

Joel Ellinwood, AICP, LEED AP  
Lawyer-Planner

4054 New York Avenue #1906  
Fair Oaks, California 95628  
jellinwood49@gmail.com



California land use & environmental law; urban and regional  
planning policy & advocacy for a just and sustainable future

September 29, 2013

El Dorado County Board of Supervisors  
2850 Fairlane Court  
Placerville, CA 95667

Re: Shingle Springs Platted Lands Overlay & Rural Center Proposal

Dear Supervisors:

Please be advised that I represent the Shingle Springs Community Alliance, Stop Tilden Park, and No San Stino, three grass-roots unincorporated associations of Shingle Springs residents. My clients requested that I address reservations expressed by staff about my clients' proposal to replace the CRL designation of areas of Shingle Springs with a combination of a Platted Lands overlay that would be applicable to areas currently designated Medium Density Residential and a Rural Center designation for the commercial, industrial and multi-family (high density residential) land use designated portions of the community.

As a land use attorney I find no difficulty whatsoever in drafting findings that are fully consistent with the current El Dorado County General Plan and many, if not most, of the policies stated throughout that document. Courts grant considerable deference to governing body's findings of fact and policy statements, so long as they are supported by substantial evidence in the record, are not wholly irrational and not in conflict with state law. If there are conflicting policy elements in the General Plan, the courts will defer to the local government's legislative prerogative to implement and interpret its own General Plan. To illustrate, I have prepared for your consideration draft findings, omitting the specific General Plan Policy references that formal findings would include.

**Shingle Springs – Preserving An Established Rural Community** The Community of Shingle Springs – as defined by those areas with General Plan land use designations of High Density Residential, Commercial, Industrial in its center, with adjacent Medium Density Residential, and its surrounding environs of Low Density Residential and Agricultural designated lands-form a unique and mature development pattern of land tenure in El Dorado County as a long-established rural residential community. Surrounding its core of commercial, industrial and high density residential center, that is still predominately rural in character, what had

previously been historically agricultural lands have been gradually divided into a mostly homogenous large-lot single-family residential pattern of parcels from one to five acres, which the General Plan acknowledges with the designation Medium Density Residential (MDR).

This pattern has been largely set for more than thirty years. Many of these parcels also accommodate horse paddocks, vineyards, large vegetable gardens and/or fruit orchards and small livestock operations that help define and preserve the established rural character of the community. There is a broad diversity of home sizes, quality and type development on the established distribution of parcels. Many are relatively modest structures occupied by families of only moderate means. Fewer than twenty isolated parcels in the MDR-designated area of Shingle Springs are larger than ten acres and are likely candidates for subdivision into parcels of one or more acres for residential development. Most of the parcels of one to five acres are developed as established integrated single-family rural residential uses, the owners of which are unlikely to convert to smaller lots, as that would devalue the environment they sought in coming to Shingle Springs to begin with. To encourage dense urban and suburban-type development within this established community is an affront to existing residents and their expectations based on existing land use and zoning designations, and serves no over-riding public policy objective.

Shingle Springs serves as a valuable rural buffer between the relatively densely developed suburban communities of El Dorado Hills and Cameron Park, and the more traditional small-town urban character of Placerville and its satellite communities of Diamond Springs and El Dorado. Travelers from the San Francisco Bay Area and the urbanized greater Sacramento region find their first glimpse of the Crystal Range of the Sierra in all its glory as they transit Shingle Springs on their trip eastward on Highway 50. The open space and oak woodland seen from the highway and the winding, narrow two-lane roadways throughout Shingle Springs signals a transition from the rush and congestion of the city and suburbs to a more tranquil environment of hillsides, woodlands, ranches, farms and streams as they climb towards the evergreen forests and mountains of the Sierra Nevada. It serves as a welcoming introduction to the pleasures of El Dorado County's vineyards and the farms of Apple Hill, the waterways and trails of Sly Park, and historic Coloma and rafting and kayaking the free-flowing portions of the American River. To encourage the conversion of this established rural community with a unique sense of place to a homogenous suburban sprawl along the length of the Highway 50 corridor is to squander an invaluable resource of a landscape that serves all who view it and the County as a whole, not just its residents.

Substantial portions of the southern and eastern area of the Shingle Springs community with

Low Density Residential or Agricultural Land Use designations also have the Important Biological Corridor Overlay established in the General Plan. Wildlife, such as deer, fox, raccoons, mountain lions, coyotes, opossum, red-legged frogs and other mammalian, reptiles and amphibious species are present throughout the area, as well as significant wetland and riparian habitat areas supporting both native wildlife and plant communities. These species are also frequently found on the adjacent MDR designated lands in Shingle Springs, which contribute to its unique rural character.

### **Constraints on Development in El Dorado County**

The proposed Platted Lands-Medium Density Residential and Rural Center designations for Shingle Springs has no effect on the moderate development potential of existing parcels to accommodate growth compatible with the established rural residential community character or the parcels identified in the recently adopted Housing Element for low and moderate income.

The previous application of the Community Region Line to the Shingle Springs area ignores both its established character as a unique rural residential community and the critical resource constraints that should discourage if not severely limit sprawl suburban and urban type development anywhere in El Dorado County. Intensification of development in Shingle Springs can only worsen traffic congestion on Highway 50 and especially the Ponderosa Road interchange and overcrossing, both of which are at or near level of service F, with no funding for an adequate plan to ameliorate those conditions forthcoming for the foreseeable future, contrary to the voter-adopted mandate of Measure Y. The current supply of available public water utility connections for the area of the County east of El Dorado Hills is only a small fraction of the number of developable parcels already in existence, and those that might be anticipated within the existing General Plan land use designations. The Integrated Water Resources Master Plan and Wastewater Facilities Master Plans of the El Dorado Irrigation District (EID) only anticipate demand from existing General Plan land use designation densities, and fail to account for any additional intensification of urban and suburban type development called for within the current Community Region Line boundaries. That development is only supposed to occur where adequate water, sewer, roads and other community facility infrastructure can be established to serve it. Even with EID's 680 million dollar expansion plans, there is no capacity to serve as-yet unplanned additional growth that the CRL policy now encourages.

EID's plans cannot take effect without certification of an EIR to examine what must be a wide range of potentially hugely significant environmental effects of increased water diversions



from the American and Cosumnes River watersheds, and the construction of hundreds of millions of dollars worth of pipelines and storage and treatment facilities, likely to be contested by California environmental activists with prolonged litigation. The scoping document for the EIR for the County's Land Use Policy Programmatic Update (LUPPU) concludes that water supply is not a potentially significant impact, apparently relying on EID to address that issue. The combined absence of a certified EIR for EID's Master Plans and the failure to address water as an issue in the LUPPU EIR may prove to be a fatal flaw for the legal adequacy of the LUPPU process.

The only rational course is to scale back the policies which foment large-scale future development of the Highway 50 corridor, the primary of which is the ill-considered CRL policy in the General Plan. One area of the County where this makes particular sense, given its established rural residential character, is Shingle Springs.

Development of more large-scale exurban residential communities in El Dorado County also ignores the gross imbalance of jobs and housing that already exists in El Dorado County. It can only add to the hoards of long-distance solo auto commuters to Sacramento and the Bay Area that inflate the greenhouse-gas generating statistic of Vehicle Miles Traveled (VMT), contrary to AB 32 and SB 375, and the growing evidence of its effect on climate change.

The notion that limiting development anywhere within the current CRL boundaries will inevitably result in uncontrolled growth in more remote rural portions of the County and threaten viable agricultural uses is simply not supported by any rational evidence or legal support. El Dorado County is not a toothpaste tube full of development potential that if squeezed in one place will squirt out in other places with unforeseen consequences. There are very real constraints to development in El Dorado County – inadequate roads and water supply infrastructure being chief among them. Those constraints are magnified the further away one moves from Highway 50. Development can only leapfrog into sensitive and valuable agricultural or forest resource lands if the County government allows it to do so. The County has all legal authority it requires to just say no. The only question is whether or not it has the political will to do so. The dysfunctional division of authority over land use planning and infrastructure development responsibility between politically independent fiefdoms of the County Board of Supervisors and EID, and the lack of a prudent plan for financing public improvements that does not shift undue risk on existing residents and rate-payers has gone on for far too long in El Dorado County.

El Dorado County Board of Supervisors  
September 29, 2013  
Page 5

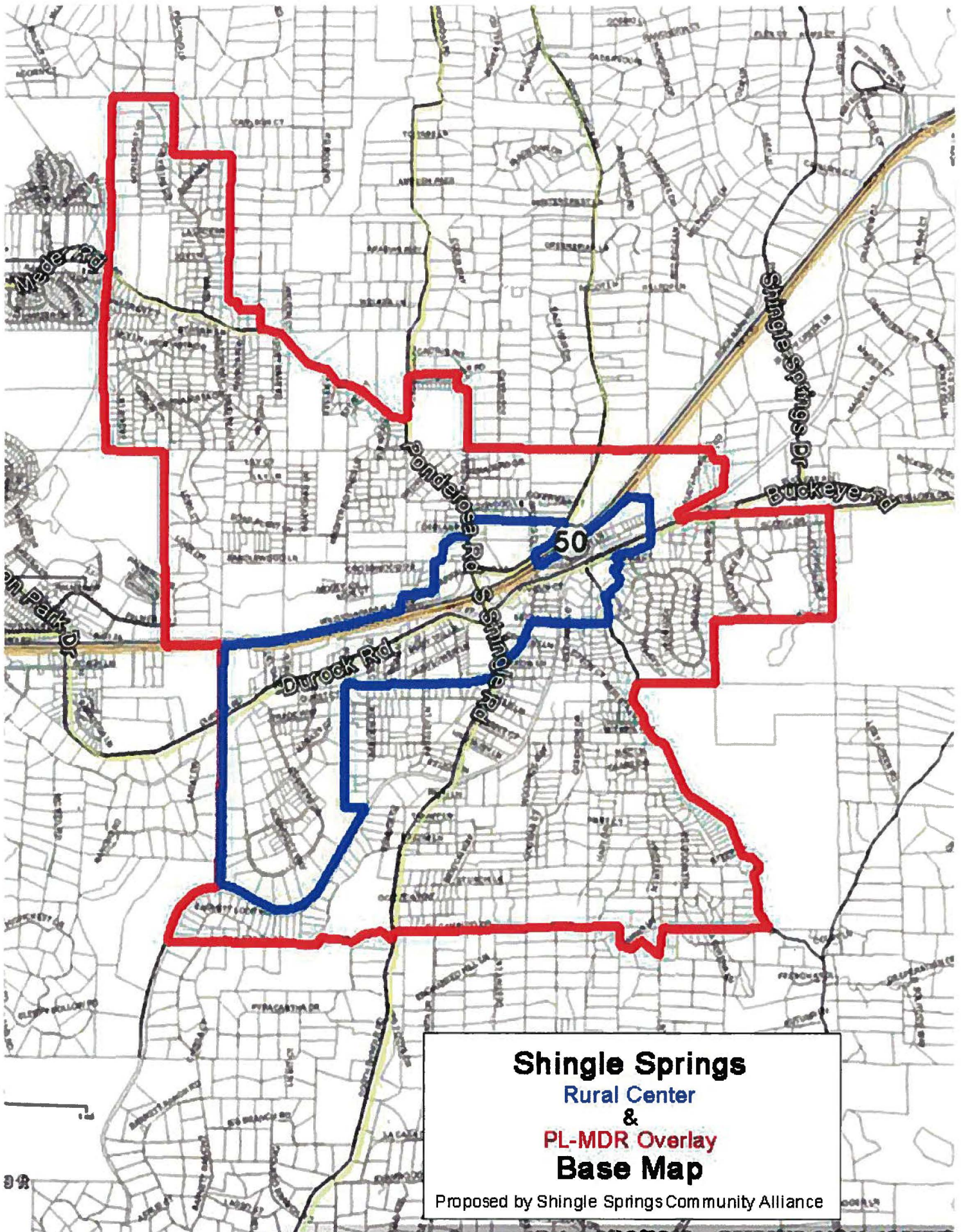
Very truly yours,



Joel Ellinwood, AICP, LEED AP  
Lawyer-Planner

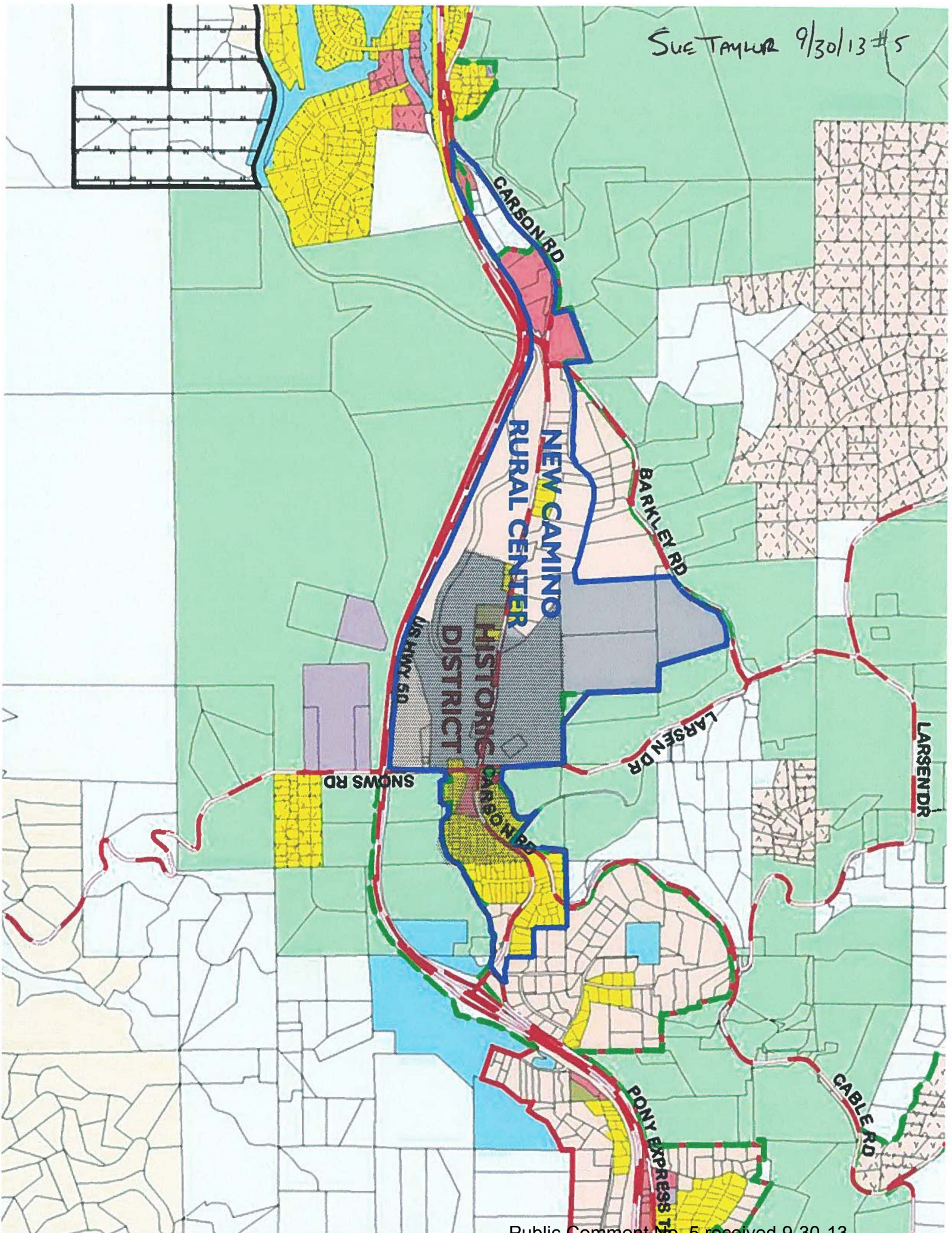
Cc: Clerk of the Board  
Shawna Purvines  
Dave Defanti  
Edward Knapp, County Counsel



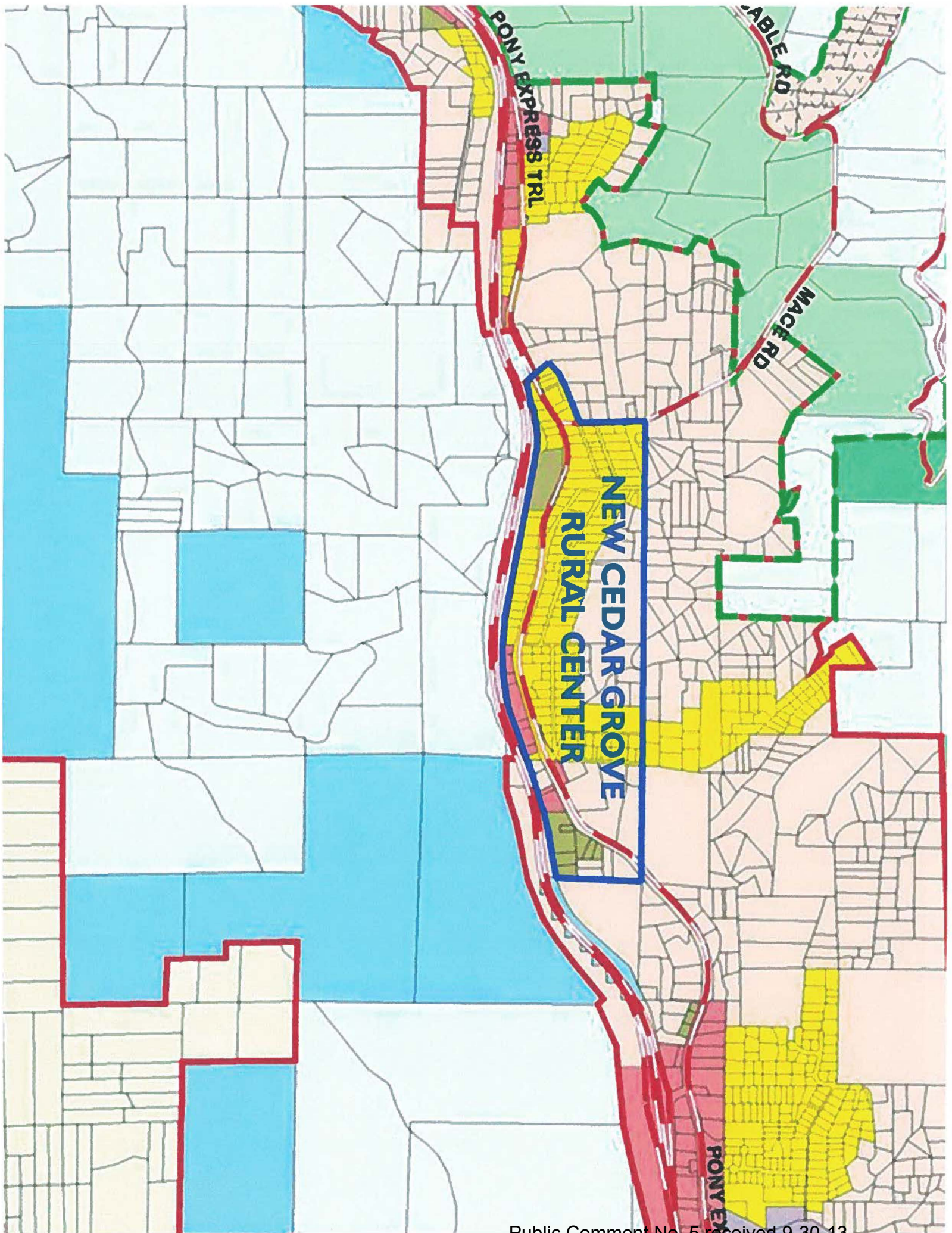




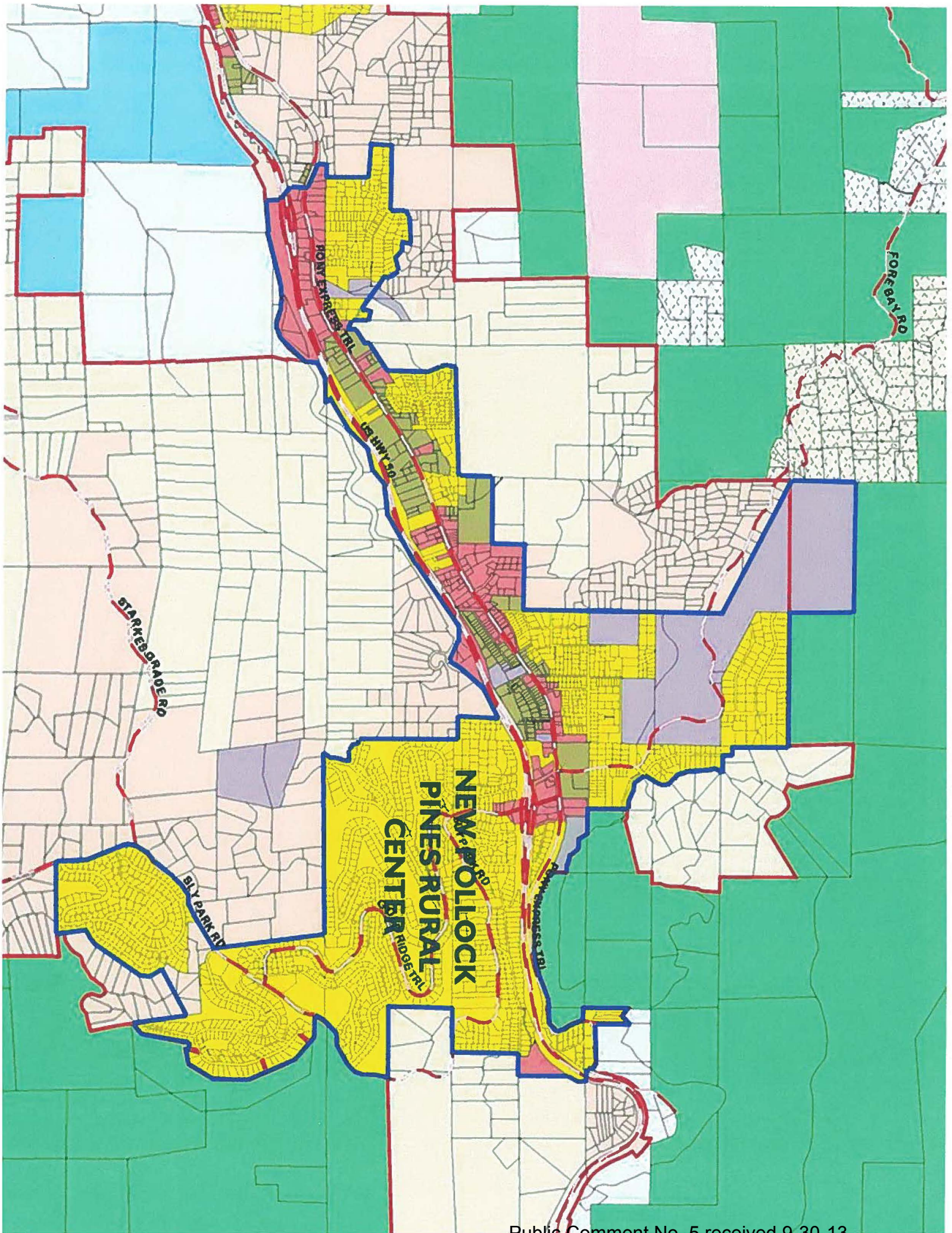
SUE TAYLOR 9/30/13 #5













Supervisors Sweeney and Nutting recommending an amendment be made to the 2004 General Plan as follows:

(1) Remove Camino/Pollock Pines from the Community Region list (General Plan Policy 2.1.1.1, page 12);

(2) Add the communities of Camino, Cedar Grove and Pollock Pines to the Rural Centers list (General Plan Policy 2.1.2.1, page 13)

**Background:**

When the Board of Supervisors adopted the 2004 General Plan, the area that includes Pollock Pines and Camino and all areas in between were placed in a Community region. If we look at the land uses surrounding these communities we see a significant amount of agricultural and open space land use.

When we look at the intensity of development allowed (or called for) in a Community Region the difference between that designation and that of rural Centers becomes obvious: A Community Region is an area set to absorb great amounts of high density residential and retail and a Rural Center is only set to create a service area for the adjacent land uses. It should be expected that a Community Region would be served by community sewer and water systems and be a well planned road system. A Rural Center could be served by combinations of individual water and sewer systems or community systems and the roads would only serve the local community as opposed to being part of a major thoroughfare system.

Other than for the Highway 50 connection these communities precisely fit the Rural Center description. They MUST never be brought to the land use intensities of the Community Regions. Hence, they deserve the Rural Center designations. Since this amendment would provide a significant reduction in impacts, we see no cause for a lengthy adoption process.

---

**Motion of the Planning Commission: 2-29-2009**

Motion: Commissioner MacCready moved, seconded by Commissioner Mathews, and unanimously carried (4-0), to recommend the Board of Supervisors initiate changes in the Camino, Pollock Pines, and Cedar Grove area to consider revising the designation of a Community Region to Rural Centers or a combination of Rural Centers and Rural Regions and to direct staff as part of the initiation to work with the public to prepare maps early in the process.



41. 09-0519

Discussion to consider Planning Commission's direction to staff to prepare a Resolution of Intention recommending the Board initiate changes and to consider revising the designation of the Camino-Pollock Pines area from a Community Region to Rural Center or a combination of Rural Centers and Rural Regions; and staff recommending the Board take one of the following actions:

- (1) Find that no further action is needed; or
- (2) Adopt the Resolution of Intention and direct staff to prepare and process the amendment based on one of the Alternatives.

**Resolution 110-2009**

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to adopt Resolution 110-2009, resolution of intention with the purpose of determining if there should be two or three rural centers and remove the common community region boundaries without changing the land use.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

**CAO REPORTS****ITEMS TO/FROM SUPERVISORS****ADJOURNMENT**



## **EL DORADO COUNTY PLANNING DEPARTMENT**

2850 Fairlane Court  
Placerville, CA 95667

<http://www.co.el-dorado.ca.us/planning>

Phone: (530) 621-5355  
Fax: (530) 642-0508

### **RESOLUTION OF INTENTION No. 2009-**

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate, El Dorado County's General Plan and the various elements thereof must be continually updated with current data, recommendations, and policies; and

WHEREAS, Section 65302(c) et seq. of the California Government Code contains specific provisions that must be contained within the land use element of the general plan;

BE IT HEREBY RESOLVED that the El Dorado County Board of Supervisors will set a public hearing to consider amending the Land Use Element, other related Elements as necessary, and the Land Use Map of the General Plan to modify policies and the Land Use Map relating to Community Regions and Rural Centers as they pertain to the Camino-Pollock Pines area.

BE IT FURTHER RESOLVED, the Board of Supervisors hereby authorizes the Development Services Department to proceed with the preparation of the above said hearing.

PASSED AND ADOPTED by the El Dorado County Board of Supervisors, at a regular meeting of said Board held May 19, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Suzanne Allen de Sanchez  
Clerk to the Board of Supervisors

\_\_\_\_\_  
Ron Briggs, Chair