

4/11/2018

Edcgov.us Mail - Fwd: Serrano Village J-Lot H Tentative Subdivision Map Deficiency



Serena Carter <serena.carter@edcgov.us>

PC 4-12-18
#4
44 pages

Fwd: Serrano Village J-Lot H Tentative Subdivision Map Deficiency

2 messages

Char Tim <charlene.tim@edcgov.us>

Wed, Apr 11, 2018 at 7:41 AM

To: Serena Carter <serena.carter@edcgov.us>

Cc: Dean Getz <dgetz@axiomanalytix.com>, Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Serena,

Please prep this email and attachments for being received today and upload this afternoon. This is 1 of 2 emails from Mr. Getz and both emails should be combined as 1 public comment, with this email being put first. The 2nd email appears to have 2 duplicate attachments that were sent in the 1st email (attachments 1 and 3). Thank you.

----- Forwarded message -----

From: **Dean Getz** <DGetz@axiomanalytix.com>

Date: Tue, Apr 10, 2018 at 10:15 PM

Subject: RE: Serrano Village J-Lot H Tentative Subdivision Map Deficiency

To: Char Tim <charlene.tim@edcgov.us>

Cc: Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Hi Char,

Sorry... I'd gotten busy and forgotten. Thanks for the reminder. Here's the first half... with the balance coming in a second email.

Let me know if you need anything else.

Thanks,

Dean

From: Char Tim [mailto:charlene.tim@edcgov.us]

Sent: Tuesday, April 10, 2018 7:50 AM

To: Dean Getz <DGetz@Axiomanalytix.com>

Cc: Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Subject: Re: Serrano Village J-Lot H Tentative Subdivision Map Deficiency

Mr. Getz,

<https://mail.google.com/mail/?ui=2&ik=baf0d8fdbd&jsver=LcPASTiusm8.en.&view=pt&search=inbox&th=162b5288e13eb9ee&siml=162b527e19b4d660&siml=162>

18-0480 Public Comment
PC Rcvd 04-11-18

I just wanted to follow-up with you as I have not yet received the new printable attachments that you were going to send on April 4, 2018 for the Serrano Village J-Lot H item being considered on April 12, 2018. Thank you.

On Wed, Apr 4, 2018 at 10:07 AM, Dean Getz <DGetz@axiomanalytix.com> wrote:

Hi Char,

I will get these attachments over to you by email later today.

Thanks,

Dean

From: Char Tim [mailto:charlene.tim@edcgov.us]
Sent: Tuesday, April 03, 2018 10:34 AM
To: Dean Getz <DGetz@Axiomanalytix.com>
Cc: Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Subject: Fwd: Serrano Village J-Lot H Tentative Subdivision Map Deficiency

Mr. Getz,

I was just provided your public comment on the Serrano Village J-Lot H item that is scheduled for the Planning Commission's April 12, 2018 meeting. I am unable to print the attachments so that I can include them in the project file and also upload them online for the Planning Commission and public viewing for this item.

The majority of the files you attached, state they are "shared in drive". When I open the drive, it will allow me to view it, but states the "printing is disabled for this file". Please provide me attachments that I can print or hard copies of the documents. Thank you.

----- Forwarded message -----

From: **Rommel Pabalinas** <rommel.pabalinas@edcgov.us>
Date: Mon, Apr 2, 2018 at 3:20 PM
Subject: Fwd: Serrano Village J-Lot H Tentative Subdivision Map Deficiency
To: Charlene Tim <charlene.tim@edcgov.us>

Here is the email from Mr. Getz. Its a public comment.

----- Forwarded message -----

From: **Dean Getz** <DGetz@axiomanalytix.com>

Date: Thu, Mar 15, 2018 at 7:40 PM

Subject: Serrano Village J-Lot H Tentative Subdivision Map Deficiency

To: "rommel.pabalinas@edcgov.us" <rommel.pabalinas@edcgov.us>, "tjwhitejd@gmail.com" <tjwhitejd@gmail.com>, "jjrazzpub@sbcglobal.net" <jjrazzpub@sbcglobal.net>, John Davey <jdavey@daveygroup.net>, "hpkp@aol.com" <hpkp@aol.com>, Jeff Baker - HOA Board <JBaker.Board@serranohoa.org>, Mike Mellow - HOA Board <MMellow.Board@serranohoa.org>, "DSacco.Board" <Dsacco.Board@serranohoa.org>, Dick Callahan - HOA Board <Dcallahan.Board@serranohoa.org>, George Triano <GTriano.Board@serranohoa.org>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosone at edcgov.us" <bosone@edcgov.us>
Cc: Julia Souza <Julia.Souza@fsresidential.com>, Peter Marino <Peter.Marino@fsresidential.com>

Dear Mr. Pabalinas, County Supervisors, APAC, SOA Directors et al. (bcc'd to numerous others):

As a follow up to my email to you last week (shown far below) regarding Serrano Associates, LLC's need to obtain the Serrano Owners' Association's (HOA's) consent related to the proposed changes within its jurisdiction—the proposed J lot H tentative map changes also require the HOA's consent, as well. I will explain.

Proposed Change

Serrano Associates, LLC proposes to remove a 12.53 acre lot from the HOA's jurisdiction and (ostensibly) transfer it to the El Dorado Hills Community Services District (EDHCSD) for a future recreational park site pursuant to their proposed map (Linked here: [M14-1524/Planned Development PD14-008](#)).

J Lot H Annexation

However, Serrano Associates, LLC previously annexed J Lot H in 2013—in its **entirety**—into the HOA (Linked here "2013 Declaration of Annexation").

Deannexation

As previously detailed below—property annexed into the HOA must first be deannexed from the HOA's jurisdiction pursuant to the HOA's CC&R §14.12 entitled, 'Deannexation'.

It is for this reason that El Dorado County must require Serrano Associates, LLC to **first** obtain the HOA's deannexation consent prior seeking the County's consideration and approval on this sort of tentative map change within the HOA.

Sincerely,



Dean Getz
Serrano Homeowner
Lot 106-H

From: Dean Getz

Sent: Thursday, March 08, 2018 12:01 PM

To: 'rommel.pabalinas@edcgov.us' <rommel.pabalinas@edcgov.us>; 'bosone at edcgov.us' <bosone@edcgov.us>; 'bostwo@edcgov.us' <bostwo@edcgov.us>; 'bosthree@edcgov.us' <bosthree@edcgov.us>; 'bosfour@edcgov.us' <bosfour@edcgov.us>; 'bosfive@edcgov.us' <bosfive@edcgov.us>; 'rjwhitejd@gmail.com' <rjwhitejd@gmail.com>; 'jjrazzpub@sbcglobal.net' <jjrazzpub@sbcglobal.net>; 'jdavey@daveygroup.net' <jdavey@daveygroup.net>; 'hpkp@aol.com' <hpkp@aol.com>; Jeff Baker - HOA Board <JBaker.Board@serranohoa.org>; Mike Mellow - HOA Board <MMellow.Board@serranohoa.org>; DSacco.Board <Dsacco.Board@serranohoa.org>; Dick Callahan - HOA Board <Dcallahan.Board@serranohoa.org>; George Triano <GTriano.Board@serranohoa.org>

Cc: 'Julia Souza' <Julia.Souza@fsresidential.com>; Peter Marino <Peter.Marino@fsresidential.com>

Subject: Central El Dorado Hills Specific Plan Deficiencies

Importance: High

Dear Mr. Pabalinas, County Supervisors, APAC, SOA Directors et al. (with copy and bcc to numerous others):

I am writing regarding Serrano Associates, LLC's pending development application that seeks to, "convert 135 planned dwelling units at Village D-1, Lots C and D to permanent, natural open space" as a part of their proposed, "Central El Dorado Hills Specific Plan" (Linked as "CEDHSP Pg. 2-12, August 2015"). To be absolutely clear, **Serrano Associates, LLC doesn't have authority** to suggest it may unilaterally eliminate or "convert" **22-year-old member undeveloped lots** within the Serrano El Dorado Owners Association (HOA)—without the consent to the HOA. I will explain.

Future Changes

The HOA's CC&R §1.04 entitled, 'Future Changes' (Linked as "CC&R §1.04") plainly state:

"Nothing contained herein shall obligate Declarant (i.e. Serrano Associates, LLC) to refrain from the further subdivision, resubdivision, or reversion to acreage of portions of the Overall Property not theretofore annexed, and Declarant shall be free so further subdivide or resubdivide, or revert.

In other words, Serrano Associates, LLC is free to subdivide or resubdivide residential property along with making lot line or lot merger adjustments here-n-there after its been annexed into the HOA—but, pursuant to the HOA's CC&Rs... Serrano Associates, LLC doesn't have the unilateral authority to "convert" 135, member lots to (open space) acreage without the consent of the HOA as they've proposed to El Dorado County.

Initial Property

In fact, Village D-1, Lots C and D are part of the HOA's CC&R-defined "Initial Property" and have been **voting members of the HOA for about 22 years now**. To be clear, Village D1 lot D is all of Parcel 6 (Linked as "GIS 121-040-29") and Village D1 lot C the undeveloped portion of Parcel 5 (Linked as: "GIS 121-040-20")... both of which are shown on the subdivision map El Dorado Hills Specific Plan Unit No. 1. As an aside, Serrano Associates, LLC reconfirmed its pursuit of the development of these 135 Village D-1, Lots C and D member in its correspondence the HOA's members in 2008 (Linked as: "D1-C & D Correspondence").

While the cessation of these and other undeveloped member lots' assessment is currently being litigated—there's no dispute that these members have previously been assessed (Linked here, "2000's Assessments"). More importantly, Village D-1, Lots C and D continue to be recognized by the HOA as 135 voting members—to date—in connection with the HOA's director elections pursuant to CC&R §4.01 which states that these members' voting rights "vest" with their annexation since they immediately (i.e. "thereupon") become subject to assessment pursuant to CC&R §14.11 (Linked here, "CC&R §4.01").

2013 Annexation

In addition, Serrano Associates, LLC recorded a 2013 Declaration of Annexation pursuant to Serrano's CC&R Article 14 effectively reconfirming its understanding, expectation and intent that Village D-1, Lots C and D have been annexed into the Serrano El Dorado Owners Serrano El Dorado Owners Association (Linked here "2013 Declaration of Annexation"). Furthermore, this 2013 Declaration of Annexation plainly states, "Declarant's intent is to annex all of the Overall Property owned by Declarant that has not previously been annexed."

Annexation Effect

CC&R §14.11 entitled, 'Effect of Annexation' states, "The Recordation of a Declaration of Annexation shall constitute and effectuate the annexation of annexable property..." Further, "Lots and Parcels within the annexed property shall thereupon become subject to Assessment by the Master Serrano El Dorado Owners Association... and the Owners of Lots and Parcels within the annexed real property shall automatically become Members of Master Serrano El Dorado Owners Association" (Linked here, "CC&R §14.11").

The 2013 Declaration of Annexation explicitly sought to annex all property not previously annexed thereby making it subject to the functions, powers **and jurisdiction of the HOA**. Therefore, Serrano Associates, LLC doesn't have the unilateral authority to propose that, "141.67 acres of lands within the existing El Dorado Hills Specific Plan transfer to the Central El Dorado Hills" to El Dorado County **without obtaining the consent of the HOA first** (Linked as "CEDHSP Pg. 2-12, August 2015").

Deannexation

Finally, it's clear that annexed property—whether part of the "Initial Property" or part of a subsequent annexation—is subject to all the functions, powers **and jurisdiction of the HOA**. In other words, Serrano Associates, LLC must follow CC&R §14.12 entitled, 'Deannexation' in order to pursue its desire to, "convert 135 planned dwelling units at Village D-1, Lots C and D to permanent, natural open space" or "141.67 acres of lands within the existing El Dorado Hills Specific Plan transfer to the Central El Dorado Hills".

That said, I suspect that Serrano Associates, LLC has tried to ignore this requirement because among other obligations, "at least two-thirds of the voting power of the Members other than the

Declarant (i.e. Serrano Associates, LLC) to approve by vote or written consent to the deannexation” is quite possibly an insurmountable obstacle (Linked as, “Deannexation”).

Nevertheless, it is for these afore-mentioned reasons that El Dorado County must require Serrano Associates, LLC to rework its pending application or it must be denied as submitted (Linked as, “Application Status”).

Sincerely,



Dean Getz
Serrano Homeowner
Lot 106-H

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Rommel (Mel) Pabalinas, Principal Planner
El Dorado County Community Development Services
Planning and Building Department
Planning Division
2850 Fairlane Court
Placerville, CA 95667

4/11/2018

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Main Line 530-621-5355

Direct line 530-621-5363

Fax 530-642-0508

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Char Tim

Clerk of the Planning Commission

County of El Dorado

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5351 / FAX (530) 642-0508

charlene.tim@edcgov.us

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Char Tim

Clerk of the Planning Commission

County of El Dorado

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5351 / FAX (530) 642-0508

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Char Tim
Clerk of the Planning Commission

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5351 / FAX (530) 642-0508
charlene.tim@edcgov.us

4 attachments



1) Excerpt 2-12 CEDHSP (Aug. 2015).JPG
96K

104. **Future Changes.** Nothing contained herein shall obligate Declarant to submit to the further subdivision or resubdivision of the Parcel Property, and Declarant shall be free to so further subdivide or resubdivide. Nothing contained herein shall obligate Declarant to submit to the further subdivision or resubdivision or otherwise to manage or preserve all the Parcel Property and therefore, Declarant shall be free to so further subdivide or resubdivide or preserve. Notwithstanding the anticipated development of the Parcel Property, nothing in this Master Declaration shall be construed as interpreted by current Declarant to the development or any portion of the Parcel Property in accordance with any power planning, or to the attachment of all or any part of the Parcel Property to the Master Declaration of the Property, whether or not it is so developed. See also Section A.5.

2) CC&R 1.04.JPG
134K



GIS 121-040-029.png
2676K

3) 2013 Annexation Declaration .pdf
1070K

Char Tim <charlene.tim@edcgov.us>
To: Serena Carter <serena.carter@edcgov.us>
Cc: Dean Getz <dgetz@axiomanalytix.com>, Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Wed, Apr 11, 2018 at 7:42 AM

This is 2 of 2 emails from Mr. Getz. Please refer to 1st email for instructions. Thank you.

----- Forwarded message -----

From: **Dean Getz** <DGetz@axiomanalytix.com>
Date: Tue, Apr 10, 2018 at 10:18 PM
Subject: RE: Serrano Village J-Lot H Tentative Subdivision Map Deficiency
To: Char Tim <charlene.tim@edcgov.us>
Cc: Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Here's the balance of the attachments.

[Quoted text hidden]
[Quoted text hidden]

9 attachments



GIS 121-040-029.png
2676K

Year	Assessment	Amount	Notes
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017

5) 2000's Assessments.JPG
107K

4.10. **Membership in Master Association.** Members of the Master Association shall be declared for so long as the Declaration is in effect. Each Owner (including Declarant and any Member Builder) of one or more Lots or Parcels in the Property. Membership in the Master Association shall be subject to the Master Declaration, the Articles, the Bylaws, the Rules and the Covenants. Excepting the Class C Membership, all Memberships in the Master Association held by Owners shall be appurtenant to the Lot or Parcel owned by such Owner, and ownership of a Lot or Parcel shall be the sole qualification for an Owner's membership in the Master Association. The voting rights of a membership shall vest as of the date when the Lots and Parcels to which membership is appurtenant become subject to assessment.

CC&\$ 4.01.jpg
104K

2.11. **Effect of Association.** The Association of a Declaration of Association shall constitute and effectuate the assessment of the assessable property described therein, and thereafter the assessable property shall become and constitute a part of the Property, and be subject to, and encompassed within, the general plan and scheme of the Master Declaration, subject only to such modification in said general plan as may be imposed by the Declaration of Association. Lots and Parcels within the assessed property shall constitute the assessable property of the Master Association and to the Association, the assessment of the assessed property shall constitute the assessed property of the Master Association. Any assessable property (including private units) which are included

CC&\$ 14.11.jpg
97K

1) Excerpt 2-12 CEDHSP (Aug. 2015) (1).JPG

2) Deannexation.JPG

1) Excerpt 2-12 CEDHSP (Aug. 2015) (1).JPG
96K


6) Deannexation.JPG
66K

4/11/2018

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1432. Declaration.
A. In addition to declarations required by Section 1430, paragraphs of the Deed may be defined from the coverage of this Master Declaration and the production of the Master Declaration so long as:
(1) Declarant approves the Declaration with Notice of Decision of Tentative
1587 1432 41
20170320
20:40:10

is provided all the determined persons' obligations to the Master Declaration are otherwise provided for by a separate, recorded instrument approved by the Board and filed as one of the records of the Declaration with this Declaration approved by such a person as the Declarant. To deliver a portion of the Property, the Declarant shall the Owner thereof and the Declarant shall execute, acknowledge and record a Notice of Decision of Tentative, containing a legal description of the portion and means relating to satisfaction of the requirements of this subparagraph A.

 **4) D1-C & D Correspondence.pdf**
344K

 **3) 2013 Annexation Declaration (1).pdf**
1070K

 **7) Application Status.pdf**
60K

Refer to Table 2.1 (Existing Plan Area Land Use, Zoning and Ownership) and Figure 2.6 (Existing Land Use) for additional information on current land use and zoning designations for the various Plan Area tax lots.

2.5.4 El Dorado Hills Specific Plan Amendment

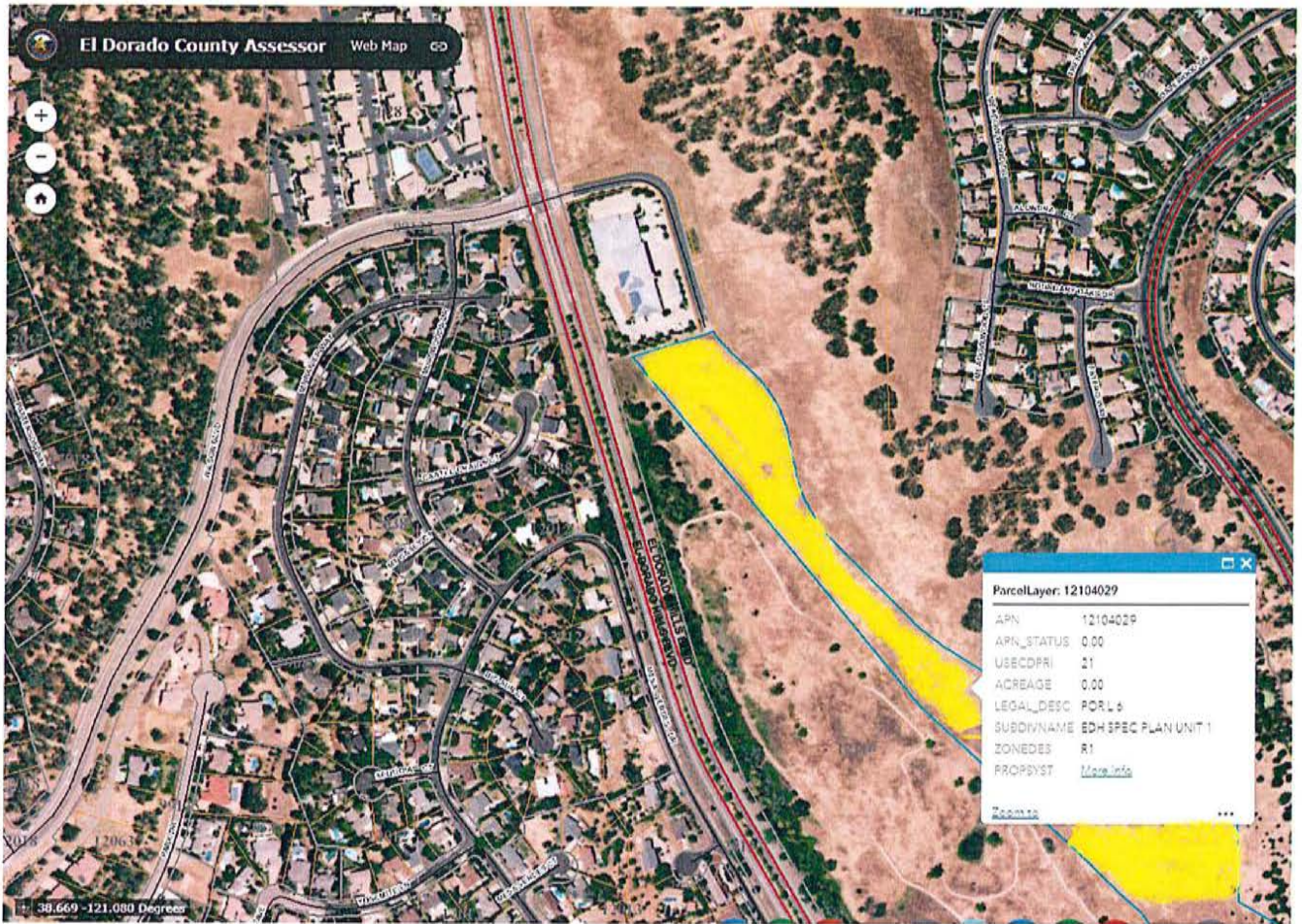
In 1988, the County of El Dorado approved the El Dorado Hills Specific Plan for 6,162 dwelling units and the specific plan has governed the development of the Serrano community for more than 20 years. Development of the El Dorado Hills Specific Plan has not reached its maximum build-out. Today, approximately 4,000 lots exist in the Serrano community. The County has approved tentative subdivision maps for an additional 650 lots and approximately 250 lots have tentative subdivision map approvals pending. The total anticipated build-out is estimated at 4,900 dwelling units, approximately 1,250 units less than approved. (Refer to Figure 2.7: 1988 El Dorado Hills Specific Plan.)

Adoption of this Specific Plan amends the existing El Dorado Hills Specific Plan as follows: (Refer to Figure 2.8: El Dorado Hills Specific Plan Amendment.)

- 135 planned dwelling units at Serrano Village D-1, Lots C and D convert to permanent, natural open space (approximately 50 acres), including a commensurate reduction in the total expected build-out by 135 dwelling units (from 6,162 DUs to 6,027 DUs).
- 141.67 acres of lands within the existing El Dorado Hills Specific Plan transfer to the Central El Dorado Hills Specific Plan
- 0.47 acres of the former El Dorado Hills Executive Golf Course transfer to the existing El Dorado Hills Specific Plan

All portions of the 1988 El Dorado Hills Specific Plan (EDHSP) area outside of the 341 acres included within this Specific Plan shall remain subject to the current EDHSP standards.

1.04. Future Changes. Nothing contained herein shall obligate Declarant to refrain from the further subdivision or resubdivision of the Initial Property, and Declarant shall be free to so further subdivide or resubdivide. **Nothing contained herein shall obligate Declarant to refrain from the further subdivision, resubdivision or reversion to acreage of portions of the Overall Property not theretofore annexed, and Declarant shall be free to so further subdivide or resubdivide, or revert.** Notwithstanding the anticipated development of the Overall Property, nothing in this Master Declaration shall be construed or interpreted to commit Declarant to the development of any portion of the Overall Property in accordance with any present planning, or to the annexation of all or any part of the Overall Property to this Master Declaration or the Property, whether or not it is so developed. See also Exhibit A-1.



RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Serrano Associates, LLC
Attn: Andrea Howard
4525 Serrano Parkway
El Dorado Hills, CA 95762



El Dorado, County Recorder
William Schultz Co Recorder Office
DOC- 2013-0002449-00

Check Number 2605
Friday, JAN 18, 2013 08:08:51
Ttl Pd \$75.00 Rcpt # 0001493852
KAP/C1/1-20

Space Above Line For Recorder's Use

DECLARATION OF ANNEXATION REGARDING
REMAINING OVERALL PROPERTY
SERRANO EL DORADO OWNERS' ASSOCIATION

This Declaration of Annexation is made as of January 8, 2013, by SERRANO ASSOCIATES, LLC, a Delaware limited liability company (successor in interest to Serrano Partners, formerly known as El Dorado Hills Development Company) ("Declarant"), with reference to the following facts:

A. Declarant executed a declaration entitled Master Declaration Of Covenants, Conditions And Restrictions And Reservation Of Easements For Serrano – A Master Planned Development dated as of June 21, 1995, recorded on August 24, 1995, in Book 4527, Page 651, Official Records of El Dorado County, California, as amended by a First Amendment to Master Declaration Of Covenants, Conditions And Restrictions And Reservation Of Easements For Serrano – A Master Planned Development, recorded on September 23, 1996, in Book 4773, Page 317, Official Records of El Dorado County, California (collectively, the "CC&Rs").

B. Article 14 of the CC&Rs provides that Declarant may annex all or a portion of the Overall Property described in the CC&Rs, thereby making the property annexed subject to the CC&Rs and to the jurisdiction of the Master Association provided for in the CC&Rs. Those portions of the Overall Property which are annexed after the Initial Property and become subject to the CC&Rs are referred to in the CC&Rs as Subsequent Phase Property.

C. Declarant owns the real property located in the County of El Dorado, State of California, described in **Exhibit A** attached hereto ("Remaining Overall Property"), which property is a part of the Overall Property described in the CC&Rs.

D. Declarant's intent is to annex all of the Overall Property owned by Declarant that has not previously been annexed. In order to avoid inadvertently excluding any property, the description of the Remaining Overall Property attached as **Exhibit A** may include some Overall Property that was previously annexed.

E. This Declaration of Annexation is being recorded pursuant to the authority set forth in Section 14.02 of the CC&Rs.

NOW, THEREFORE, Declarant declares the following:

002449

1. Capitalized Terms. Capitalized terms not otherwise defined herein shall have the meaning given them in the CC&Rs.

2. Annexation. Pursuant to the terms of the CC&Rs, Declarant declares that the Remaining Overall Property is hereby annexed to and made a part of the Subsequent Phase Property and part of the development known as Serrano. The Remaining Overall Property shall be held, conveyed, hypothecated, developed and encumbered subject to the restrictions, easements, covenants, conditions, equitable servitudes, liens and charges of the CC&Rs.

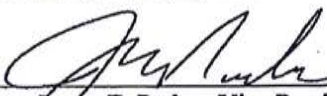
3. Architectural Control Committee. Declarant expressly reserves the right, pursuant to the CC&Rs, including Sections 9.02A and 14.13B(2)&(3) of the CC&Rs, to record one or more future Supplemental Declarations establishing covenants, conditions, restrictions and architectural controls, and/or one or more separate Architectural Control Committees, applicable to all or any portion of the Remaining Overall Property.

4. Supplemental Declarations; Common Assessments. The Remaining Overall Property shall not constitute a single Phase under the CC&Rs. From time to time after the date of this Declaration of Annexation, Declarant will record Supplemental Declarations identifying each Phase within the Remaining Overall Property and identifying any Common Area, Village Association, Architectural Control Committee, additional or modified restrictions and other matters applicable to each such Phase or portion thereof. Common Assessments shall commence as to each Lot and Parcel within each Phase in accordance with Section 6.06 of the CC&Rs. The commencement of Common Assessments for any particular Phase within the Remaining Overall Property shall not result in the commencement of Common Assessments for any other portion of the Remaining Overall Property. To the extent any portion of the Remaining Overall Property was previously annexed and was previously included as part of a Phase prior to the recording of this Declaration of Annexation, such portion of the Remaining Overall Property shall remain part of such prior Phase.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Annexation as of the day and year first above written.

SERRANO ASSOCIATES, LLC, a Delaware limited liability company

By: Parker Development Company, a California Corporation, Managing Member

By: 
James E. Parker, Vice President

002449

State of California

County of El Dorado

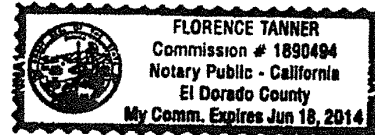
On January 17, 2013 before me, Florence Tanner, Notary Public
(insert name and title of the officer)

personally appeared James E. Parker,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s)-acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Florence Tanner (Seal)



002449

EXHIBIT A TO DECLARATION OF ANNEXATION
SERRANO EL DORADO OWNERS' ASSOCIATION
(Remaining Overall Property)

All that certain real property in the County of El Dorado, State of California, more particularly described as follows:

Open Space Parcel 1

Lots R and K as shown on that map of "El Dorado Hills Specific Plan, Unit No. 1" recorded November 22, 1993, in Book H, Page 78, Official Records of the County of El Dorado, California.

Excepting therefrom all that certain real property described in the Declaration of Deannexation (El Dorado Hills County Water District Property) recorded July 23, 2003, as Document number 2003-0073934-00, Official Records of the County of El Dorado, California, more particularly described as follows:

All that certain real property situate in the County of El Dorado, State of California, being a portion of Lot 'R' and Lot 6, as shown on the plat of "El Dorado Hills Specific Plan Unit No. 1", filed in the office of the County Recorder of El Dorado County in Book H of Maps, Page 78, and a portion of Parcel 1, as shown on that certain Parcel Map, filed in the office of the County Recorder of El Dorado County in Book 45 of Parcel Maps, Page 87, and being more particularly described as follows:

Beginning at the Northwest corner of said Lot 6, being a point on the Easterly line of El Dorado Hills Boulevard; and being also the Northerly corner of said Parcel 1; thence along the Easterly line of El Dorado Hills Boulevard, being also the Westerly line of said Lot 'R', North 17°28'21" West, 353.62 feet; thence leaving said Westerly line, along the arc of a curve to the right, having a radius of 25.00 feet, the chord of which bears North 27°33'05" East, 35.37 feet; thence North 72°34'32" East, 60.84 feet; thence along the arc of a curve to the right, having a radius of 74.50 feet, the chord of which bears North 74°42'26" East, 5.54 feet; thence North 76°50'21" East, 129.99 feet; thence along the arc of a curve to the right, having a radius of 74.50 feet, the chord of which bears South 60°19'00" East, 101.32 feet; thence parallel with the Easterly line of said El Dorado Hills Boulevard, South 17°28'21" East, 407.09 feet; thence South 72°31'39" West, 289.92 feet to a point on the Westerly line of said Parcel 1, being also the Easterly line of El Dorado Hills Boulevard; thence along the Westerly line of said Parcel 1, North 17°28'21" West, 112.79 feet to the Point of Beginning, containing 139,800 square feet (3.209 acres) more or less.

APN(s): 121-040-31 and 122-010-06

002449

Open Space Parcel 2

Lot BB as shown on that map of "El Dorado Hills Specific Plan, Unit No. 2" recorded February 25, 1994, in Book H, Page 81, Official Records of the County of El Dorado, California.

APN(s): 123-020-02 and 123-020-18

Open Space Parcel 3

Parcel A as shown on that Parcel Map recorded June 15, 2000, in Book 47 of Parcel Maps, Page 63, Official Records of the County of El Dorado, California.

APN(s): 121-120-14

[continues next page]

002449

Open Space Parcel 4

Tract 2 as shown on that Record of Survey recorded December 31, 2002, in Book 25 of Record of Surveys, Page 148, Official Records of the County of El Dorado, California.

Excepting therefrom all that certain real property described in the Grant Deed from Serrano Associates, LLC to the County of El Dorado, recorded December 31, 2012, as Document Number 2012-0068729, Official Records of the County of El Dorado, California, more particularly described as follows:

All that property situate in the County of El Dorado, State of California, being a portion of TRACT 2, as shown on the map titled "RECORD OF SURVEY", filed in Book 25 of Record of Surveys, at Page 148, El Dorado County Records, more particularly described as follows:

FEE

All that portion of said property lying southerly and easterly of the following described line:

Commencing at a 3/4" iron pipe with cap, stamped "RCE 20462", marking the most easterly corner of last said TRACT 2 as shown on the map titled "RECORD OF SURVEY", filed in Book 32 of Record of Surveys, at Page 88, El Dorado County Records; thence along the easterly line of last said TRACT 2 and the westerly line of SILVA VALLEY PARKWAY, as shown on last said Map, North 23°35'17" West, 41.47 feet to the Point of Beginning; thence South 62°19'30" West 245.51 feet; thence South 70°53'56" West 191.65 feet; thence South 59°25'15" West 370.31 feet to a point on the northerly Right-of-Way line of State Route 50, as shown on last said Map and the Point of Termination; from which point, said Point of Commencement bears along last said Right-of-Way the following three (3) courses:

1. North 74°00'29" East 64.24 feet;
2. North 59° 45' 34" East 362.41 feet; and
3. North 70°32'04" East 380.85 feet.

~~Containing 13,221 square feet or 0.30 acres, more or less.~~

APN(s): 121-120-22

Open Space Parcel 5

Tract A as shown on that Record of Survey recorded August 27, 2004, in Book 27 of Record of Surveys, Page 93, Official Records of the County of El Dorado, California.

APN(s): 122-130-41

002449.

Open Space Parcel 6

Tract B as shown on that Record of Survey recorded November 2, 2012, in Book 33 of Record of Surveys, Page 72, Official Records of the County of El Dorado, California.

APN(s): 122-140-08

Open Space Parcel 7

Tract B as shown on that Record of Survey recorded March 12, 2003, in Book 26 of Record of Sureys, Page 15, Official Records of the County of El Dorado, California.

APN(s): 122-170-45

Open Space Parcel 8

Tract 2 as shown on that Record of Survey recorded June 2, 2008, in Book 26 of Record of Sureys, Page 56, Official Records of the County of El Dorado, California.

APN(s): 122-350-22

Open Space Parcel 9

Tract 1 as shown on that Record of Survey recorded August 15, 2011, in Book 32 of Record of Surveys, Page 150, Official Records of the County of El Dorado, California.

APN(s): 122-460-05

Open Space Parcel 10

Parcel D as shown on that Parcel Map recorded February 1, 2005, in Book 48 of Parcel Maps, Page 137, Official Records of the County of El Dorado, California.

APN(s): 122-700-04

Open Space Parcel 11

Remainder Parcel 1 as shown on that Parcel Map recorded August 29, 2001, in Book 47 of Parcel Maps, Page 130, Official Records of the County of El Dorado, California.

APN(s): 123-230-41

002449

Open Space Parcel 12

Parcel 2 as shown on that Parcel Map recorded September 4, 2007, in Book 49 of Parcel Maps, Page 146, Official Records of the County of El Dorado, California.

APN(s): 123-270-25

Open Space Parcel 13

Lot 11 as shown on that map of "Plat of Serrano Village C1" recorded July 26, 2000, in Book I, Page 72, Official Records of the County of El Dorado, California.

APN(s): 122-130-14

Open Space Parcel 14

Lot E as shown on that map of "Plat of Serrano Village C1 - Unit 1" recorded September 27, 2001, in Book I, Page 105, Official Records of the County of El Dorado, California.

APN(s): 122-170-40

Open Space Parcel 15

Lots A and B as shown on that map of "Plat of Serrano Village C1 - Unit 2" recorded December 7, 2001, in Book I, Page 121, Official Records of the County of El Dorado, California.

APN(s): 122-260-31 and 122-260-32

Open Space Parcel 16

Lot C as shown on that map of "Plat of Serrano Village C1 - Unit 4" recorded December 7, 2001, in Book I, Page 122, Official Records of the County of El Dorado, California.

APN(s): 122-270-23 and 122-280-26

Open Space Parcel 17

Lots H and I as shown on that map of "Plat of Serrano Village C1 - Unit 5" recorded October 3, 2001, in Book I, Page 110, Official Records of the County of El Dorado, California.

APN(s): 122-210-44 and 122-210-48

002449

Open Space Parcel 18

Lots J and K as shown on that map of "Plat of Serrano Village C1 - Unit 6" recorded October 3, 2001, in Book I, Page 109, Official Records of the County of El Dorado, California.

APN(s): 122-200-24 and 122-200-25

Open Space Parcel 19

Lots M and L as shown on that map of "Plat of Serrano Village C1 - Unit 7" recorded October 3, 2001, in Book I, Page 108, Official Records of the County of El Dorado, California.

APN(s): 122-190-25 and 122-190-28

Open Space Parcel 20

Lots N and O as shown on that map of "Plat of Serrano Village C1 - Unit 8" recorded August 17, 2001, in Book I, Page 101, Official Records of the County of El Dorado, California.

APN(s): 122-140-01 and 122-140-02

Open Space Parcel 21

Lot Q as shown on that map of "Plat of Serrano Village C1 - Unit 9A" recorded October 15, 2001, in Book I, Page 111, Official Records of the County of El Dorado, California.

APN(s): 122-220-25

Open Space Parcel 22

Lot V as shown on that map of "Plat of Serrano Village C1 - Unit 9B" recorded October 15, 2001, in Book I, Page 112, Official Records of the County of El Dorado, California.

APN(s): 122-230-27

Open Space Parcel 23

Lots S and T as shown on that map of "Plat of Serrano Village C1 - Unit 9C" recorded October 15, 2001, in Book I, Page 113, Official Records of the County of El Dorado, California.

APN(s): 122-240-27 and 122-240-28

002449

Open Space Parcel 24

Lot U as shown on that map of "Plat of Serrano Village C1 - Unit 9D" recorded October 15, 2001, in Book I, Page 114, Official Records of the County of El Dorado, California.

APN(s): 122-250-26

Open Space Parcel 25

Lots B and C as shown on that map of "Plat of Serrano Village E1 - Unit 12" recorded April 3, 2003, in Book J, Page 3, Official Records of the County of El Dorado, California.

APN(s): 122-441-23 and 122-441-24

Open Space Parcel 26

Lot B as shown on that map of "Plat of Serrano Village E1 - Unit 2" recorded March 14, 2002, in Book I, Page 131, Official Records of the County of El Dorado, California.

APN(s): 122-320-44

Open Space Parcel 27

Lot C as shown on that map of "Plat of Serrano Village E1 - Unit 3" recorded March 14, 2002, in Book I, Page 132, Official Records of the County of El Dorado, California.

APN(s): 122-340-31

Open Space Parcel 28

Lot A as shown on that map of "Plat of Serrano Village E1 - Unit 6" recorded December 5, 2002, in Book I, Page 146, Official Records of the County of El Dorado, California.

APN(s): 122-400-41

Open Space Parcel 29

Lot A as shown on that map of "Plat of Serrano Village E1 - Unit 7" recorded September 12, 2002, in Book I, Page 137, Official Records of the County of El Dorado, California.

APN(s): 122-360-33

002449

Open Space Parcel 30

Lot A as shown on that map of "Plat of Serrano Village E1 - Unit 9" recorded December 5, 2002, in Book I, Page 148, Official Records of the County of El Dorado, California.

APN(s): 122-420-52 and 122-430-24

Open Space Parcel 31

Lots B, E, F, G and N as shown on that map of "Serrano Village M, Unit No. 1" recorded August 20, 2004, in Book J, Page 36, Official Records of the County of El Dorado, California.

Excepting therefrom Tracts 2 and 3 as shown on that Record of Survey recorded August 26, 2010 in Book 32 of Record of Surveys, Page 77, Official Records of the County of El Dorado, California.

APN(s): 123-020-05, 123-020-07, 123-020-08, 123-020-09, 123-020-12, 123-260-05, 123-260-08, 123-340-18, 121-220-09

Open Space Parcel 32

Lot A as shown on that map of "Village "H", Unit No. 6B" recorded September 20, 2000, in Book I, Page 78, Official Records of the County of El Dorado, California.

APN(s): 123-200-20

Open Space Parcel 33

Remainder Lot A as shown on that map of "Village "I", Lot A2, Serrano" recorded May 30, 2001, in Book I, Page 96, Official Records of the County of El Dorado, California.

APN(s): 123-220-05

Silva Valley School Orchard Strip

Lot H as shown on that map of "El Dorado Hills Specific Plan, Unit No. 1" recorded November 22, 1993, in Book H, Page 78, Official Records of the County of El Dorado, California.

APN(s): 121-210-06

002449

Village A Remainder

Remainder as shown on that Parcel Map recorded December 18, 2002, in Book 48 of Parcel Maps, Page 45, Official Records of the County of El Dorado, California.

APN(s): 122-040-42

Village A14

Tract C as shown on that Record of Survey recorded August 27, 2004, in Book 27 of Record of Surveys, Page 93, Official Records of the County of El Dorado, California.

APN(s): 122-580-27

Lot B as shown on that map of "Plat of Serrano Village A - Unit 6" recorded April 1, 2004, in Book J, Page 21, Official Records of the County of El Dorado, California.

Excepting therefrom all that certain real property described in the Grant Deed from Serrano Associates, LLC to Presbytery of Sacramento, recorded December 17, 2012, as Document Number 2012-0066184, Official Records of the County of El Dorado, California, more particularly described as follows:

All that portion of the area shown as "TITLE OVERLAP" on the Map titled "AMENDED RECORD OF SURVEY", filed August 30, 2011 in Book 33 of Record of Surveys, at Page 3, El Dorado County Records, more particularly described as follows:

FEE

Commencing at a 3/4" rebar with cast-iron cap stamped "1991 RCE 20329", marking the southeasterly corner of Document Number 2002-0078796, recorded October 16, 2002, El Dorado County Records, as shown on last said Amended Record of Survey; thence along the easterly line of last said Document, North 06°06'25" West 355.30 feet to the Point of Beginning and a 3/4" rebar with aluminum cap stamped "PROP COR LS 6013" on the southerly line of Lot B, as shown on the map titled "SERRANO VILLAGE A - UNIT 6", filed in Book J of Maps, at Page 21, El Dorado County Records; thence continuing along last said easterly line, North 06°06'25" West 50.74 feet to a 3/4" pipe with cast-iron cap stamped "RCE 20329 1991"; thence leaving last said easterly line, South 89°27'14" West 393.00 feet to the westerly line of last said Document, which point bears from a 1" pipe with cast-iron cap, South 36°06'57" West 3.72 feet, as shown on last said Amended Record of Survey; thence along last said westerly line, South 09°45'04" West 55.57 feet to last said southerly line; thence along last said southerly line, North 88°52'05" East 407.87 feet to the Point of Beginning.

002449

Excepting therefrom all that certain real property described in the Grant Deed from Serrano Associates, LLC to Ruminson Grado Ventures, recorded December 17, 2012, as Document Number 2012-0066185, Official Records of the County of El Dorado, California, more particularly described as follows:

All that portion of the area shown as "TITLE OVERLAP" on the Map titled "AMENDED RECORD OF SURVEY", filed August 30, 2011 in Book 33 of Record of Surveys, at Page 3, El Dorado County Records, more particularly described as follows:

FEE

Commencing at a 3/4" rebar with cast-iron cap stamped "1991 RCE 20329", marking the southwesterly corner of Document Number 2009-0018059, recorded April 21, 2009, El Dorado County Records, as shown on last said Amended Record of Survey; thence along the westerly line of last said Document, North 06°06'25" West 355.30 feet to the Point of Beginning and a 3/4" rebar with aluminum cap stamped "PROP COR LS 6013" on the southerly line of Lot B, as shown on the map titled "SERRANO VILLAGE A - UNIT 6", filed in Book J of Maps, at Page 21, El Dorado County Records; thence continuing along last said westerly line, North 06°06'25" West 50.74 feet to a 3/4" pipe with cast-iron cap stamped "RCE 20329 1991"; thence leaving last said westerly line, North 89°27'14" East 320.01 feet to the easterly line of last said Document, which point bears from a 3/4" pipe with no tag/no cap, South 08°34'00" West 2.70 feet, as shown on last said Amended Record of Survey; thence along last said easterly line, South 08°34'02" West 47.96 feet to last said southerly line and a 5/8" rebar with 2" aluminum cap stamped "LS 6013"; thence along last said southerly line, South 88°52'05" West 307.52 feet to the Point of Beginning.

002449

Excepting therefrom all that certain real property described in the Grant Deed from Serrano Associates, LLC to Robert Stephen Hardy, Trustee of the Hardy Community Property Trust U/A dated 02/01/99, recorded December 17, 2012, as Document Number 2012-0066186, Official Records of the County of El Dorado, California, more particularly described as follows:

All that portion of the GRANT DEED to Robert Stephen Hardy, Trustee of the Hardy Community Property Trust, recorded September 28, 2012, as Document Number 2012-0049384, Official Records of El Dorado County and the area shown as "TITLE OVERLAP" on the Map titled "AMENDED RECORD OF SURVEY", filed August 30, 2011 in Book 33 of Record of Surveys, at Page 3, El Dorado County Records, more particularly described as follows:

FEE

Commencing at a 3/4" rebar with cast-iron cap stamped "1991 RCE 20329", marking the southwesterly corner of Document Number 2009-0018059, recorded April 21, 2009, El Dorado County Records, as shown on last said Amended Record of Survey; thence along the westerly line of last said Document, North 06°06'25" West 355.30 feet to a 3/4" rebar with aluminum cap stamped "PROP COR LS 6013" on the southerly line of Lot B, as shown on the map titled "SERRANO VILLAGE A - UNIT 6", filed in Book J of Maps, at Page 21, El Dorado County Records; thence continuing along last said westerly line, North 06°06'25" West 50.74 feet to a 3/4" pipe with cast-iron cap stamped "RCE 20329 1991"; thence leaving last said westerly line, North 89°27'14" East 320.01 feet to the Point of Beginning and the easterly line of last said Document, which point bears from a 3/4" pipe with no tag/no cap, South 08°34'00" West 2.70 feet, being the northwesterly corner of Document Number 2005-0053716, recorded June 30, 2005, El Dorado County Records, as shown on last said Amended Record of Survey; thence North 89°27'14" East to the westerly line of the County Road, as shown on last said Amended Record of Survey; thence South 12°50'22" East along the westerly line of last said County Road to last said southerly line of Lot B, which point bears from a 1" iron rod stamped "RCE 20462", South 88°22'39" West 62.73 feet; thence along last said southerly line, South 88°22'39" West 141.77 feet; thence South 88°52'05" West 15.11 feet to the westerly line of last said Document Number 2005-0053716 and a 5/8" rebar with 2" aluminum cap stamped "LS 6013", as shown on last said Amended Record of Survey; thence along last said westerly line, North 08°34'02" East 47.96 feet to the Point of Beginning.

002449

Excepting therefrom all that certain real property described in the Grant Deed from Serrano Associates, LLC to the County of El Dorado, recorded December 31, 2012, as Document Number 2012-0068725, Official Records of the County of El Dorado, California, more particularly described as follows:

All that property situate in the County of El Dorado, State of California, being a portion of LOT B, as shown on the map titled "SERRANO VILLAGE A - UNIT 6", filed in Book J of Maps, at Page 21, El Dorado County Records, more particularly described as follows:

FEE

All that portion of said property lying southerly of the following described line:

Commencing at a 3/4" Pipe with cap, marking the northeasterly corner of the property described in the QUITCLAIM DEED to EL DORADO COUNTY, recorded in Book 4967, at Page 182, Official Records of El Dorado County and shown on the Survey titled "RECORD OF SURVEY", filed in Book 32 of Surveys, at Page 88, El Dorado County Records; thence along the southerly line of last said LOT B, South 89°09'49" West 110.14 feet, being a point herein after referred to as Point "A" and the Point of Beginning; thence North 78°03'15" East 518.26 feet to the beginning of a curve concave southerly, having a radius of 541.00 feet and a chord bearing South 88°51'49" East 244.91 feet; thence easterly through a central angle of 26°09'53", 247.05 feet along said curve to the beginning of a reverse curve concave northerly, having a radius of 64.00 feet and a chord bearing North 80°18'09" East 51.89 feet; thence easterly through a central angle of 47°49'57", 53.43 feet along said curve to the beginning of a reverse curve concave southerly, having a radius of 54.00 feet and a chord bearing North 71°30'22" East 28.17 feet; thence easterly through a central angle of 30°14'22", 28.50 feet along said curve; thence South 89°54'07" East 107.10 feet to the westerly line the County Road, shown on last said RECORD OF SURVEY and the Point of Termination.

Together with those lands described as follows:

Commencing at the hereinabove described Point "A" on the southerly line of last said LOT B; thence along last said southerly line, South 89°09'49" West 459.65 feet to the Point of Beginning; thence continuing along last said southerly line, South 89°09'49" West 17.21 feet to the West one-sixteenth (1/16) line of Section 1, as shown on last said RECORD OF SURVEY; thence along last said West one-sixteenth (1/16) line, North 01°34'34" West 7.79 feet; thence leaving last said West one-sixteenth (1/16) line, South 66°36'57" East 18.98 feet to the Point of Beginning.

Together containing 75,532 square feet or 1.73 acres, more or less.

APN(s): 122-590-01

002449

Village C2

Lot 13 as shown on that map of "El Dorado Hills Specific Plan, Unit No. 2" recorded February 25, 1994, in Book H, Page 81, Official Records of the County of El Dorado, California.

APN(s): 122-030-05

Village D1 Lot C

Parcel A as shown on that Parcel Map recorded May 12, 1999, in Book 47 of Parcel Maps, Page 14, Official Records of the County of El Dorado, California.

APN(s): 121-040-20

Village D1 Lot D

Lot 6 as shown on that map of "El Dorado Hills Specific Plan, Unit No. 1" recorded November 22, 1993, in Book H, Page 78, Official Records of the County of El Dorado, California.

Excepting therefrom all that certain real property described in the Declaration of Deannexation (El Dorado Hills County Water District Property) recorded July 23, 2003, as Document number 2003-0073934-00, Official Records of the County of El Dorado, California, more particularly described as follows:

All that certain real property situate in the County of El Dorado, State of California, being a portion of Lot 'R' and Lot 6, as shown on the plat of "El Dorado Hills Specific Plan Unit No. 1", filed in the office of the County Recorder of El Dorado County in Book H of Maps, Page 78, and a portion of Parcel 1, as shown on that certain Parcel Map, filed in the office of the County Recorder of El Dorado County in Book 45 of Parcel Maps, Page 87, and being more particularly described as follows:

Beginning at the Northwest corner of said Lot 6, being a point on the Easterly line of El Dorado Hills Boulevard; and being also the Northerly corner of said Parcel 1; thence along the Easterly line of El Dorado Hills Boulevard, being also the Westerly line of said Lot 'R', North 17°28'21" West, 353.62 feet; thence leaving said Westerly line, along the arc of a curve to the right, having a radius of 25.00 feet, the chord of which bears North 27°33'05" East, 35.37 feet; thence North 72°34'32" East, 60.84 feet; thence along the arc of a curve to the right, having a radius of 74.50 feet, the chord of which bears North 74°42'26" East, 5.54 feet; thence North 76°50'21" East, 129.99 feet; thence along the arc of a curve to the right, having a radius of 74.50 feet, the chord of which bears South 60°19'00" East, 101.32 feet; thence parallel with the Easterly line of said El Dorado Hills Boulevard, South 17°28'21" East, 407.09 feet; thence South 72°31'39" West, 289.92 feet to a point on the Westerly line of said Parcel 1, being also the Easterly line of El Dorado Hills Boulevard; thence along the Westerly line of said Parcel 1, North 17°28'21" West, 112.79 feet to the Point of Beginning, containing 139,800 square feet (3.209 acres) more or less.

APN(s): 121-040-29

002449

Village J Lot H

Lot 19 as shown on that map of "El Dorado Hills Specific Plan, Unit No. 1" recorded March 3, 2004, in Book J, Page 18, Official Records of the County of El Dorado, California.

APN(s): 123-280-10

Lots 1 and 11 as shown on that map of "Serrano North Uplands, Unit No. 2" recorded October 6, 2005, in Book J, Page 60, Official Records of the County of El Dorado, California.

APN(s): 123-370-01 and 123-370-03

Village J5

Lot 20 as shown on that map of "El Dorado Hills Specific Plan, Unit No. 2" recorded February 25, 1994, in Book H, Page 81, Official Records of the County of El Dorado, California.

Along with all that certain real property described in the Grant Deed from El Dorado Irrigation District to Serrano Associates, LLC, recorded March 30, 2006, as Document Number 2006-0021449-00, Official Records of the County of El Dorado, California, more particularly described as follows:

All that real property situated in the County of El Dorado, State of California, lying within Section 31, Township 10 North, Range 9 East, Mount Diablo Meridian, being a portion of Parcel 2 as described in the Corporation Grant Deed recorded in Book 1722, at Page 673, of Official Records of said County more particularly described as follows:

Beginning at a point on the west boundary of said Parcel 2 also being the southeast corner of Lot MM as shown the Plat of El Dorado Hills Specific Plan, Unit No. 2 filed in the Recorder's office of said county in Book H of Maps, at Page 81; thence, from said Point of Beginning, across said Parcel 2 the following two courses and distances: (1) North 75°26'18" East 26.84 feet and (2) Along a curve to the right having a radius of 1040.00 feet and a chord that bears North 79°52'11" East 162.79 feet to the most westerly corner of Lot NN as shown on said Plat, also being the most northerly point on the boundary line common to said Parcel 2 and Lot 20 as shown on said Plat; thence along said common boundary line the following eight courses and distances: (1) South 49°11'32" West 21.57 feet, (2) South 47°30'39" West 60.02 feet, (3) South 45°12'01" West 59.01 feet, (4) South 39°13'33" West 44.27 feet, (5) South 25°14'07" West 48.50 feet, (6) South 07°25'41" West 27.68 feet, (7) South 89°23'31" West 30.29 feet, and (8) North 00°25'17" West 166.78 feet to the Point of Beginning.

Containing 0.35 Ac.

APN(s): 123-040-07 and 115-400-13

002449

Village J6

Lot 21 as shown on that map of "El Dorado Hills Specific Plan, Unit No. 2" recorded February 25, 1994, in Book H, Page 81, Official Records of the County of El Dorado, California.

APN(s): 123-040-09

Village J7

Lot 22 as shown on that map of "El Dorado Hills Specific Plan, Unit No. 2" recorded February 25, 1994, in Book H, Page 81, Official Records of the County of El Dorado, California.

APN(s): 123-040-11

Village K1 & K2, Phase 4

Lot D as shown on that map of "Serrano Village K1 & K2, Unit No. 2" recorded September 15, 2006, in Book J, Page 77, Official Records of the County of El Dorado, California.

APN(s): 123-500-01

Village K1 & K2, Phase 5

Parcel 1 as shown on that Parcel Map recorded September 4, 2007, in Book 49 of Parcel Maps, Page 146, Official Records of the County of El Dorado, California.

APN(s): 123-390-02

Village K5

Parcel 2 as shown on that Parcel Map recorded October 27, 2006, in Book 49 of Parcel Maps, Page 94, Official Records of the County of El Dorado, California.

APN(s): 123-370-26

Parcel A as shown on that Parcel Map recorded August 16, 2007, in Book 49 of Parcel Maps, Page 142, Official Records of the County of El Dorado, California.

APN(s): 123-370-30

002449

Villages M2 and M5

Lot A as shown on that map of "Serrano Village M, Unit No. 1" recorded August 20, 2004, in Book J, Page 36, Official Records of the County of El Dorado, California.

APN(s): 123-020-06

Village M3

Portion of Lot B as shown on that map of "Serrano Village M, Unit No. 1" recorded August 20, 2004, in Book J, Page 36, Official Records of the County of El Dorado, California.

APN(s): 123-020-10

Village M4

Lots C and D as shown on that map of "Serrano Village M, Unit No. 1" recorded August 20, 2004, in Book J, Page 36, Official Records of the County of El Dorado, California.

APN(s): 123-260-06 and 123-260-07

END OF EXHIBIT A

002449

GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the portion(s) of the document that will not reproduce a readable copy to which this statement is attached, reads as follows:

And 6
PAGES 14 AND 15 HAVE A LINE THROUGH THEM

PAGE 14: "ROAD, AS SHOWN ON LAST SAID AMENDED
RECORD OF SURVEY, THENCE SOUTH 12°50'22" EAST ALONG "

PAGE 15: "WASHERY LINE THE COUNTY ROAD, SHOWN ON
LAST SAID RECORD OF SURVEY AND THE POINT OF."

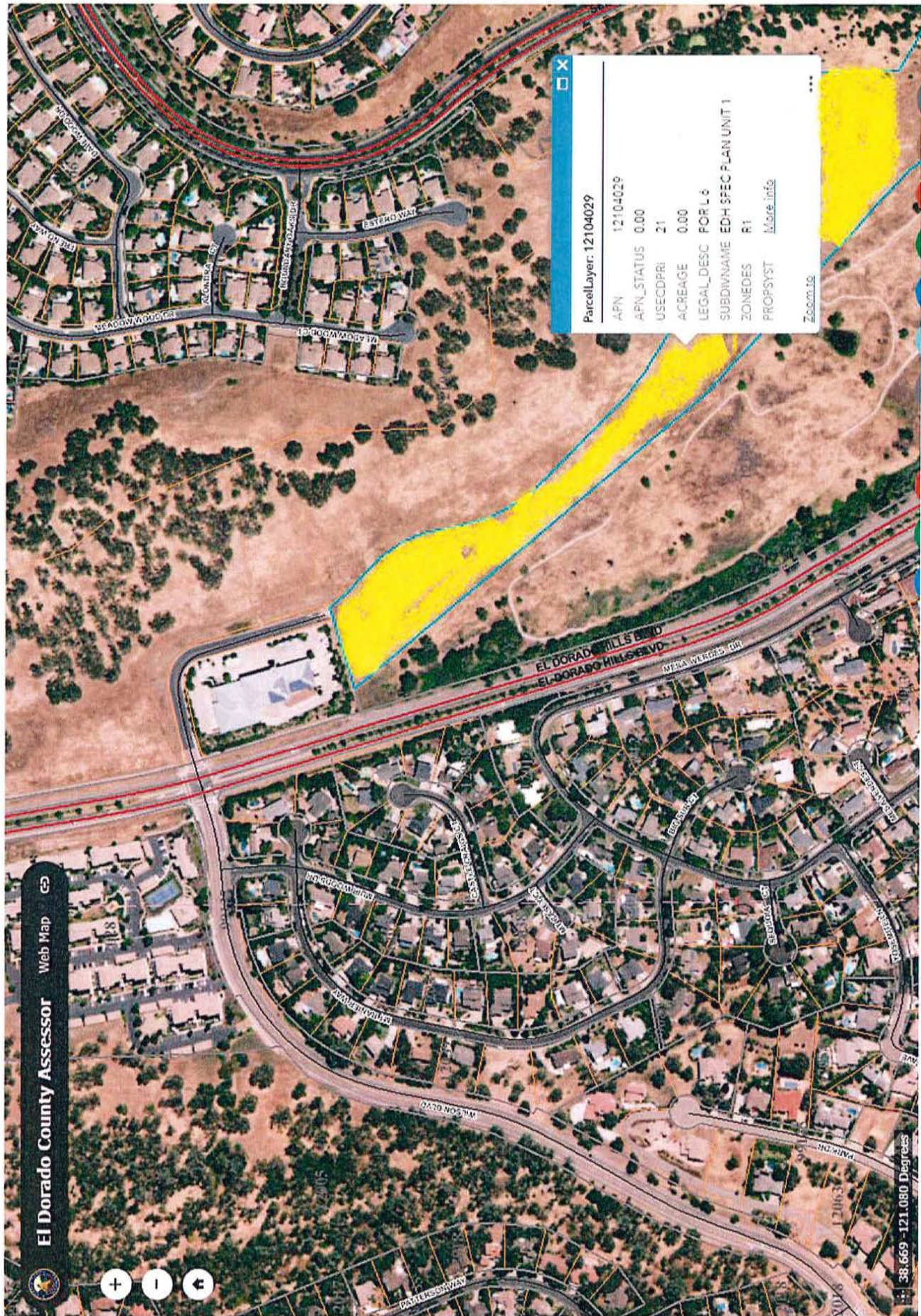
PAGE 16: "CONTAINING 13,221 SQUARE FEET OR .30
ACRES, MORE OR LESS."

DATED: 11/18/13

Andrew Thomas
Signature
SURAND ASSOCIATES, LLC -
(Firm Name, if applicable)

h:govcode1.dot

01/18/2013,20130002449



Parcel Layer: 12104029

APN	12104029
APN_STATUS	0.00
USECDPRI	21
ACREAGE	0.00
LEGAL_DESC	FOR L 6
SUBDIVNAME	EDH SPEC PLAN UNIT 1
ZONEDES	R1
PROPSYST	More info

Zoom: 15

El Dorado County Assessor Web Map

38.669 -121.080 Degrees

Serrano El Dorado Owners' Association
Undeveloped Lot Contribution Worksheet
ALL OWNERS
October 2000

	Serrano Associates	Lucas & Mercier	Bell & Russo	Woodside	Parker Invest.	Parker Develop.	Parker D2, LLC	Loing Homes	J & L	US Home	Warmington	D R Horton	Pacific Mount.	# Units	Master/Basic \$10.33454	Cost Center #2 \$1.89672	Cost Center #3 \$40.10282	Cost Center #7 \$12.02000	TOTAL
Parcel 1, H	170		6					31						207	\$2,139.25	\$392.62			\$2,531.87
Parcel 2, L	59													59	609.74	111.91			721.64
Parcel 3, I1	0													0	0.00	0.00			0.00
Parcel 4, J2	44													44	454.72	83.46			538.18
Parcel 5, D1	65													65	671.75		\$2,606.67		3,278.42
Parcel 6, D3	32													32	330.71				330.71
Parcel 7, A	102	24		0					0					126	1,302.15			\$1,514.52	2,816.67
Parcel 8, B	0													0	0.00				0.00
Parcel 9, v9	28				2	5								35	361.71				361.71
Parcel 10/11, D2/D	42						70			105	64			281	2,904.01				2,904.01
Parcel 23, J3	135													135	1,395.16	256.05			1,651.22
Parcel 24, J2	7													7	72.34	13.28			85.62
Parcel 25, J1	23													23	237.69	43.62			281.32
Parcel 26, K1	73													73	754.42	138.46			892.88
Parcel 27, K2	125													125	1,291.82	237.09			1,528.91
Parcel 28, K3	0							0						0	0.00				0.00
Parcel 29, K4	0											0		0	0.00				0.00
Parcel 30, K5	99													99	1,023.12	187.78			1,210.90
Parcel 31, K6	108													108	1,116.13	204.85			1,320.98
Parcel 32, J3	20													20	206.69	37.93			244.63
Parcel 33, M1	55													56	578.73	105.22			684.95
Parcel 34, M2	55													56	578.73	105.22			684.95
Village C	112	100		77									88	377	3,896.12	715.06			4,611.19
TOTAL	1,356	124	6	77	2	5	70	31	0	105	64	0	88	1,928	\$19,925.00	\$2,528.33	\$2,606.67	\$1,514.52	\$26,680.74

4.01. Membership in Master Association. Members of the Master Association shall be Declarant, for so long as Declarant is entitled to cast a Class C vote, and each Owner (including Declarant and any Merchant Builder) of one or more Lots or Parcels in the Property. Membership in the Master Association shall be subject to this Master Declaration, the Articles, the Bylaws, the Rules and the Committee Rules. Excepting the Class C Membership, all Memberships in the Master Association held by Owners shall be appurtenant to the Lot or Parcel owned by each Owner, and ownership of a Lot or Parcel shall be the sole qualification for an Owner's membership in the Master Association. **The voting rights of a membership shall vest as of the date when the Lots and Parcels to which membership is appurtenant become subject to assessment.**

14.11. Effect of Annexation. The Recordation of a Declaration of Annexation shall constitute and effectuate the annexation of the annexable property described therein, and thereupon the annexable property shall become and constitute a part of the Properties, and be subject to, and encompassed within, the general plan and scheme of this Master Declaration, subject only to such modification in said general plan as may be imposed by the Declaration of Annexation. Lots and Parcels within the annexed property shall thereupon become subject to Assessment by the Master Association and to the functions, powers and jurisdiction of the Master Association, and the Owners of Lots and Parcels within the annexed real property shall automatically become Members of the Master Association. Any Association Property (including private roads) which are included

14.12. Deannexation.

A. In addition to deannexations pursuant to Section 14.06, portions of the Property may be deleted from the coverage of this Master Declaration and the jurisdiction of the Master Association so long as:

(i) Declarant approves the deannexation; (ii) a Notice of Deletion of Territory

BOOK 4527 PAGE 741
26771/013
28Jul95 DIS

CC&Rs/Serrano

-85-

is Recorded; (iii) the deannexed portion's Assessment obligations to the Master Association are otherwise provided for by a written, Recorded instrument approved by the Board; and (iv) at least two-thirds of the voting power of the Members other than Declarant approve by vote or written consent the deannexation. To deannex a portion of the Property, the Declarant (and the Owner thereof if not the Declarant) shall execute, acknowledge and Record a Notice of Deletion of Territory, containing a legal description of the portion and recitals attesting to satisfaction of the requirements of this subparagraph A.



SERRANO

November 4, 2008

TO: Village D1 Owners

RE: Village D1 – Lots C and D

Dear Owners,

This letter is to bring you up-to-date on Serrano's ongoing planning efforts in the vicinity of Village D1, for the areas known as "Lots C and D", generally west of your neighborhood. Enclosed is a map of this area for your reference.

As you are probably aware, Serrano's Specific Plan provided for the development of area Lots C and D; and in 1997 a Tentative Subdivision Map for "Village D1 - Lot C" was approved for 65 residential lots. We now plan to continue this planning process with El Dorado County, with the current proposed project being very similar to the one previously approved. We are moving forward with the approval process at this time to ensure that this project will be constructed consistent with the planning document for Serrano. However, actual construction is not expected to take place for several years.

Along with Lot C, we also will begin a similar process for "Village D1 – Lot D", which is the area south of the current end of Estero Way, south of the fire station, and east of the former executive golf course site. Lot D will be planned for 70 residential lots, and as with Lot C, we do not expect construction to take place for a number of years.

We have voluntarily delayed these projects in the past because, as you may recall, a number of years ago there was much discussion about Serpentine rock and the presence of Naturally Occurring Asbestos (NOA) in the El Dorado Hills area. Initial reports in 1998 were followed by numerous news articles, along with various reviews and reports by regulatory agencies, geologists, and consultants. At the time, there was much discussion and debate, but not much understanding of the situation. With this in mind, we decided it would be best to wait for more information, and postponed the construction of Village D1 - Lot C.

Over the last ten or so years, much has been learned about NOA and how it should be handled. In our area it is primarily found in Serpentine rock, which is a type of bedrock that is commonly present in the soils of the Sierra Nevada foothills. It is found in many of California's counties, and in fact (because of its abundance throughout the state) it is the State Rock of California.

SERRANO ASSOCIATES, LLC 4525 SERRANO PARKWAY EL DORADO HILLS, CALIFORNIA 95762-7510
916.939.4060 FAX 916.939.4116

18-0480 Public Comment
PC Rcvd 04-11-18

The discussions and findings of these last years have highlighted the fact that when Serpentine is carelessly broken or crushed, it's possible for asbestos to be released, and any work of this type needs to be carefully monitored. Because of these concerns, the El Dorado County Air Quality Management District (AQMD) adopted a new Rule to control fugitive dust and required post-construction mitigation control ordinances for any construction activities undertaken in designated NOA Areas. The Air Quality Management District (AQMD) is part of El Dorado County's Environmental Management Department and is responsible for the administration of the NOA program.

In response to the new Rule and new ordinances, we had geologic tests performed in Village D1 – Lot C to determine if any NOA was present. Fourteen samples were taken: zero asbestos structures were observed in seven of the samples; only trace amounts observed in five; and "actionable" levels of asbestos were found in two.

This report was submitted to the AQMD for their review. We also submitted an Asbestos Dust Mitigation Plan and an Air Monitoring Plan, which were approved by the AQMD. The Dust Mitigation and Air Monitoring Plans will be implemented during the construction of Village D1 – Lot C. These Plans and additional mitigation measures are also being submitted to the County Planning Department as part of our application for this village. Please call me if you want a copy of these Plans and reports.

No testing has been performed yet in Village D1 - Lot D, although we expect to embark on a similar program prior to construction of that project.

We plan to provide the residents of Village D1 with updates as this process moves along and I would be happy to discuss any questions you may have. Please feel free to call me at (916) 939-4060.

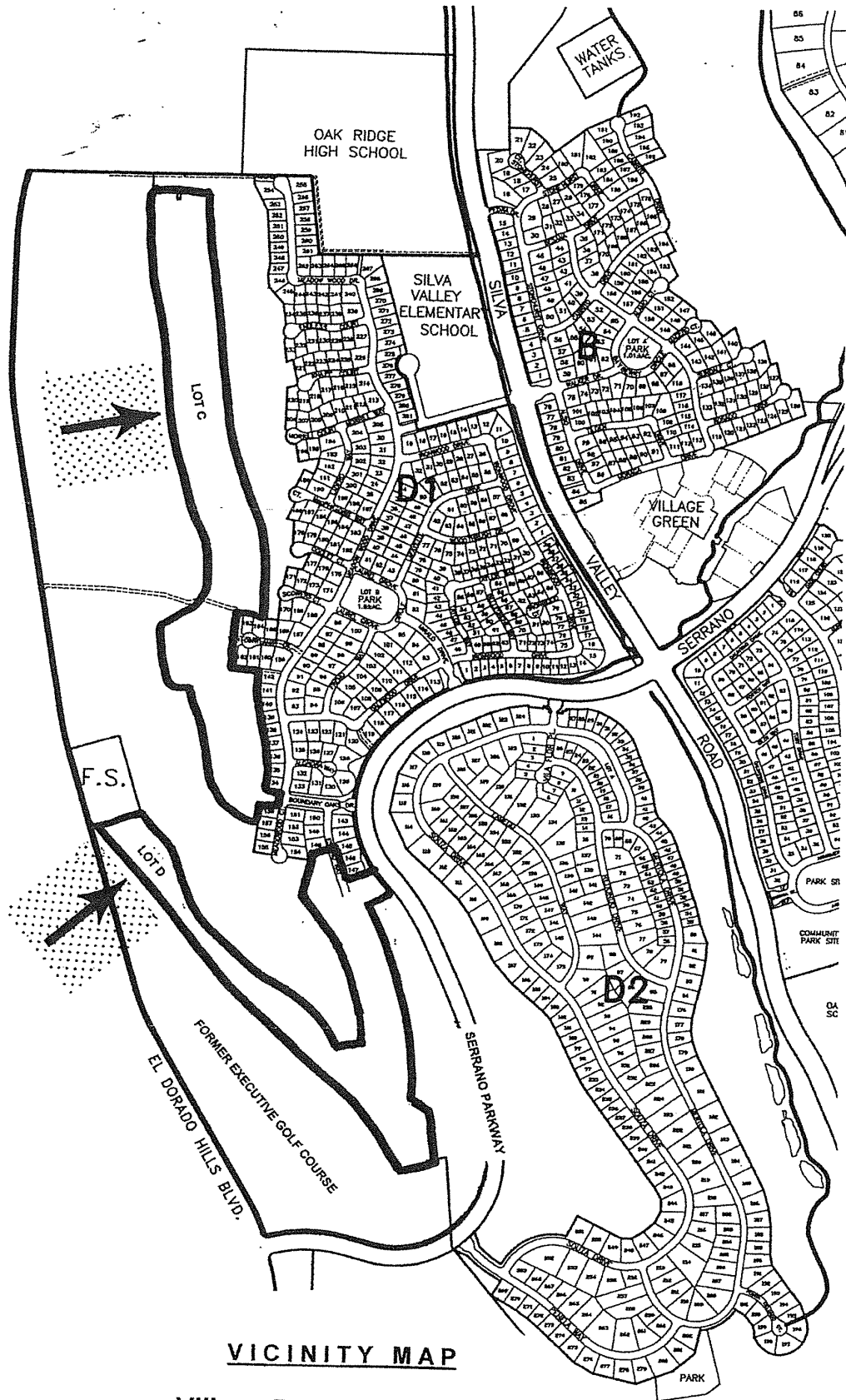
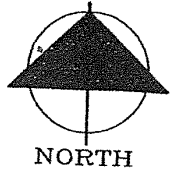
Best Regards,

SERRANO ASSOCIATES, LLC



Kirk Bone
Director of Governmental Relations

KB:lts
Enclosure: Vicinity Map Village D1 - Lots C and D



VICINITY MAP

Village D1 – Lots C and D

Planning Services

Home > Government > Planning

APPLICATION STATUS

Monday, March 5, 2018 5:32:53 PM

*Select Another
List of Projects*

Project	SP 12 0002 - CENTRAL EL DORADO HILLS SP					
Project Type	SPECIFIC PLAN		Status: [Definitions]	PROCESSING		
Planner	ROMMEL PABALINAS		District Supervisor:	JOHN HIDAHL		
Plan Area	NONE SPECIFIED					
Number of Lots	1028		Vicinity Map:	Not Available at this time		
Project Description	PROPOSED CENTRAL EL DORADO HILLS SPECIFIC PLAN CONSISTING OF APPROXIMATELY 1,028 RESIDENTIAL UNITS, 50,000 SQUARE FOOT OF COMMERCIAL, 84.9 ACRES OF OPEN SPACE, AND 15.3 ACRES OF RECREATIONAL PARK WITHIN 250-ACRE PROJECT SITE. THE REQUEST INCLUDES AN AMENDMENT TO THE EXISTING EL DORADO HILLS SPECIFIC PLAN.					
Project Location	EAST SIDE OF EL DORADO HILLS BLVD. 400 FEET NORTH/SOUTH OF INTERSECTION WITH SERRANO PARKWAY					
Situs	0					
APN(s)	120-050-01-100	120-050-05-100	121-040-20-100	121-040-29-100	121-040-31-100	121-120-22-100 121-160-03-100
Related Projects	SP 12 0003	DA 14 0003	SP 86 0002 R	TM 14 1516	A 14 0003	Z 14 0005 PD 14 0004 SP 86 0002 R

Related Documents:

8/25/2016 Informational Workshop - Planning Commission
2/26/2013 Notice of Preparation/Notice of Scoping Meeting

19358

4/11/2018

Edcgov.us Mail - Fwd: Comments to Planning Commission for April 12 Agenda Item 4

PC 4-12-18
#4
10 pages



Serena Carter <serena.carter@edcgov.us>

Fwd: Comments to Planning Commission for April 12 Agenda Item 4

1 message

Char Tim <charlene.tim@edcgov.us>

Wed, Apr 11, 2018 at 7:44 AM

To: Serena Carter <serena.carter@edcgov.us>

Cc: bjohnson@hthjlaw.com, Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Serena,

Please prep this email and attachment as public comment as being received today and upload it this afternoon. Thank you.

----- Forwarded message -----

From: **Brad Johnson** <bjohnson@hthjlaw.com>

Date: Tue, Apr 10, 2018 at 8:58 PM

Subject: Comments to Planning Commission for April 12 Agenda Item 4

To: "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>

Please forward the attached letter on to the Planning Commission.

Please confirm receipt.

Thanks very much,

Brad Johnson

BRADLEY B. JOHNSON, ESQ.

HARRISON TEMBLADOR HUNGERFORD & JOHNSON

MINING LAND USE NATURAL RESOURCES

PLEASE NOTE OUR NEW ADDRESS:

2801 T STREET

SACRAMENTO, CA 95816

TEL: 916.706.2098 • FAX: 916.382.4380

BJOHNSON@HTHJLAW.COM • WWW.HTHJLAW.COM

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<https://mail.google.com/mail/?ui=2&ik=baf0d8fdbd&jsver=LcPASTiusm8.en.&view=pt&search=inbox&th=162b52af12d78f0e&siml=162b52af12d78f0e>

18-0480 Public Comment
PC Rcvd 04-11-18

4/11/2018

Edcgov.us Mail - Fwd: Comments to Planning Commission for April 12 Agenda Item 4

that any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

--

Char Tim

Clerk of the Planning Commission

County of El Dorado

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5351 / FAX (530) 642-0508

charlene.tim@edcgov.us



EDC PC Ltr 4-10-18.pdf
78K

HARRISON
TEMLADOR
HUNGERFORD
& JOHNSON

MINING
LAND USE
NATURAL RESOURCES

2801 T STREET
SACRAMENTO, CA 95816
TEL 916.382.4377
FAX 916.382.4380
WWW.HTHLAW.COM

April 10, 2018

Mr. Gary Miller, Chair, and
Members of the Planning Commission
County of El Dorado
2850 Fairlane Court
Placerville, CA 95667

[VIA EMAIL TO CHARLENE.TIM@EDCGOV.US]

**Re: April 12, 2018 Meeting, Agenda Item 4
Planning File 18-0480**

Dear Chair Miller and Members of the Planning Commission:

The Serrano Village J, Lot H project (Planned Development PD14-0008/Tentative Subdivision Map TM14-1524), as it is currently proposed, conflicts with the El Dorado Hills Specific Plan ("Specific Plan"), proposes removal of 487 mature oak trees in conflict with the Specific Plan Environmental Impact Report ("Specific Plan EIR"), proposes development out of character with the surrounding community, and poses serious health risks to the community. The project further fails to make the required showings necessary to support the associated design waivers. The Planning Commission is required by County Code to deny the project. The project must be redesigned to be consistent with the County's mandatory design standards, to comply with the Specific Plan and Specific Plan EIR, and must be subject to further environmental review to evaluate and mitigate impacts on the environment and community residents.

The project proposes a new tentative map allowing construction of 41 single-family houses. To accommodate the proposed 41 single family houses, the project seeks exemptions from applicable County residential development standards, including a reduced right-of-way and narrower sidewalks that conflict with the Specific Plan. The project proposes mass pad grading involving 37,200 cubic yards of cut and 36,500 cubic yards of fill, construction of retaining walls, and removal of 487 of 558 mature and heritage oak trees that exist on the proposed project site. Finally, The Staff Report asserts that the proposed project is exempt from environmental review under a statutory exemption from the California Environmental Quality Act ("CEQA").

The proposed project, as explained in detail below, must be denied for the following reasons: (1) the proposed project fails to meet the requirements for a design waiver to allow

narrower than standard road widths; (2) the proposed project fails to meet the requirements for a design waiver to allow narrower than standard sidewalks; (3) the proposed project is inconsistent with the El Dorado Hills Specific Plan in regard to proposed road widths, lot sizes, and pedestrian circulation, among other deficiencies; (4) the proposed project site, contrary to assertions in the Staff Report, is not suitable for the density of the project as proposed, and poses threats to the environment and wildlife habitat; (5) the proposed project poses serious public health hazards; and (6) the proposed project requires further environmental review under CEQA.

1. The Project Does Not Satisfy Required Findings for a Reduced Right-of-Way.

The El Dorado County Design and Improvements Manual (“DISM”) provides, in relevant part, that local streets “shall not be less than” the specified basic row width of 50 feet.¹ (DISM, § 3(C)(1).) Section 120.08.020 of the County Code allows the Planning Commission to grant a design waiver from standards specified in the DISM only where all of the following four requirements are met:

- a. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver;
- b. Strict application of the design or improvement requirements of this subpart would cause extraordinary and unnecessary hardship in developing the property;
- c. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public;
- d. The waiver would not have the effect of nullifying the objectives of this subpart or any other law or ordinance applicable to the subdivision.

(El Dorado County Code, § 120.08.020.) The Staff Report fails to support any of these findings, much less all four required findings. With respect to the first required finding, relating to special conditions or circumstances, the Staff Report, without evidence, declares the finding met because the 50-foot width is “typically” applied to public roads, whereas the project roads would be privately owned and maintained by the Serrano Homeowner’s Association (“HOA”). The DISM, however, does not differentiate between public and private roads, and explicitly applies in low-traffic contexts, including roadways in rural subdivisions and minor subdivisions with as few as five parcels. Private ownership by itself is not a special condition or circumstance that was not contemplated in the DISM, and does not justify deviation from the DISM standards.

^{1/} The El Dorado Hills Specific Plan also specifies a minimum 50-foot right-of-way: 50-foot street widths is “the primary street design” for interior residential streets. (El Dorado Hills Specific Plan, §§ 5.3.1, 5.3.2.)

Second, the Staff Report does not show that the 50-foot width would cause extraordinary and unnecessary hardship in developing the property. Again without evidence, the Staff Report asserts that application of the established DISM 50-foot standard would pose an “encumbrance to the design and functionality of the planned residential development.” Under County Code, a design waiver is not appropriate merely when an applicant’s desires are “encumbered” by established County design standards. Design “encumbrance”, and by implication, development of fewer than the maximum desired number of units, is not an “extraordinary and unnecessary hardship”. Design standards exist for a reason, and are necessary to the safe functioning of County neighborhoods. All developers must design their projects around the well-established, mandatory DISM standards.

Third, the Staff report does not show that the reduced street width would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The Staff Report, in this regard, merely states without evidence that the reduced width “would adequately serve the private residential development”. To the contrary, the reduced width deviates from the prevailing DISM standard applied throughout the Serrano development, which has contributed to a uniform and safe circulation system. 50-foot standard road widths have helped provide the Serrano community with a design and community feeling different from other planned developments; deviation from this standard would undermine the neighborhood’s essential character. The Staff Report, moreover, acknowledges that the proposed development creates a “dead end” street with only one entrance and exit; in this regard, the standard road width is doubly important as a safety measure.

Fourth, the waiver, contrary to the position taken in the Staff Report, would have the effect of nullifying the objectives of the DISM and the County Code. As noted, the DISM specified a standard road width for the purpose of ensuring safe circulation in neighborhoods throughout the County. This standard is mandatory: local streets “shall not be less than” the specified basic row width of 50 feet. (DISM, § 3(C)(1).) Granting a waiver from this standard necessarily nullifies the DISM’s stated objectives. Granting a waiver here also sets poor precedent by prioritizing an applicant’s convenience and desires over mandatory requirements, long-established community standards, and public safety.

2. The Project Does Not Satisfy Required Findings for Narrower Sidewalks.

The Staff Report requests a second waiver related to construction of 4-foot reduced-width sidewalks on one side of the proposed project streets rather than standard 6-foot sidewalks on both sides. Section 120.08.020 of the County Code allows the Planning Commission to grant a design waiver from standards specified in the DISM only where the same four findings cited above can all be met.

While the Staff Report provided at least some discussion regarding the proposed reduction in road widths in relation to the required four findings, the Staff Report fails to include any information at all justifying the proposed reduction in sidewalk width. County Code requires an affirmative showing on each of the four criteria set out in Section 120.08.020; the absence of any showing here requires the Planning Commission to reject the waiver on this item.

3. The Project Is Not Consistent With The El Dorado Hills Specific Plan and Subdivision Ordinance.

The Staff Report asserts that the project “conforms to the applicable specific plan standards including site design, circulation, and density”, and will adhere to “all applicable construction standards, conditions of approval, and environmental measures.” The project, to the contrary, conflicts with the El Dorado Hills Specific Plan (“Specific Plan”) in a number of ways. For example, as noted in Footnote 1 above, the Specific Plan specifies a uniform 50-foot interior residential street width. (Specific Plan, §§ 5.3.1, 5.3.2.) The Specific Plan also provides for wider streets (e.g., 80 feet for a minor village street, up to 120 feet for Silva Valley Parkway), but does not provide for narrower streets. (See Specific Plan, § 5.3.) Here, the project proposes a design waiver to allow for 38-foot road widths. As discussed above, the applicant has failed to make the required showing to support the requested waiver. In any event, the project, as proposed, is not consistent with the Specific Plan in this regard.

Next, the Specific Plan calls for larger “Ranch Estate” lots near Bass Lake, with parcels that abut the Specific Plan boundary near Bass Lake to be 4 acres minimum in size. (Specific Plan, § 2.5.) The Specific Plan describes Ranch Estate lots as being the largest lots of the single-family housing types. (Specific Plan, § 2.3.1.3.) The project instead proposes to develop 41 units on lots ranging in size from 7,200 to 17,077 square feet, far smaller (in some cases, 1/24th of the Specific Plan lot size) than contemplated in the Specific Plan. Not only does the project fail to comport with the Specific Plan in this respect, but the exhibits attached to the Staff Report show that the project density is out of character with the density of existing residential development to the north and west of the project site.

The Specific Plan requires Village J development, further, to “be subject to the design review requirements of the Specific Plan to ensure protection of trees and natural habitat, and to minimize grading.” (Specific Plan, § 2.3.1.3.) The project instead proposes significant grading work (37,200 cubic yards of cut and 36,500 cubic yards of fill) and clear-cutting of 487 out of 558 mature and heritage oak trees that exist on the project site.² This is precisely opposite of the type of development the County specified for Village J in the Specific Plan.

^{2/} It should be noted that the Staff Report contains misleading statements in this regard. The Staff Report states that “the project shall implement specific plan construction measures involving site grading and drainage design, minimization of impacts to air quality effects, reduction of noise impacts, and preservation of oak trees and

The Specific Plan also relies on adequate sidewalks (as specified in the DISM), as well as trails and paths, to provide an alternative to automobile travel and to foster resident recreational use. (Specific Plan, § 5.4.) As one commenter to this Commission has already noted, a 4-foot sidewalk is too narrow to achieve these Specific Plan objectives. The project, further, proposes no continuity of the trail and path network, and also severs community access to Bass Lake (Sellwood) Field, which is the CSD's only 300-foot baseball field. Currently, walkers, hikers, families, and bicyclists use a well-worn natural trail along the north end of the project site to access Sellwood Field and the lake. The project will destroy this natural trail, and instead require members of the community to pass along narrow sidewalks through the streets and across an emergency vehicle access to reach these important community assets.

The Staff Report, without identifying specific provisions of the County Subdivision Ordinance, or any evidence, asserts that the project is consistent with that Ordinance, apparently on the asserted ground that the project is consistent with the Specific Plan. Because the project conflicts with the Specific Plan, the project is thus also inconsistent with the Subdivision Ordinance to the extent that the Staff Report cites to the project's asserted consistency with the Specific Plan as support for its consistency with the Subdivision Ordinance.

4. The Staff Report Mischaracterizes the Project Site; the Project Site Is Not Physically Suitable for the Proposed Density of Development and Has Potential to Cause Environmental Damage Including Harm to Wildlife.

The Staff Report states that the project site is "predominantly flat, [and] does not contain sensitive vegetation." In fact, the project site is characterized by steep to moderately-steep rocky slopes vegetated by approximately 558 mature and heritage oak trees and at least one jurisdictional wetland swale. Moreover, the site is characterized by surface-exposed rocky structures that have been mapped by several governmental agencies, including the California Geological Survey, to potentially contain naturally occurring asbestos. Moreover, the site is habitat to a variety of protected and special-status species, including predatory birds.

Concerning impacts to oak trees in particular, the Staff Report indicates that the project's impacts to oak woodlands would be "mitigated in accordance to the EDHSP EIR." This document (the Specific Plan EIR) states, in this regard, that "[r]emoval of oak trees and other large native trees with trunk circumference of 30 inches at 4.5 feet above grade shall be avoided where feasible." (Specific Plan, p. 12-36.) Next, the Specific Plan EIR requires that "residential construction shall not occur within the canopy area of oak trees over 30 inches in circumference" (Specific Plan, p. 12-36.) These are the only two "mitigation measures" imposed on the project concerning oak tree destruction. Even so, the project wholly disregards these mitigation

wetlands." In fact, the project proposes significant grading in directly conflict with the Specific Plan, and removal of 487 out of 558 mature oak trees.

measures. No credible argument can be made that removal of nearly 90 percent of the oak trees on the project site constitutes a good-faith effort to avoid oak tree removal where feasible. It is apparent that the project applicant made no effort to avoid removal of the numerous 30-inch trees on the project site. A good example of residential development in compliance with the Specific Plan EIR can be found directly north of the project site in Serrano, where numerous oaks have been preserved.

5. The Project Poses Serious Public Health Hazards.

As noted, the project site has been mapped as potentially containing naturally occurring asbestos. The project proposes mass grading directly adjacent to existing residences. Without site-specific geologic analysis to confirm the absence of naturally occurring asbestos, the County must assume that the project carries the potential to cause serious public health hazards by disturbing areas with known potential for naturally occurring asbestos. While the proposed project Conditions of Approval require the project applicant to comply with Air District Rules 223, 223.1, and 223.2, these rules may not be effective without a quantified understanding of the specific risks at the project site.

6. The Project Is Not Exempt From CEQA.

The Staff Report asserts, incorrectly, that the project is exempt from CEQA under Section 15182 of the CEQA Guidelines. Section 15182 provides, in relevant part, as follows:

(a) Exemption. Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section.

...

(c) Limitation. This section is subject to the limitation that if after the adoption of the specific plan, an event described in Section 15162 should occur, this exemption shall not apply until the city or county which adopted the specific plan completes a subsequent EIR or supplement to an EIR on the specific plan. . . .

(CEQA Guidelines, § 15182(a), (c).) As outlined above, the project is not consistent with the El Dorado Hills Specific Plan in several respects, including the proposed road width, proposed lot sizes, grading, oak tree removal, and pedestrian circulation. Accordingly, the project is not eligible for the Section 15182 exemption. Further environmental review is required before the County may approve the project as proposed.

Further, even if the project were consistent with the Specific Plan, further environmental review is still required under CEQA Guidelines Section 15162. That section provides, in relevant part:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(CEQA Guidelines, § 15162(a).)

The County certified the El Dorado Hills Specific Plan Environmental Impact Report (SCH No. 86122912) (“Specific Plan EIR”) in 1987, more than 30 years ago. During that time, the population in the El Dorado Hills area has radically increased, resulting in increased cumulative traffic, air quality, greenhouse gas, biological, and land use impacts, among other impacts, than were evaluated in the Specific Plan EIR. On a more site-specific level, the project proposes greenfield development directly adjacent to established residential neighborhoods. The proximity of the proposed development to residents itself warrants further environmental review.

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Of particular concern is the potential health hazard posed by naturally occurring asbestos and diesel particulate matter. The Specific Plan EIR contains no analysis at all of naturally occurring asbestos and its potential impacts on community residents. Similarly, the Specific Plan EIR contains no Health Risk Assessment evaluating the potential cancer-causing effects of diesel particulate matter on community residents. Naturally occurring asbestos squarely qualifies as “new information of substantial importance, which was not known and could not have been known” at the time the County adopted the Specific Plan EIR that now requires further environmental review.

* * *

As stated at the outset of this letter, the project does not meet the basic requirements of and directly conflicts with the El Dorado Hills Specific Plan, conflicts with the Specific Plan EIR, proposes development out of character with the surrounding community, and poses serious health risks to the community. The Planning Commission must deny the project as proposed.

Should you have any questions concerning the matters discussed herein, please do not hesitate to contact me by telephone at (916) 382-4377, or by e-mail at bjohnson@hthjlaw.com.

Very truly yours,
HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON

By



Bradley Johnson