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8 pages

Public Hearing - Final EIR / General Plan Biological Resources Policy Update, ORMP, and Oak Resources Conservation Ordinance Project - Comments

Roger Lewis <re.lewis@comcast.net>

Wed, Mar 22, 2017 at 8:39 AM

To: anne.novotny@edcgov.us

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Ms. Anne Novotny

Senior Planners

El Dorado County Community Development Agency

Long Range Planning Division

2850 Fairlane Court,

Placerville, CA 95667

Dear Ms. Novotny

Attached please find our comments on the subject project scheduled for the Planning Commission hearing on March 23, 2017. We submit these comments at this time even though we understand the item is to be continued until April 27, 2017. As we have noted, we are extremely concerned about the excessive and seemingly unwarranted delays to the adoption of regulations that would allow us to move forward with development of our project. The continuance of this hearing, though perhaps unavoidable, is just one of many instances of delay that are causing our company severe financial harm.

We encourage all involved, the planning staff and the Planning Commission as well as the Board of Supervisors to quickly bring this process to completion, certify the Final EIR and adopt such other measures as are necessary to allow development in the County to once again proceed.

Sincerely,

Roger Lewis

El Dorado Sr. Housing, LLC.

854 Diablo Rd.

Danville, CA 94526

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148K

**Comments on the Final EIR and the General Plan Biological Resources Policy
Update, ORMP, and Oak Resources Conservation Ordinance Project**

By El Dorado Sr. Housing, LLC

Prepared for the El Dorado County Planning Commission Hearing, March 23, 2017

This is to express our deep concern for the numerous and unreasonable delays that have occurred throughout the implementation of this project. As you are aware, the original OWMP was rescinded on September 4, 2012; and along with that ruling Option B, which permitted in-lieu fees as an alternative mitigation measure, was also rescinded, thereby in effect denying our company reasonable use of our property.

While we appreciate the level of effort that the County has invested in developing and implementing these new regulatory documents which are fundamental to the development of property in El Dorado County, we would argue that a near five-year process is excessively long. Such delays, we contend, amount to a taking of our property values.



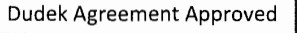


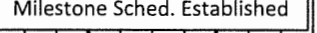


While we may not agree in all respects with the approach behind the findings of the Final EIR, we are reconciled by the fact that the document now includes a reasonable in-lieu fee mitigation alternative that should enable us to move forward with our project once the EIR is certified. It is with this in mind that we wish to encourage the Planning Commission to quickly and unconditionally recommend to the Board of Supervisors that they certify the Final EIR and adopt the other measures as recommended by planning staff.

As evidence of our assertions that this entire process has taken far too long, we append to these comments a chart depicting how the timeline schedule has changed over time since the rescission of the OWMP. Dates indicated have been conveyed to us by the County, both verbally and in writing. The manner in which the estimated completion date of this process has shifted from September 2013 to June 2017, a delay quickly approaching four years, is very telling. These delays simply cannot continue.

**El Dorado County's Policies on Management of Oak Woodlands and Biological Resources
Changes in Timeline Schedule - 2012 to 2017**

Event	2012	2013	2014	2015	2016	2017
Sep 4, 2012 - OWMP Rescinded	✦	OWMP Rescinded				
Sep 24, 2012 - BOS directs staff to prepare an ROI and begin preparations for amending oak woodlands policy. In response to a question from the Board on how long it would take to ammend the County's oak tree policies, Roger Trout replied that it will take approximately one year.	✦	Begin Preparation of ROI				
December 13, 2012 - El Dorado Sr. Housing submits pre-app to County.	✦	EDSH Submits Pre-app				
Mar 5, 2013 - El Dorado Sr. Housing has completed the pre-app process and presents their project to the Board. In his summary of the Board's comments, Peter Maurer stated that it is unknown when the County may adopt a revised policy or implement a new oak program, but it is likely to take a year or more to complete.		6 mo. delay				
May 7, 2013 – In an update Peter Maurer advised that the County is soliciting proposals from consulting firms to develop revised policy language on General Plan policies. He said that this is all expected to take at least a year to 18 months.		8 mo. delay				
Aug 1, 2013 – In a further update Peter Maurer advised that an RFQ was posted on the County's website requesting submittals by consultants. He said that we are still probably at least a year away, possibly longer.		✦	Issue RFQ for Consultant			
			3 mo. advance			

**El Dorado County's Policies on Management of Oak Woodlands and Biological Resources
Changes in Timeline Schedule - 2012 to 2017**

Event	2012	2013	2014	2015	2016	2017
Jan 21, 2014 - In reply to a follow-up request for information Shawna Purvines advised that the Board decided to consider amending all of the related biological policies, not just oak tree policies. She said that we anticipate the project taking anywhere from 12-18 months to complete.					11 mo. delay	
March 11, 2014 - Nearly 7-1/2 months after posting an RFQ, and 10 months after deciding to solicit proposals, the Board finally approves the Dudek consultancy.						
July 15, 2014 - Dudek has been award a consultancy contract and has started work. In an update Shawna Purvines advised that a workshop regarding Oak Woodlands is scheduled for Monday, July 28th. and that staff will return in September to get direction from the Board. She said that it may take anywhere from 9-24 months before this issue is finalized.					11 mo. delay	
January 13, 2015 – After several months of additional delay, staff returns to a Board meeting to establish a timeline and to receive direction from the Board on the 1 st of 10 decision points. Planning staff presents a timeline in which they indicate that it will be 16 months, i.e. May 2016, until completion.						
					1 mo. advance	
February 23, 2015 – Staff receives direction from Board on decision points 4 through 7. Shawna Purvines states that it will be early- to mid-2016 to wrap it up.						1 mo. delay

**El Dorado County's Policies on Management of Oak Woodlands and Biological Resources
Changes in Timeline Schedule - 2012 to 2017**

Event	2012	2013	2014	2015	2016	2017
June 22, 2015 – After two years and nine months, the Board finally adopts a Resolution of Intention and authorizes Staff to Initiate an environmental review. At the Board meeting the public is advised that a NOP is expected to be issued in July and the DEIR is expected to be issued in the fall. Presumably, the FEIR would be adopted 4 to 6 months afterwards.						
July 17, 2015 - County releases NOP #1 for a 30-day review period ending August 17, 2015						
August 13, 2015 – A scoping meeting is held to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. The public is advised that an administrative Draft EIR should be issued in the next couple of months and that the DEIR would be released at end of the calendar year. The final EIR is expected to be issued in May or June of 2016 with adoption soon thereafter						
November 20, 2015 - In response to a request for a schedule update, Shawn Purvines replied that we need to release a second NOP. She said this isn't delaying the EIR.						
November 21, 2015 - Shawn Purvines advises that we should have an updated timeline after the holidays.						
November 23, 2015 - Second NOP released for 30-day review period ending December 23, 2015						

El Dorado County's Policies on Management of Oak Woodlands and Biological Resources
Changes in Timeline Schedule - 2012 to 2017

Event	2012	2013	2014	2015	2016	2017
February 2, 2016 – In response to a further inquiry as to when an updated timeline would be released, Shawna Purvines replied that we are anticipating the draft EIR to be out in early April and the public hearings for possible adoption will begin in late summer.				3 mo. delay		
April 4, 2016 – In a meeting with County officials to explain our concerns over delays in adopting the EIR, David Defanti advised that the DEIR will be released this month. He said that it will be in Planning Commission hearings by September, and will go to the Board a month after that.					no change	
June 30, 2016 - Approximately 8 months after first promised, the County releases the DEIR for a 45-day review period ending August 15, 2016				DEIR Released		
August 11, 2016 - Planning Commission public hearing to receive comments on adequacy of Draft EIR. The public is advised that the Boards' adoption of the FEIR is anticipated in December 2016.				1 mo. delay		
December 12, 2016 - In private discussion subsequent to a Board meeting providing an update on Measure E, Shawna Purvines advised that the County will issue the draft FEIR by end of January and that they anticipate Planning Commission hearings by end of February and Board hearings by the end of March 2017				3 mo. delay		
March 8, 2017 - County releasss FEIR for public comment				Draft FEIR Released		

El Dorado County's Policies on Management of Oak Woodlands and Biological Resources
Changes in Timeline Schedule - 2012 to 2017

Event	2012			2013			2014			2015			2016			2017		
March 23, 2017 - The scheduled Planning Commission hearing on the draft FEIR is continued until April 27, 2017																		✦
April 27, 2017 - Planning Commission hearing on draft FEIR reset.																		✦
June, 2017 - Earliest expected date for Board of Supervisors meeting to certify FEIR																		✦