. 3 (AD3) was formed as a means to finance expansions and improvements to the El Dorado Hills water and sewer systems and related facilities.⁴ The ultimate capacity of AD3 was based on 9,074 annual AF of water supply because of the likelihood that EID would be able to contract for additional water supplies beyond the current (1985) contracted amount of 7,550 AF. Using 600 gallons per dwelling unit per day or 0.67 AF/year,⁵ the 9,074 AF was estimated to support 13,543 dwelling units or the equivalent.⁶ At the time AD3 was formed, EID was estimated to be serving or committed to serve 2,563 EDUs. Consequently, there was additional water capacity for approximately 10,980 EDUs.

7.1.2 Buy-ins to AD3

Subsequent "buy-ins" to AD3 were then allowed for both water and sewer service for parcels that were not participants in the original formation. In October of 1989, however, the District Board of Directors adopted Resolution No. 89-167 that revoked the ability of parcels to buy into AD3 for water service, until such time as the District determined that additional water supply was available to land already within the current boundaries of AD3.

7.1.3 Monte Vista Parcels

In April of 1994, the District Board of Directors took action to "grandfather" the existing parcels within the Monte Vista area into AD3 when this area was connected to the El Dorado Hills water system by a pipeline extension. This area had previously been

⁴ Tax Free Municipal Bonds, El Dorado Irrigation District, El Dorado County, California, Assessment District No. 3, Phase Two, Final Offering Statement dated May 30, 1985.

⁵ From a 1981 EID water system analysis of El Dorado Hills.

⁶ The formation of AD3 was based on dwelling units, also known as equivalent dwelling units (EDUs). An EDU corresponds to a single-family residential dwelling served by a 3/4-inch water meter. Larger water meters, such as those for commercial applications, required additional EDUs.

(Handed out by
Paul Sayesh
at meeting)

PC 3/11/10
#13

T07 D

COMMENTS - LMIS

02/22/10

PERMIT: 162786 - 6 GRADNG-NEW -GRADNG STATUS: EXPIRED
SUBMIT: 02/01/2005 ISSUED: 04/12/2005

NOTE:

01/28/08 BLJXL NNC FILED DOC #2008-0003877-00

12/21/05 BLDKK STOP WORK ORDER PLACED ON GRADING AS DIRECTED ON
12/19/05

12/21/05 BLSCR REVISED AS-BUILT PLANS SHOW EXTENSIVE WORK DONE
BEYOND THE SCOPE OF THIS PERMIT. PLANS WILL GO ON
THE DENIED SHELF AND I WILL NOT REVIEW ANY FURTHER
UNTIL I RECEIVE FURTHER DIRECTION.

10/27/05 BLMJB PER DON KNIGHT, REVISED PLNS GIVEN TO SPENCER TO
RE-REVIEW.

10/26/05 BLAER ON 10-24-05 STOP WORK ORDER WAS LIFTED. OWNER BROU
INTAKE INSPECTOR: JANETTE GERONDAKIS

RESPONSIBLE AGENCY: 6 BUILDING DEPT/EDH

PRIORITY: 99

** BEGINNING OF COMMENTS **

LMC107A

F1=HELP 2=CLR 3=QUT 4=DSP 5=UPD 6=ADD 7/8=SCROLL S7/8=PREV/NEXT F9=ROUTE 12=X

PC 5/13/10
#10

May 3, 2010

10 MAY -5 PM 12:22

RECEIVED
PLANNING DEPARTMENT

**10 41 Uplands Drive
El Dorado Hills, CA 95762**

**Development Services
2850 Fairlane Court, Building "C"
Placerville, CA 95667**

RE: Z05-0015, TM05-1401, Malcolm Dixon Road Estates

In response to this proposed project, I offer the following and request review and acknowledgement from the County Planning office that this has been read and recorded.

Wildlife Protection / Public Use: Per the staff report, page 4, dated December 10, 2009, for La Canada, "the public benefit is defined as additional open space to conserve the public view shed, avoid wetland areas, as well as conserve wildlife habitat. "Public benefit" under General Plan Policy 2.2.4.1 has been interpreted by formal action of the Board of Supervisors to recognize that **public benefit is derived from commonly owned or publicly dedicated lands that are set aside for open space areas, parks and wildlife habitat area**, where or not those lands are directly accessible to the general public. Thus, for this project, the additional open space proposed to conserve the public view shed as well as conserve wildlife habitat constitutes a public benefit basis for applying a density bonus."

I met with Mike Baron in February and was very disappointed to learn that no planning, time and effort extended by the County to ensure that there would be some animal corridor for deer to move and travel. None of the land set aside from all of the adjacent land development projects that were under county review concurrently intersect with each other. Therefore, the only way that deer can travel is through one-acre home residential lots.

Per the documentation supporting the Malcolm Dixon Road Estates, "the proposed uses do not significantly detract from the natural land and scenic values of the site. The project includes approximately 62.18 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat."

In order for the deer to leave this area, they will have to cross through one-acre residential lots as there are no other public use spaces from other projects that are contiguous with this space. Therefore, one can question that the wildlife habit was taken care of adequately.

Traffic/Safety:

Since the striping of Malcolm Dixon Road, the lower portion has actually gotten more dangerous. Now that it is striped, people that are unfamiliar with the two narrow bridges are going fast and thinking that they can pass an oncoming car at the bridge. Over the weekend, there was a lot of garage sale activity, and I witness a near head-on collision at the first bridge from the intersection of Uplands and Malcolm Dixon road. Thus, the approval of home development with regards to Malcolm Dixon Road Estate Estates should be contingent of the completion of the road connector to Green Valley Road to help with current safety issues on the lower portion of Malcolm Dixon Road.

Sincerely,



Cheryl McDougal
1041 Uplands Drive
El Dorado Hills, CA 95762

PC 5/13/10
10

Comments regarding Malcolm Dixon Road Estates
Z05-0015
TM05-1401
May 13, 2010 El Dorado County Planning Commission
From: Paul Sayegh

CEQA was a law established to evaluate environmental impacts and for a large part to stop breaking projects up into small pieces to lessen environmental impacts. The County has chosen to implement a policy where projects although bordering each other are all treated as "stand alone" and the projects surrounding any given project are treated as though they don't exist. A clear CEQA violation. The fact that the County has been doing this all along does not make it right or legal and the reason I have filed lawsuits along the way. The County seems to feel that the General Plan Environmental document works for every project in the future. It doesn't! CEQA requires a "real time" look of issues related to a development and not relying solely on a general plan document done for the entire County with no specifics. While I agree that certain environmental issues may be tiered off the General Plan document, the same can not be said for cumulative impacts of septic, impacts to wildlife, residential runoff, fertilizers, deer population, water demands, hydrology and other issues that are site specific. The Mitigated Negative Declaration (MND) is inadequate because it does not have supporting data to substantiate its claims of less than significant impacts. The use of a checklist without supporting factual data and/or explanation is an inadequate basis for deciding to prepare a negative declaration. In *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (5th Dist. 1985), 172 Cal.App.3d 151, the court of appeal held, that although the use of a checklist was permissible, an initial study must also "disclose the data or evidence upon which the person(s) conducting the study relied. Mere conclusions simply provide no vehicle for judicial review." (*Id.* at 171; and see *Sundstrom v. County of Mendocino* (1st Dist 1988) 202 Cal.App.3d 296, 305-306.)

One only has to review this MND to see that no data or evidence has been provided to substantiate its findings and therefore does not comply with CEQA. Appropriate comments by the public can not be made until the County resolves this issue.

On March 18, 2010 Amendments have been made to CEQA law and there is a new Appendix "G" to be used that is not included in this MND. Malcolm Dixon Road Estates does not comply with the new law. Some of the amendments of non compliance are listed:

15064. Determining Significance

The amendment expands the list of examples of approved plans and mitigation programs that can be considered when determining whether a project may make a considerable contribution to a cumulative impact. The new examples include habitat conservation plan, natural communities conservation plan, and "plans or regulations for the reduction of greenhouse gas emissions." The amendment also suggests the lead agency explain how the plan or program will ensure that the project's incremental contribution is not considerable.

15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions (new section)

This section provides that a lead agency “should make a good faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of greenhouse gas emissions resulting from a project.” The lead agency has discretion to decide to use an appropriate model or methodology to quantify the emissions, or to rely on a qualitative analysis or performance based standards.

This section provides a list of considerations for assessing GHG emissions impacts. Considerations include the increase or reduction in GHG emissions resulting from the project in comparison to baseline conditions, whether the project’s emissions will exceed an adopted threshold of significance, and the extent to which the project complies with adopted plans for the reduction of GHG emissions.

15064.7. Thresholds of Significance

The amendment provides that when applying a threshold of significance, the lead agency must support its decision to adopt that threshold with substantial evidence in the record.

The Guidelines do not include a quantitative threshold for determining at what point a project’s emissions may be considered significant under CEQA. A number of the State’s air districts are preparing thresholds, so thresholds may differ by region. No adopted threshold, quantitative or otherwise, will trump a “fair argument” that a project complying with the threshold may nonetheless make a “considerable” contribution that requires preparation of an EIR.

During the drafting of these amendments in late 2008, the California Air Resources Board held workshops on and presented a set of draft thresholds for consideration. These drafts were never fully fleshed out, and they have not been recommended for use.

Additional Comments:

1. There are no references to page numbers and documents for supporting documents as required by CEQA for areas of tiering. The MND, except for a notice of general areas, does not specifically mention, quote, or use any statements from the tiering document they are using and the MND despite stating it is tiering never mentions a specific tiering action in the MND. The MND has little specifics facts or support. New CEQA law revisions and case law have determined that the actual references from the supporting documents must be used, not just giving us a list for the public to have to locate, search and find and confirm.
2. Other parts of the document states they are tiering off the General Plan but do not provide project specifics required by CEQA law section 12152. However, the MND does not claim to rely on tiering for section XVII **MANDATORY FINDINGS OF SIGNIFICANCE** specifically (b) Cumulative effects and for that reason must be analyzed per CEQA guidelines. The MND discussion contains no studies, reports, references or facts to support its findings. It only states The County Environmental Management has analyzed it but when I asked for the study documents there aren’t any!!!! Only a perc test. It is opinion based, does not cover or even mention cumulative impacts from ALL septic impacts of all the nearby projects, grey water reaching New York Creek, AB885, residential runoff, insecticides, fertilizers, household chemicals, animal impacts, water impacts to the county and other vital cumulative issues from all the combined projects in the area that will flow to New York Creek. Again an analysis must be done to support

the claim that there is less than significant impacts. No reports, analysis, or studies have been done to make this claim, it is simply opinion. In addition, neighboring projects are using the density bonus, a policy that was not included in the General Plan Forecasts. Using General Plan tiering for density and its associated impacts (lights, vehicles etc) can not be utilized here since the density bonus in neighboring approved projects has now exceeded the General Plan estimates for its zoning. The Density Bonus is a policy and policies were not included in the analysis in the General Plan EIR and density in this area has now been increased without analysis. Even though this project does not use the density bonus, cumulative impacts of this project combined with bordering projects using the density bonus has not been analyzed as required by CEQA. See the General Plan EIR page 4-1.

3. As noted in my comments already submitted, thousands of yards of dirt were moved through the wetlands area to establish multiple building pads without a permit several years ago. The County issued a stop order. The County never investigated the environmental impacts of illegally cutting foundation pads for this development and now wants to just ignore that it ever happened. No impacts have been analyzed then or now. Since this is a Biological Issue that has not been analyzed, the County CAN NOT TIER Biological Resources until it is analyzed per CEQA law. In addition, section IV of the MND already claims there may be significant impacts without addressing this information. An analysis could result in a full EIR.
4. The County claims that the MND is being tiered from the EIR of the County General Plan. By its nature, a general plan governs a large area of development over an extended period of time. Local governments in their planning documents therefore have a very important role to play in the fight against global warming. In the present case, the EIR for the County General Plan did not include a detailed review of development impacts to global warming. Thus, the review must be conducted in connection with the cumulative impacts analysis for project specific applications.

Because of the issues raised above, I believe that the IS/MND fails to meet the requirements of the California Environmental Quality Act. For these reasons I believe the document should be withdrawn and a revised environmental document, a full EIR should be released which adequately addresses all direct and reasonably foreseeable impacts, provides adequate and feasible mitigation, considers the alternatives under the correct assumptions about the current environmental setting and avoids excessive and unnecessary impacts to the environment and people in the vicinity of the Project.

PC 5/13/10
#10

Michael C Baron/PV/EDC
03/25/2010 09:21 AM

To Pierre Rivas/PV/EDC@TCP, Charlene M
Tim/PV/EDC@TCP

cc

bcc

Subject Fw: Village Life - Omni Project

Pierre, I received this in regard to the Malcolm Dixon Project.

Char, Please add to the record.

MIKE

----- Forwarded by Michael C Baron/PV/EDC on 03/25/10 09:19 AM -----



"John & Kelley"
<bugginu@sbcglobal.net>
03/25/10 08:53 AM

To <bosone@co.el-dorado.ca.us>,
<bostwo@co.el-dorado.ca.us>,
<bosthree@co.el-dorado.ca.us>,
<bosfour@co.el-dorado.ca.us>,
<Bosfive@co.el-dorado.ca.us>,
<eileen.crawford@edcgov.us>, <mike.baron@edcgov.us>,
<mroberts@villagelife.com>, "Paul Sayegh"
<paul@sayegh.org>

cc

Subject Village Life - Omni Project

Eileen Crawford and Board of Supervisors:

We are formally responding to the Village Life article dated 3-23-10 summarizing the March 11 meeting.

In regards to the proposed road and comments from Mr Vern Miller regarding moving the road west:

This subject has been heavily debated at meetings attended by the vast majority of residents in the area. The proposed road attaching to Green Valley at the "S" turn was "accepted" by the majority, including the developers, DOT, and for the most part the residents. I believe that this road was created in earlier community meetings as traffic mitigation and that no ground breaking, of any development, could be completed until this road was in. To re-open this can of worms would be counter productive. Furthermore, the area that Mr. Miller is proposing is a wetland preserve and undevelopable. Mr Miller is clearly voicing is own agenda and not the greater needs of the community.

In regards to notification:

We have asked the county on several occasions to increase the 500 feet notification guideline, specifically Mike Baron, due to the rural nature of these developments. There are very few houses within the 500 feet perimeter of said developments.

In regard to dwindling numbers:

For good or bad, these two RETIRED government workers represent the group as a whole. Paul Sayegh has the skill and the know how to maneuver in city/county government. He is also represented by counsel. We are thankful to him and his relentless passion for this issue. Residents of Malcolm Dixon Road have invested countless hours at county and neighborhood meetings all to no avail. The county has sent a clear message that the only information that they will consider must be delivered in the form of a lawsuit. In today's tough economic times, people are struggling to keep their jobs, their homes. It is not realistic to attend all of these meetings where we clearly have no impact unless we are represented by council.

As residents, we have made it exceptionally clear. NO DENSITY BONUS!!!! A GREAT MAJORITY OF THIS DEBATE COULD BE AVOIDED IF THE COUNTY WOULD SUPPORT the residents regarding existing zoning and land use. Diamante went through with the least amount of drama based on the fact that they did not request a density bonus.

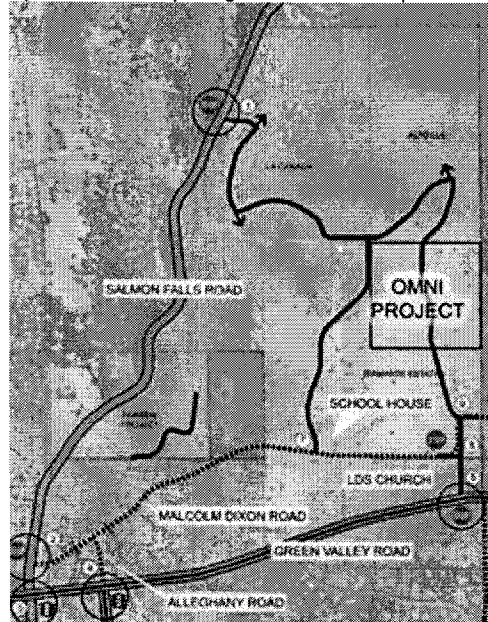
Frustrated beyond Belief,

Malcolm Dixon Resident

Smallest Malcolm Dixon project faces likely CEQA challenge

SIDES

By Mike Roberts | Village Life staff writer | March 23, 2010 10:56



ALL TOGETHER — This circulation map shows the five proposed projects north of Malcolm Dixon Road. Ferrin was rejected; Omni is currently in the approval process, and the other three have been approved. The four approved projects will put 95 custom homes into the 400-acre area designated in the General Plan as estate residential. Illustration courtesy of El Dorado County
The last, smallest and seemingly least objectionable of five proposed residential projects north of Malcolm Dixon Road in El Dorado Hills went to the Planning Commission on March 11 but a decision on its future won't come until May.

The 40.6-acre parcel originally known as "Chartraw" and later as "Grande-Amis" is located north of the "S" curve on historic Malcolm Dixon Road, which parallels Green Valley Road to the north for two miles east of Salmon Falls

Road.

The parcel is now owned by Omni Financial in Capitola, which has proposed six 5-acre lots, consistent with area's General Plan designation as estate residential.

Three out of four of its far more contentious neighbors have been approved, and will eventually put 89 large custom homes in the area.

The Malcolm Dixon residents who showed up in force to protest the earlier projects dwindled to a pair of local activists at the meeting.

Vern Miller restated the neighbors' oft-repeated complaint that the projects should have been brought forward together, so that the cumulative traffic and environmental impacts could be accurately measured. Miller wants the new connector planned for the "S" curve between Green Valley and Malcolm Dixon Road moved west.

He'd also like to see the current residents annexed into EID. Their wells struggle to provide enough water for household purposes, and fire suppression is a real concern.

Retired Sacramento city water manager Paul Sayegh filed a California Environmental Quality Act lawsuit challenging a prior project. He spoke out against the Omni project on the same grounds he opposed the others, arguing that the county and the developers are guilty of a series of General Plan and CEQA violations, and that a full environmental impact report was required, rather than the far simpler "environmental checklist" employed by the Planning Department, which relies on the General Plan's EIR.

He challenged the county's assumption that nearly 100 septic systems in the 400-acre undeveloped area would have no impact on either New York Creek or the native oaks that dominate the area.

Sensing another potential legal challenge from Sayegh, District 2 Commissioner Dave Pratt asked county planners Mike Baron and Pierre Rivas if the county was on firm ground with regard to cumulative effects. They assured him that the Omni project would strengthen the county's position on the other approvals in the area.

The previously approved projects in the area include:

- The "Alto" project, in the northeast corner of the area, approved in May 2009, creating 23 lots on 82.6 acres using the little understood density bonus provision.
- The 19-lot, 113-acre "Diamante" project, approved in November 2009.
- The 47 "density bonused" lots in the 143 acre "La Canada" project along Salmon Falls Road, approved in January 2010.

The Omni parcel is flat and largely clear of the oaks prominent on adjoining properties. One very large single family residence occupies the northwest lot, clearly visible from Malcolm Dixon Road.

Access to the parcel is through the Diamante Project to the south, and continues north into the Alto project.

Sayegh told the commissioners he had few problems with the Omni project itself. "It's the environmental document that I've been screaming about since day one."

The seven day advance receipt of written comments cuts into the 30-day comment period, he said, and as such, the project didn't comply with CEQA's 30-day public hearing notice.

He said he found a misstatement of the number of parcels in the environmental documents, and complained that they had been updated after being distributed to the public.

Furthermore, he said, "CEQA law requires actual references from the supporting documents." The environmental checklist lacks references to specific areas of the General Plan EIR, Sayegh claims.

Sayegh asked Baron and Rivas to revise the environmental documents and resubmit them with a full 30-day notice.

Rivas and county counsel Paula Franz confirmed the planning department can revise the environmental checklist without recirculating it, as long as the impact levels, mitigations or conclusions don't change. "Otherwise we could be

recirculating forever," said Rivas. "We haven't changed our conclusions here."

The cumulative effects portion particularly galled Sayegh. "There are no studies, reports, references, or facts cited to support the finding that there are no cumulative effects of all these septic systems," he said. "You just checked a box."

The use of the density bonus policy in adjoining projects invalidates the county's claim that the General Plan EIR considered the proposed densities in the area, he said. "The density bonus is a policy that was not included in the General Plan forecast."

Sayegh read a portion of General Plan section 4-1 to the commission to prove his point. "The [General Plan] EIR analyzes the locations where the land use forecasts project development to occur in the context of known environmental resources. The forecasts themselves do not take into account policies proposed in each alternative that may affect the extent, location or design of future development."

But the following sentence in section 4-1 reads "These policies are considered in conjunction with the forecasts to fully analyze potential environmental impacts," and seems to imply that policies like the density bonus were, in fact, considered.

Water concerns

Local Agency Formation Commission Policy Analyst Erica Sanchez brought up the fact that the El Dorado Irrigation District had not committed to serve the Omni development, and asked that the Planning Department include EID's license availability in the environmental checklist, so that LAFCO could use it later for the EID annexation.

"To simply state 'EID anticipates availability of the required water supply for the project' isn't sufficient," she said. "Hard numbers from EID should be included."

She cited EID's 2009 Water Resources and Service Reliability Report, which states that water meters are currently limited to parties with contractual commitments.

According to the report, EID committed 4,192 water meters in El Dorado Hills, but without pumping and filtration plant improvements, only 3,597 are available.

The Omni Project was continued to the May 13 Planning Commission meeting. The project documents will be recirculated.

On March 12, the day after the Planning Commission met, EID published an amendment to the Water Resources Report stating that Sierra Pacific Industries, who bought the former Wetsel-Oviatt mill site, had released three-fourths of its contractual commitment, or 1,303 meters through 2014, thus freeing up enough licenses to serve Omni and other projects that haven't contracted for EID licenses.

mroberts@villagelife.com [Share your opinion.](#)