

4/26/2018

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

PC 4/26/18

(Distributed at hearing)

#5

11 pages

Charlene Tim <charlene.tfm@edcgov.us>



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

Char Tim <charlene.tfm@edcgov.us>

Thu, Apr 26, 2018 at 7:32 AM

To: Serena Carter <serena.carter@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

Please prepare for today's hearing. 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.tfm@edcgov.us

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

From: Dean Getz <DGetz@axiomanalytix.com>

Date: Wed, Apr 25, 2018 at 10:05 PM

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

To: Char Tim <charlene.tfm@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>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "bosone at edcgov.us" <bosone@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bostwo@edcgov.us" <bostwo@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 <davey@daveygroup.net>, "hpkp@aol.com" <hpkp@aol.com>

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

I'm stunned—the portion of staff's memo dated April 23, 2018 pertaining to the County's need to seek the HOA's approval regarding proposed land use changes within the HOA's jurisdiction flat out ignores this well documented requirement (Attached as, "2A – Staff Memo 04-23-18" in planning's file). I will explain.

### CC&R § 9.09

First, staff's memo cites the HOA's CC&R §9.09 suggesting that, "Neither the Declarant nor any affiliate of Declarant need seek the approval of the Committee with respect to any of its activities" purporting to exempt the Declarant from needing to seek the HOA's approval of this proposal. **In fact, HOA Article 9 addresses the "architectural controls" which have no applicability or bearing on the proposed land use changes whatsoever.**

### CC&R § 13.06

Next, staff cites the HOA's CC&R §13.06 quoting, "Subject to approval, as necessary, by the County of El Dorado, Declarant may, from time to time as it deems fit, amend its plans for the **Overall Property**" as if this passage exempts the Declarant from needing to seek the HOA's approval.

In fact, I previously plainly identified to the County that CC&R § 1.04 which explicitly states, "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...**" (Attached as, "HOA CC&R 1.04"). Said differently, **the HOA's CC&R §13.06 applies to pre-annexed "overall property". Again, Serrano's Village J lot H was annexed in 2013.**

### County Authority

Finally, staff's memo also makes the wildly unsupported assertion that, "The County's authority over land use decision making is not subordinate to any project's Covenants, Conditions and Restrictions (CC&Rs)..." In fact, I previously plainly identified C&R §14.11 which explicitly states, "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.**"


Again, there's no dispute that Serrano's Village J lot H was annexed by the recording of a 'Declaration of Annexation' in 2013 pursuant to the terms in the HOA's CC&R Article 14. Further, CC&R §14.11 explicitly states, "The Recording of a Declaration of Annexation shall constitute and effectuate the annexation of annexable property..." **In other words, annexed property is immediately subject to the functions, powers and jurisdiction of the Master Association."**

No less stunning is that a County staff person's memo would assert that the County's "land use" authority **isn't limited by previously recorded CC&Rs that run with the land.** In other words, land that is already, "subject to Assessment by the Master Association and to the functions, powers and jurisdiction of the Master Association."

Nevertheless, I continue to contend that the County must require the applicant seek the HOA's approval on the applicant's proposed changes within the HOA's jurisdiction. Any failure to do so by the County... will likely be irreparable.

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: Friday, April 20, 2018 5:14 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>  
 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>; 'jjrazzpub@sbcglobal.net' <jjrazzpub@sbcglobal.net>; 'John Davey' <jdavey@daveygroup.net>; 'hpkp@aol.com' <hpkp@aol.com>

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

Importance: High

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

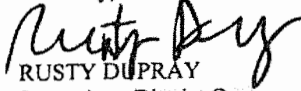
So, absent a formally "extended" specific plan—please reconsider the County's declaration to the public that these tentative map changes are actually exempt from the California Environmental Quality Act (CEQA).

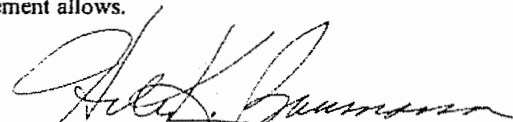
### Annual Review

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

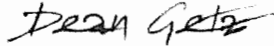
cc: Kirk Bone, Serrano

### 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>

**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>; 'jjrazzpub@sbcglobal.net' <jjrazzpub@sbcglobal.net>; 'John Davey' <jdavey@daveygroup.net>; 'hpkp@aol.com' <hpkp@aol.com>

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

**Importance:** High

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.

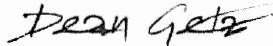
In other words, Serrano's Kirk Bone stated to the Village Life in 2008, "Our development agreement expires in 2009... Getting these two projects (tentatively) approved will enable us to develop them consistent with our specific plan" effectively enabling them to extend their development/redevelopment 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,



Serrano Homeowner

Lot 106-H

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>, "jrazzpub@sbcglobal.net" <jrazzpub@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>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosttwo@edcgov.us" <bosttwo@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 (EDHCS) for a future recreational park site pursuant to their proposed map (Linked here: M14-1524/Planned Development PD14-008).**

**J Lot H Annexation**

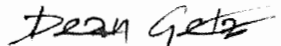
However, Serrano Associates, LLC previously annexed J Lot H in 2013—in its **entirety**—into the HOA (Linked here “2013 Declaration of Annexation”).

**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>; 'bostthree@edcgov.us' <bostthree@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



4/26/2018

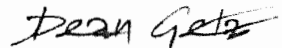
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functions, powers **and jurisdiction of the HOA**. In other words, Serrano Associates, LLC must follow CC&R §14.12 entitled, 'Deannexation' in order to pursue its desire to, "convert 135 planned dwelling units at Village D-1, Lots C and D to permanent, 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*

4/26/2018

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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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1.04 HOA CC&R. Nothing contained herein shall obligate Declarant to return from the former contractor or subdivision of the Declarant Property, and Declarant shall be held to its further obligations or responsibilities. Nothing contained herein shall obligate Declarant to return from the former contractor, subdivision or assignee the amount of purchase of the Declarant Property, and Declarant shall be held to its further obligations or responsibilities. Notwithstanding the anticipated development of the Declarant Property, nothing in this Master Declaration shall be construed to require Declarant to be involved in the development of any portion of the Declarant Property or otherwise with any property adjacent or to the location of all or any part of the Declarant Property, to the Master Declaration of the Property, whether or not it is developed. See also Exhibit A-3.

HOA CC&R 1.04.jpg  
132K

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**.

4/26/2018

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

PC 4/26/18

(Distributed at hearing)

#5  
10 pages

Charlene Tim <charlene.tim@edcgov.us>



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

Char Tim <charlene.tim@edcgov.us>

Thu, Apr 26, 2018 at 7:33 AM

To: Serena Carter <serena.carter@edcgov.us>, Debra Ercolini <debra.ercolini@edcgov.us>

Please prepare for today's hearing. 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: Jeff Baker - HOA Board <JBaker.Board@serranohoa.org>

Date: Thu, Apr 26, 2018 at 12:38 AM

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

To: Dean Getz <DGetz@axiomanalytix.com>, 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>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "bosone at edcgov.us" <bosone@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>

Dear Commissioners and Supervisors,

Let me be clear that, while a director of the Serrano Owners' Association, I am speaking on my behalf only. I am NOT speaking on behalf of the board or the association, nor have I been authorized to do so. Please know that I have asked the Serrano board to review this matter at our April 26th Board Meeting. In my individual opinion, there are questions on this topic that have yet to be addressed to my satisfaction.

Sincerely,  
Jeff Baker

From: Dean Getz <DGetz@Axiomanalytix.com>

Sent: Wednesday, April 25, 2018 10:05:32 PM

To: Char Tim; Rommel Pabalinas; brian.shinault@edcgov.us; james.williams@edcgov.us; jeff.hansen@edcgov.us; gary.miller@edcgov.us; jvegna@edcgov.us; roger.trout@edcgov.us; bosfive@edcgov.us; 'bosone at edcgov.us'; bosfour@edcgov.us; bostthree@edcgov.us; bostwo@edcgov.us

Cc: Jeff Baker - HOA Board; DSacco.Board; Dick Callahan - HOA Board; Mike Mellow - HOA Board; George Triano; Julia Souza; Peter Marino; tjwhitejd@gmail.com; jrazzpub@sbcglobal.net; John Davey; hpkp@aol.com

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

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

I'm stunned—the portion of staff's memo dated April 23, 2018 pertaining to the County's need to seek the HOA's approval regarding proposed land use changes within the HOA's jurisdiction flat out ignores this well documented requirement (Attached as, "2A – Staff Memo 04-23-18" in planning's file). I will explain.

### **CC&R § 9.09**

First, staff's memo cites the HOA's CC&R §9.09 suggesting that, "Neither the Declarant nor any affiliate of Declarant need seek the approval of the Committee with respect to any of its activities" purporting to exempt the Declarant from needing to seek the HOA's approval of this proposal. **In fact, HOA Article 9 addresses the "architectural controls" which have no applicability or bearing on the proposed land use changes whatsoever.**

### **CC&R § 13.06**

Next, staff cites the HOA's CC&R §13.06 quoting, "Subject to approval, as necessary, by the County of El Dorado, Declarant may, from time to time as it deems fit, amend its plans for the **Overall Property**" as if this passage exempts the Declarant from needing to seek the HOA's approval.

In fact, I previously plainly identified to the County that CC&R § 1.04 which explicitly states, "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..." (Attached as, "HOA CC&R 1.04"). Said differently, **the HOA's CC&R §13.06 applies to pre-annexed "overall property"**. **Again, Serrano's Village J lot H was annexed in 2013.**

### County Authority

Finally, staff's memo also makes the wildly unsupported assertion that, "The County's authority over land use decision making is not subordinate to any project's Covenants, Conditions and Restrictions (CC&Rs)..." In fact, I previously plainly identified C&R §14.11 which explicitly states, "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.**"

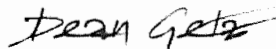
Again, there's no dispute that Serrano's Village J lot H was annexed by the recording of a 'Declaration of Annexation' in 2013 pursuant to the terms in the HOA's CC&R Article 14. Further, CC&R §14.11 explicitly states, "The Recording of a Declaration of Annexation shall constitute and effectuate the annexation of annexable property..." **In other words, annexed property is immediately subject to the functions, powers and jurisdiction of the Master Association.**

No less stunning is that a County staff person's memo would assert that the County's "land use" authority **isn't limited by previously recorded CC&Rs that run with the land.** In other words, land that is already, "subject to Assessment by the Master Association and to the functions, powers and jurisdiction of the Master Association."

Nevertheless, I continue to contend that the County must require the applicant seek the HOA's approval on the applicant's proposed changes within the HOA's jurisdiction. Any failure to do so by the County... will likely be irreparable.

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:** Friday, April 20, 2018 5:14 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>  
**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>; 'jjrazzpub@sbcglobal.net' <jjrazzpub@sbcglobal.net>; 'John Davey' <jdavey@daveygroup.net>; 'hpkp@aol.com' <hpkp@aol.com>

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

**Importance:** High

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

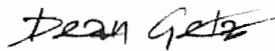
cc: Kirk Bone, Serrano

#### 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>

**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>; 'jjrazzpub@sbcglobal.net' <jjrazzpub@sbcglobal.net>; 'John Davey' <jdavey@daveygroup.net>; 'hpkp@aol.com' <hpkp@aol.com>

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

**Importance:** High

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**

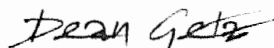
Today, the Declarant contends, albeit erroneously, that they’ve effectively “tentatively” annexed these lots or parcels into the HOA in order to elude their time-constrained CC&R-provided “unilateral” development rights. In other words, Serrano’s Kirk Bone stated to the Village Life in 2008, “Our development 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,



Serrano Homeowner



4/26/2018

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

## Lot 106-H

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>, "bosttwo@edcgov.us" <bosttwo@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 (EDHCS D) 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

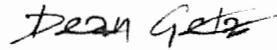
As previously detailed below—property annexed into the HOA must first be deannexed from the HOA's jurisdiction pursuant to the HOA's CC&R §14.12 entitled, 'Deannexation'.

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,

4/26/2018

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



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").

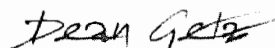
**Deannexation**

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,



4/26/2018

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

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*

--

**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.lim@edcgov.us

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