

4/24/2018

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

PC 4-26-18
#5
13 pages



Serena Carter <serena.carter@edcgov.us>

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

6 messages

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 7:41 AM

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,

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@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>; 'jirazzpub@sbcglobal.net' <jirazzpub@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

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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

=====
Rommel (Mel) Pabalinas, Principal Planner
El Dorado County Community Development Services
Planning and Building Department
Planning Division
2850 Fairlane Court
Placerville, CA 95667
Main Line 530-621-5355
Direct line 530-621-5363
Fax 530-642-0508

4/24/2018

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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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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

<https://mail.google.com/mail/?ui=2&ik=baf0d8fdbd&isver=OeNArYUPo4q.en.&view=pt&search=inbox&th=162f825877d0ac7e&siml=162h527e19b4d660&siml=16>

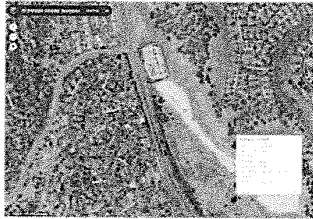
18-0480 Public Comment
PC Rcvd 04-23-18

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124. Section Changes. Nothing contained herein shall relieve the owner or any other person from the further obligations or responsibilities of the Local Property and Ordinance that may be in effect at the time of the application. Nothing contained herein shall relieve the applicant or any other person from the obligations or responsibilities of the Local Property and Ordinance that may be in effect at the time of the application. Nothing contained herein shall relieve the applicant or any other person from the obligations or responsibilities of the Local Property and Ordinance that may be in effect at the time of the application.

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

Table with columns: Parcel ID, Area, Value, etc. (Table content is partially obscured and difficult to read)

5) 2000's Assessments.JPG
107K

124. Membership in Home Association. Membership in the Home Association shall be deemed to be a condition of the sale of the property and shall be a condition of the use of the property. The Home Association shall be deemed to be a condition of the use of the property and shall be a condition of the use of the property.

CC&\$ 4.01.jpg
104K

CC&\$ 14.11.jpg
97K

4/24/2018

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3.17. **Plan of Association.** The Board shall establish a Plan of Association for the proposed subdivision. The Plan of Association shall contain the following information: (a) the name of the subdivision; (b) the purpose of the subdivision; (c) the location of the subdivision; (d) the boundaries of the subdivision; (e) the names of the owners of the lots within the subdivision; (f) the names of the owners of the common areas within the subdivision; (g) the names of the owners of the easements within the subdivision; (h) the names of the owners of the rights of way within the subdivision; (i) the names of the owners of the other interests within the subdivision; (j) the names of the owners of the other interests within the subdivision; (k) the names of the owners of the other interests within the subdivision; (l) the names of the owners of the other interests within the subdivision; (m) the names of the owners of the other interests within the subdivision; (n) the names of the owners of the other interests within the subdivision; (o) the names of the owners of the other interests within the subdivision; (p) the names of the owners of the other interests within the subdivision; (q) the names of the owners of the other interests within the subdivision; (r) the names of the owners of the other interests within the subdivision; (s) the names of the owners of the other interests within the subdivision; (t) the names of the owners of the other interests within the subdivision; (u) the names of the owners of the other interests within the subdivision; (v) the names of the owners of the other interests within the subdivision; (w) the names of the owners of the other interests within the subdivision; (x) the names of the owners of the other interests within the subdivision; (y) the names of the owners of the other interests within the subdivision; (z) the names of the owners of the other interests within the subdivision.

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

6) Deannexation.JPG
66K

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

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

7) Application Status.pdf
60K

Char Tim <charlene.tim@edcgov.us>
To: Serena Carter <serena.carter@edcgov.us>
Cc: Debra Ercolini <debra.ercolini@edcgov.us>

Wed, Apr 18, 2018 at 7:40 AM

Serena,

Please prep this email and its 3 attachments for the Serrano Village J, Lot H project that was received yesterday and is to be posted online today. Thank you.

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

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

From: **Dean Getz** <DGetz@axiomanalytix.com>
Date: Tue, Apr 17, 2018 at 4:21 PM
Subject: RE: Serrano Village J-Lot H Tentative Subdivision Map Deficiency
To: Char Tim <charlene.tim@edcgov.us>, Rommel Pabalinas <rommel.pabalinas@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>, "james.williams@edcgov.us" <james.williams@edcgov.us>, "jeff.hansen@edcgov.us" <jeff.hansen@edcgov.us>, "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "jveгна@edcgov.us" <jveгна@edcgov.us>, "roger.trout@edcgov.us" <roger.trout@edcgov.us>
Cc: Jeff Baker - HOA Board <JBaker.Board@serranohoa.org>, "DSacco.Board" <Dsacco.Board@serranohoa.org>, Dick Callahan - HOA Board <Dcallahan.Board@serranohoa.org>, Mike Mellow - HOA Board <MMellow.Board@serranohoa.org>, George Triano <GTriano.Board@serranohoa.org>, Julia Souza <Julia.Souza@fsresidential.com>, Peter Marino <Peter.Marino@fsresidential.com>, "ijwhitejd@gmail.com" <ijwhitejd@gmail.com>, "jrazzpub@sbcglobal.net" <jrazzpub@sbcglobal.net>, John Davey <jdavey@daveygroup.net>, "hpkp@aol.com" <hpkp@aol.com>

Dear Planning Commissioners, Mr. Trout, Mr. Pabalinas, Ms. Tim, Serrano Directors & APAC et al. (bcc'd to numerous others):

Since Serrano Associates, LLC has voluntarily postponed their hearing in order to respond to public comments prior to the County's reconsideration of the (re)shuffling of their Village J lot H's subdivision map—I'm also calling your attention to the following:

Capital Improvement Assessment

-

Serrano Associates, LLC now seeks to include 41 Village J lot H member lots within the parameter (or "service area") of the HOA's manned gatehouses. Yet, all the members (developed and undeveloped) within the manned gatehouses' service area are currently being assessed a one-time \$500 capital improvement contribution in order to fund the construction of this third "Sangiovese Gatehouse" as linked here. Of course, these 41 "proposed" Village J lot H members lots haven't participated in this capital assessment—because, the HOA recognizes that these members will enter and exit their lots from outside the HOA's gatehouses. In other words, any subdivision mapping changes to the contrary—for exactly these sorts of reasons—require consent of the HOA. I will further explain.

Annexation and Amendment

-

I recently reminded the HOA that pursuant to its CC&R §14.06... the Declarant's right "at its sole option" (i.e. "unilaterally") to amend a Supplemental Declaration which includes amending their 2013 Declaration of Annexation that created the Village J lot H HOA members—extends, so long as, these members haven't been assessed. However, once annexed and assessed... the Declarant's "unilateral" rights are undoubtedly extinguished with regard to any lot in the annexed property as detailed here. As an aside, the proper assessment of members like... Village J lot H's member lots, by the HOA is currently being litigated—but, it's quite clear that these members have been "subject to assessment" since their annexation 5 years ago (2013).

Annexation Motivation

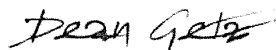
Today, the Declarant contends, albeit erroneously, that they've effectively "tentatively" annexed these lots or parcels into the HOA in order to elude their time-constrained CC&R-provided "unilateral" development rights. In other words, Serrano's Kirk Bone stated to the Village Life in 2008, "Our development agreement expires in 2009... Getting these two projects (tentatively) approved will enable us to develop them consistent with our specific plan" effectively enabling them to extend their development/redevelopment proposal(s) for nearly a decade beyond the development agreement's expiration linked here. Here again, Serrano Associates, LLC's CC&R-afforded "unilateral" rights were expiring—so, they hastily annexed the balance of the property expecting that no one would notice that their CC&Rs-provided 'entitlement' to "unilaterally" divide and subdivide had long ceased.

HOA's Approval

I continue to suggest that the County seek the HOA's approval on Serrano Associates, LLC proposed changes in order ensure that these proposed changes conform to the terms of the HOA's governing documents in which the HOA has a fiduciary responsibly to its members to properly administer.

Should you have any questions—I can be reached at (800) 818-3010 ext. 33.

Sincerely,



[Quoted text hidden]

4/24/2018

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Cc: Char Tim <charlene.tim@edcgov.us>, Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Your public comment has been received for the PD14-0008, TM14-1524 Serrano Village project that is agendized for the Planning Commission's April 26, 2018 meeting.

Thank you.

[Quoted text hidden]

--

Serena Carter
Administrative Secretary

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5352 / FAX (530) 642-0508
serena.carter@edcgov.us

Dean Getz <DGetz@axiomanalytix.com>
To: Serena Carter <serena.carter@edcgov.us>
Cc: Char Tim <charlene.tim@edcgov.us>

Wed, Apr 18, 2018 at 9:32 AM

Thank you for the prompt, professional confirmation. I appreciate it, Ms. Carter. And, I must admit... Ms. Tim and others within the County's planning process have been equally responsive and should be commended.

From: Serena Carter [mailto:serena.carter@edcgov.us]
Sent: Wednesday, April 18, 2018 9:03 AM
To: Dean Getz <DGetz@Axiomanalytix.com>
Cc: Char Tim <charlene.tim@edcgov.us>; Rommel Pabalinas <rommel.pabalinas@edcgov.us>
Subject: Re: Serrano Village J-Lot H Tentative Subdivision Map Deficiency

[Quoted text hidden]

Char Tim <charlene.tim@edcgov.us>
To: Serena Carter <serena.carter@edcgov.us>
Cc: Rommel Pabalinas <rommel.pabalinas@edcgov.us>

Tue, Apr 24, 2018 at 7:53 AM

Serena,

Please prepare this email and it's attachments for uploading today as Public Comment received 04-23-18 for the PC 4/26/18 agenda, Item #5 (Serrano Village J, Lot H). Thank you.

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

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

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

Date: Fri, Apr 20, 2018 at 5:14 PM

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

To: Char Tim <charlene.tim@edcgov.us>, Rommel Pabalinas <rommel.pabalinas@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>, "james.williams@edcgov.us" <james.williams@edcgov.us>, "jeff.hansen@edcgov.us" <jeff.hansen@edcgov.us>, "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "jvegna@edcgov.us" <jvegna@edcgov.us>, "roger.trout@edcgov.us" <roger.trout@edcgov.us>

Cc: Jeff Baker - HOA Board <JBaker.Board@serranohoa.org>, "DSacco.Board" <Dsacco.Board@serranohoa.org>, Dick Callahan - HOA Board <Dcallahan.Board@serranohoa.org>, Mike Mellow - HOA Board <MMellow.Board@serranohoa.org>, George Triano <GTriano.Board@serranohoa.org>, Julia Souza <Julia.Souza@fsresidential.com>, Peter Marino <Peter.Marino@fsresidential.com>, "tjwhitejd@gmail.com" <tjwhitejd@gmail.com>, "jrazzpub@sbcglobal.net" <jrazzpub@sbcglobal.net>, John Davey <jdavey@daveygroup.net>, "hpkp@aol.com" <hpkp@aol.com>

Dear Planning Commissioners, Mr. Trout, Mr. Pabalinas, Ms. Tim, Serrano Directors & APAC et al. (bcc'd to numerous others):

Serrano Associates, LLC and El Dorado County currently contend that Title 14 CCR section 15182 **exempts** Serrano Associates, LLC's proposed reshuffling of its Village J lot H subdivision map from the California Environmental Quality Act (CEQA). This appears to be an erroneous position. I will explain.

Expired Specific Plan

The El Dorado Hills Specific Plan expired in 2009 and I can find no record of El Dorado County's "extension" of this specific plan beyond its 2009 termination date. To clarify, the County has repeatedly documented its need to extend this plan—if not completed prior to 2009... as excerpted from its 1992 "annual review" shown below and linked here.

1.4 The term of the Development Agreement is for 20 years, unless it is terminated, the project is completed or the agreement is extended.

Staff Comments: The Development Agreement was approved by the Board on February 3, 1989, by Ordinance No. 3999. The Development Agreement has a term of approximately 17 years remaining.

To that end, the applicant and the County are undeniably operating as if the El Dorado Hills Specific Plan has been extended as evidenced by the applicant here and excerpted below.

Requested development standards are provided in ATTACHMENT A.

Enclosed is an updated Facilities Improvement Letter dated June 1, 2017, along with current tabulations for open space lands and oak canopy impacts. Cumulative open space lands total 1,211 acres (33 acres in excess of Specific Plan requirements) and oak canopy impacts total 421 acres (34 acres less than contemplated by the Specific Plan). A revision to the previously-prepared sound study is underway and I will forward to you under separate cover.

CEQA Exemption

So, absent a formally "extended" specific plan—please reconsider the County's declaration to the public that these tentative map changes are actually exempt from the California Environmental Quality Act (CEQA).


-


Annual Review

Conversely, assuming that the El Dorado Hills Specific Plan has been "extended" beyond 2009—pursuant to California Government Code §6253.9... please produce the County's "annual reviews"—required of it by the "extended" specific plan—post 2008 as this was the last documented "annual review" produced pursuant to a recent public records and as generally discussed here is excerpted below:

As you know, the twenty year term of the Development Agreement for the Specific Plan will terminate at the beginning of 2009. There was supposed to have been an annual review of the development agreement, each year for the last twenty years that was to have been instigated by the County to review the extent of good faith by the developer with the terms of the agreement. To our knowledge, and as you have confirmed, the County appears to have done this review at the staff level only sporadically and when done, not at the Planning Commission or Board of Supervisors level. Additionally, these reviews appear to have been done on a part of the Specific Plan area and not on the whole area within the Plan. At this important time in the life of the Development Agreement, we feel that it is necessary to have staff provide the Board with a thorough history, including a timeline, of the changes made to the Specific Plan since its adoption. This review by the Board of Supervisors (of the good faith efforts by the developers) is warranted at this time prior to any action on the pending application we hereby request that you contact the developers within the Specific Plan area to provide this information to you as Section 5 of the Development Agreement allows.

Sincerely,


RUSTY DUPRAY
Supervisor, District One


HELEN K. BAUMANN
Supervisor, District Two

RD: lf

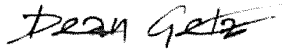
cc: Kirk Bone, Serrano

HOA's Approval

Finally, I continue to contend that the County must... **first and foremost**, seek the HOA's approval on Serrano Associates, LLC proposed changes in order ensure that these proposed changes conform to the terms of the HOA's governing documents in which the HOA has a **fiduciary responsibility** to its members to properly administer.

Should you have any questions—I can be reached at (800) 818-3010 ext. 33.

Sincerely,



Serrano Homeowner

Lot 106-H

From: Dean Getz

Sent: Tuesday, April 17, 2018 4:22 PM

To: 'Char Tim' <charlene.tim@edcgov.us>; 'Rommel Pabalinas' <rommel.pabalinas@edcgov.us>; 'brian.shinault@edcgov.us' <brian.shinault@edcgov.us>; 'james.williams@edcgov.us' <james.williams@edcgov.us>; 'jeff.hansen@edcgov.us' <jeff.hansen@edcgov.us>; 'gary.miller@edcgov.us' <gary.miller@edcgov.us>; 'jvegna@edcgov.us' <jvegna@edcgov.us>; 'roger.trout@edcgov.us' <roger.trout@edcgov.us>

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

Importance: High

[Quoted text hidden]