

ZA 1-19-22
4.a.

Planning Department <planning@edcgov.us>

Comments on El Dorado Senior Village proposed development

1 message

Pat Woolston <patwoolston@gmail.com>

Mon, Jan 17, 2022 at 2:18 PM

To: planning@edcgov.us

Cc: bostthree@edcgov.us

We are residents of Dorado Woods, a small subdivision along Koki Lane in El Dorado. Our subdivision lies between the site of the proposed senior village and Union Mine High School. We will be personally impacted by the traffic caused by the proposal. We do not object to the idea of senior housing but we do have concerns about the size of this project - specifically the number of residents and the number of cars they will bring.

The project proposes to create housing for nearly 300 people. These residents will bring between 150 and 300 cars to this subdivision. According to a design map there will be a primary entrance to the subdivision on Koki Lane and an emergency exit to Pleasant Valley/Hwy 49. The residents are expected to enter and exit on Koki Lane. Koki Lane is generally a quiet road. However during the school year and certain times of the day, mornings between 7:30 - 8:30 a.m., when students leave for lunch between 11:30 and 1 p.m., and after school between 2:30 - 4:00 p.m. there is heavy traffic. The morning traffic is heavy and very slow, traffic at other times of the day can be very fast. Students often speed leaving the school. There have been several accidents along Koki Lane attributable to school traffic. Signs of some accidents may be seen on the damaged chain link fence on the east side of Koki Lane. Residential traffic caused by this development will impact current traffic on Koki Lane and Pleasant Valley Road. It is sometimes difficult for residents to leave our subdivision by turning left onto Koki Lane during the morning "rush" hour.

In the event of forest fire or other emergency evacuation, the fact that 150 - 300 vehicles will be evacuating on 2 lane Koki Lane will threaten the safety of residents further along the road and the students of Union Mine High School.

Please consider some means of mitigating potential traffic snags along Koki Lane by decreasing the number of residents and their cars, designing the facility to offer assisted living and continuing care where the number of residents remains the same but the number of vehicles declines, offering more entrances and exits onto the project not onto Koki Lane, or increasing residents's ability to access Koki Lane with the addition of a round-about rather than a single lane turn-off. Please consider ways to keep traffic moving, slow it down, and help prevent future accidents.

Sincerely Kym and Pat Woolston, 5828 Havenstar Lane, El Dorado, CA 95623

ZA 1-19-22
#4.a.

Planning Department <planning@edcgov.us>

P21-0005/EI Dorado Senior Village Apartments Public Comment

1 message

Ryan Hunt <hunt.ryan2@gmail.com>

Mon, Jan 17, 2022 at 8:54 PM

To: planning@edcgov.us

Cc: bosthree@edcgov.us

Good evening,

I am writing to provide public comments concerning P21-0005/EI Dorado Senior Village Apartments. While I have some concerns with the proposal I am not opposed to this project. I believe it would be a beneficial use of the vacant land in this area.

My property is directly behind this proposed development. I would like to see the existing trees along the rear/side property boundaries remain. The trees are located in the setback and would serve as a good method of screening the new development from the existing homes in the area.

Another concern is the traffic along Koki Lane. I understand that there is an existing encroachment already in place to serve this parcel. Koki Lane is heavily congested in the morning and afternoon as a result of school related traffic. Congestion is also present when the school is hosting various events. The submitted information did not appear to adequately address these situations or offer appropriate mitigation. This is particularly concerning due to the age-restricted nature of the project and the potential for more frequent emergency service related calls.

Thank you for the consideration of my comments.

Respectfully submitted,

Ryan Hunt
5500 Crossbill Lane

ZA 1-19-22
#4.a



Planning Department <planning@edcgov.us>

13 pages

Tentative Map Approval P21-0005/El Dorado Senior Village Apartments

1 message

Sue Taylor <sue-taylor@comcast.net>

Tue, Jan 18, 2022 at 9:50 AM

To: "planning@edcgov.us" <planning@edcgov.us>

Cc: "Clerici, John" <john.clerici@edcgov.us>, "Nevis, Andy" <andy.nevis@edcgov.us>, "Payne, Kris" <kpayne@edcgov.us>, "Ross, Amanda" <aross@edcgov.us>, "Vegna, John" <jvegna@edcgov.us>, "Hidahl, John" <bosone@edcgov.us>, "Novasel, Sue" <bosfive@edcgov.us>, "Parlin, Lori" <bosfour@edcgov.us>, "Thomas, Wendy" <bosthree@edcgov.us>, "Turnboo, George" <bostwo@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>

Please submit these comments to the Zoning Administrator regarding P21-0005 and let me know that this was received.

I've also sent these comments to the Planning Commission and the Board of Supervisors due to the expedience necessary to correct the direction of this project which is not in **compliance with objective standards and therefore the project as designed does not qualify for SB35 and therefore;**

The staff report must be revised as required by the General Plan, Zoning Ordinances and Development Requirements and Standards. The staff must apply findings that this plan does not qualify for SB35 (multiple reasons have been submitted in the attachment which staff could apply). **This must be done prior to, or on 1/19/22 in order for a more appropriate review to take place, or this project will create a disaster for the surrounding community.** Then this project must be required to be submitted for review to the Planning Commission.

Thank you for your consideration,

Sue Taylor
and Save Our County
530-391-2190

 P21-0005_Comments 1-16-21.pdf
351K

1-18-2022

To the El Dorado County Zoning Administrator,

Regarding Tentative Parcel Map P21-0005/El Dorado Senior Village Apartments:

https://www.edcgov.us/Government/planning/Pages/zoning_administrator.aspx

I object for this project to be going through the SB35 Streamline Process and only through the Zoning Administrator. There are too many issues with this project for it to qualify for streamlining, and with all the changes to the plan it should have gone through the Planning Commission, it's not the same project approved on August 27, 2020. This is not a ministerial project, thus it does not qualify for SB35 streamlining. It did not qualify for SB35 when DR20-0001 was approved, if it had qualified, that project approval would not have been required to be reviewed by the Planning Commission.

The 8-27-20 DR20-0001 Conditions of Approval state,

Per the Conditions of Approval, "Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. **Deviations without the above described approval would constitute a violation of permit approval."** What is the penalty for violating the conditions of approval? Why was the following standard condition which was in the 2019 conditions, taken out of the 8-27-20 revision of the conditions of approval: **"Major changes will require approval by the Planning Commission"**?. Even without this requirement, allowing on-site waste treatment is a deviation and conflict with the policy, "The project will include Local Agency Formation Commission (LAFCO) annexation into the El Dorado Irrigation District (EID) for public water and sewer service", given this is a serious environmental issue, the revised project must be required to be approved by the Planning Commission.

Also, the project went from an approved plan for 11 residential multi-family buildings to 18 multi-family residential buildings. This is a deviation in the plan. The Project Description is incorrect listing 11 multi-unit residential buildings rather than the revised 18. In fact, the entire description has been copy clipped from the original 8-27-2020 description into the current project description and the proposed map is nothing like the original plan.. I see no "swimming pools", no "7500 sq. ft. commercial building", no "bed and breakfast inn" and no "500-square-foot leasing office" on the revised plan. This revised plan is not even considered in what is being asked for by the staff recommendation. Even the recommendation is conflicting. It states reconfiguring two existing lots into two new lots, when it's actually one lot being split into two which is later stated in the recommendation.

Also, if the Staff Report is correct and the General Plan Land Use is Medium Family Residential then this project is not compliant with the General Plan. Multi-Family Zoning is not allowed in Medium Family Residential Land Use. If the report is not correct then the Project Description is incorrect which is a violation. Since everything about this project has changed, I do not see how the project can be exempt from the required regulatory planning process. This is a mess. Legally, the project description must be accurate in order for the decision makers to make informed decisions. This project description does not line up with the map and revised plan that was submitted with the project, therefore this project must be denied.

I would ask that the decision makers not consider any counsel that may state that the County cannot make conditions of approval or require this project to meet county and state laws and requirements. The County has the right to deny the use of SB35 merely due to General Plan policy 2.1.1.7:

*"Development within Community Regions, as with development elsewhere in the County, may proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. Accordingly, development in Community Regions and elsewhere will be limited in some cases until such time as **adequate roadways, utilities, and other public service infrastructure** become available and **wildfire hazards are mitigated** as required by an approved Fire Safe Plan that this land is **not yet suitable for this dense of a project on this property.**"*

Urban Infill:

Contrary to the Staff Report, the project does not comply to the Infill criteria of the General Plan. The Policy states that the parcel "may not be more than five acres and be adequately served by all required utilities and public services".

Policy 2.4.1.5 The County shall implement a program to promote infill development in existing communities.

A. Projects site must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

B. Project sites may not be more than five acres in size and must demonstrate substantially development has occurred on 2 or more sides of the site.

C. Project site has no value as habitat for endangered, rare or threatened species.

D. Approval of a project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

E. The site can be adequately served by all required utilities and public services.

Regarding Road Capacity:

The following information was submitted and ignored (with current corrections and modifications) by the County Planning Commission and Staff when the Planning Commission was considering "Design Review DR20-0001" (DR20-0001):

SB35 does not contain any policy not requiring the applicant to comply to voter approved ballot initiatives or laws that require protection to the public's health and safety laws and policies and General Plan.

Traffic:

The project being approved [on 8-27-20] as designed is based on Kimbley-Horn's conclusion in their traffic study, which states this project will have no impact. Per there report,

"The original proposed project is anticipated to result in the addition of 787 new daily, 41 new AM peak-hour, and 62 new PM peak-hour trips."

"The modified proposed project is anticipated to result in the addition of 883 new daily, 37 new AM peak-hour, and 63 new PM peak-hour trips."

The original project required:

Cumulative (2035) plus Proposed Project Conditions

As reflected in Table 14, the addition of the proposed project results in a significant impact as defined by the County.

3. Intersection #1: SR 49 @ Pleasant Valley Road

This intersection operates at LOS F in the AM and PM peak-hours without the project, and the project contributes more than 10 peak-hour trips to the intersection during the AM and PM peak-hours. This is a significant impact.

Mitigations: 3. Intersection #1: SR 49 @ Pleasant Valley Road

The impact can be mitigated with a traffic signal.

I would really like someone to explain to me how one can start with a project that would require a new signal, then modify the project so that there are MORE trips on the road yet suddenly there is no impact.

Not only has the County relied on Kimley-Horn's conclusion, but Caltrans has also quoted this same conclusion, apparently not taking the time to read the study and make their own judgement. This is Kimbley-Horn's conclusion:

"Table 2, resulted in the addition of nine (9) AM peak-hour trips and sixteen (16) PM peak-hour trips at Intersection #1. As such, the modified proposed project will not result in a significant impact at during the AM peak-hour as only nine (9) trips are routed through this intersection (fewer than the County's 10 peak-hour trip threshold)." Notice that they failed to mention that the 16 PM peak-hour trips are **MORE THAN** the 10-trip threshold? Even so this conflicts with other findings in their report. Just using common sense, this report should not be considered valid.

Per the County Staff Report:

" The project will not worsen traffic, as defined by General Plan Policy TC- Xe. The project Traffic Engineer, Kimley-Horn, provided El Dorado County a memo dated March 11, 2020, demonstrating the project would not contribute more than 10 peak hour trips at the most critical intersection, the intersection of SR49 and Pleasant Valley Road. The project does not degrade the level of service at any of the seven intersections in the study area.1 TIM fees will be assessed by the County of the Developer."

So the County's statement above, states, *would not contribute more than 10 peak hour trips*". How in the planet of reality does one go from "883 new daily, 37 new AM peak-hour, and 63 new PM peak-hour trips." to less than 9 trips during peak hours in the same report with 149 new housing units, and a commercial building?

Let's suppose that this is some accidental oversight, which now is being brought to the County's attention, so let's correct this and require the lawfully required mitigation or denial for not meeting the standards.

Staff throughout the Interoffice Memorandum have misled the public with conclusion for the required Mitigations for Policies TC-Xa-e with what seems to be misunderstanding of the law.

#1 of TC-Xa requires a denial of this project since it is five units or more that worsens Level of Service F during peak-hour periods. Worsen is defined as 10 or more trips during peak hours. the study (even though conflicting) came out with a 16, 25, and 63 new peak hour trips. All those numbers are greater than 10.

#2 of TX-Xa requires a denial until the public can vote on worsen traffic since the intersection has already tripped LOS F. This segment of road is not on the table which allows a road to go to LOS F, and even if it was on the table the project would only be allowed to increase a certain amount. The county has not provided any information to support their conclusion.

#7 of TX-Xa requires a denial since before a project of 5 or more residential units can be approved the project must comply with the policies above. When the

project does not comply with the policies above, which in this instance it cannot, the County shall not approve the project.

TC-Xc requires the developer to pay for all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development. They can only pay a share when the project is in the County's CIP, which this project is not, therefore the developer must pay for all of the impacts, which unfortunately the county did not study the impacts, but rather just went with the brief misguided conclusion from the Kimley-Horn report. The County must consider what impacts will be brought forward due to this project and require the developer to fully fund the necessary mitigation measures.

TC-Xd is not just about the worsen section – which either way this project does worsen the capacity. TC-Xd is the required levels of service that must be maintained within the County. If you have gone above those thresholds then projects of 5 or more units must be denied until mitigation can be provided. This is another reason to deny.

TC-Xe – Worsen. This project does "worsen" circulation. Worsen, "The addition of ten or more trips during the a.m. peak hour **OR** the p.m. peak hour. Even Kimley-Horn's report, that should be invalidated, did determine 16 peak p.m. trips. 16 is more than 10.

TC-Xg this section has nothing to do with worsen. The County must go back and evaluate this section. Learn the law.

That concludes the information submitted on 8-27-20.

Addressing Findings in the 1-19-22 Staff Report:

2.9 "General Plan Policy TC-Xa does not apply to the Project". What hat was this pulled out of?

(1) The policy states that "*Traffic from residential development projects of five or more units....*" 149 new apartments are more than 5 units.

Policy TC-Xa(1) absolutely applies and must be addressed or this project must be denied.

(2) "*The County shall not add any additional segments ... to the County's list of roads from the original Table TC-2...that are allowed to operate at LOS F without getting the voter's approval*". That also means that a project cannot contribute to more traffic to an already impacted road that has already reached LOS F. Policy TC-Xa(2) policy does apply and must be addressed or the project must be denied.

Side step into the Mixed Use Requirements:

Also, throughout the report Staff relies on the fact that this is a mixed-use project; therefore, "policies do not apply". Where is this coming from? First a mixed-use project is not exempt from the requirements of the General Plan. Also, a Mixed-use Development must be held to the **following Mixed Use General Requirements** (Title 130 - Article 4 Specific Use Regulations) which makes this a discretionary project by the way).

7. Mixed use development projects in Community Regions shall require one of the following planning permits:

a. Projects designed consistent with the Mixed Use Design Manual, adopted by the Board on December 15, 2015 and reformatted on April 24, 2018 (Resolution 197-2015) shall require a Design Review Permit consistent with Section 130.52.030 (Design Review Permit) in Article 5 (Planning Permit Processing) of this Title. ***[This submittal is a revised plan to the last review, which could not be streamlined given the approval was discretionary, thus this is a major revision to the approved design review and must be submitted to the Planning Commission].***

b. All other mixed use projects shall require a Development Plan Permit consistent with Section 130.52.040 (Development Plan Permit) in Article 5 (Planning Permit Processing) of this Title.

Mixed Use Development Standards: (I've only listed those that seem to have been ignored for this project – and standards are requirements, not suggestions)

1. At least 30 percent of the gross floor area of the mixed use development project shall be devoted to commercial uses. "Gross floor area" as used within this Section does not include inner courtyards and exterior stairwells or balconies.

2. The maximum density for the residential use component shall be 20 dwelling units per acre in Community Regions and 10 dwelling units per acre in Rural Centers or developments without a public sewer connection. ***[According to this policy this project is only allowed 80 dwelling units.]***

3. Minimum residential dwelling unit area shall comply with the building code.

4. The gross floor area of commercial use in a mixed use development on RM zoned land shall not exceed 15 percent of the gross floor area of the project. ***[This appears to conflict with #1 so it looks like commercial***

must be 30% of the gross floor reduced to 15% for RM zoned land – this project does not appear to be meeting this criterion in either scenario.]

D. Findings. To assure the proposed development meets the intent of this Section for mixed use development the following findings shall be made prior to approving a mixed use project:

1. The development contains complementary and connected uses that are mutually supportive of each use, provides a significant functional interrelationship, and are integrated into the community or neighborhood it is located. **[I would say this project does not meet this finding, nor is there any attempt to show how this project complies to this finding. #2 and #3 below are hard to determine given the limited amount of information that was given to the public and the report does not address these findings.]**

2. The development creates an appropriate internal and external human scale, and provides for pedestrian comfort and amenities.

3. The development is an integrated project as to land use, building design, and site layout, with a coherent physical design.

Back to - Regarding Road Capacity:

(7) **"Before giving approval of ANY kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs."** *Staff's rationale completely side steps the facts. 149 apartment units qualifies as ANY kind of residential development of five or more units, being within a mixed-use proposal or not... did you actually read the law? This policy does apply and must be addressed or the project must be denied.*

2.11 "General Plan Policy TC-Xc does not apply to the Project". Again, did the preparer of this report actually read the policy, or have an understanding of the law? This policy directs the developer of a new development project to fully fund the necessary improvements to "fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon ANY highways, arterial roads and their intersections during weekday, peak-hour periods..." *They can provide the roads necessary with their own funds or other funds available or if the roads required are within*

the County's Capital Improvement Plan, they can pay a fair share. This was all completely left out of the Staff's report. This Policy does apply and must be addressed or the project must be denied.

2.12 "The project is consistent with General Plan Policy TC-Xd." "Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes."

Since the County cannot make the finding that this project maintains the required LOS E, they merely state that the policy is not applicable. WRONG. This project is within an already determined road system of LOS F. The project being proposed already fails the requirement that **County-maintained and State highways SHALL not be worse than LOS E in the Community Region**. If this project cannot meet this level of service, it is not consistent with Policy TC-Xd of the General Plan and must be addressed or the project as designed must be denied.

2.13 "The project is consistent with General Plan Policy TC-Xd."

For the purposes of this Transportation and Circulation Element, "worsen" is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

This policy was addressed previously. 883 new daily is more than the addition of 100 daily trips, and 37 new AM peak-hour, and 63 new PM peak-hour trips is more than 10 trips. This violation was not address in DR-20-0001 and thus is still not in compliance, and still in violation. This must be corrected or the project must be denied.

2.14 "The project is consistent with General Plan Policy TC-Xf."

"At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C])

traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP. **For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following:** (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP."

Policy TC-Xf is to allow a developer of a residential subdivision of five or more parcels to pay their "fair share" of required infrastructure when their project cannot meet road capacity requirements and the project is within the Capital Improvement Plan. If the required infrastructure is not in the Capital Improvement Plan, then the developer must pay the full cost of the improvements or construct them. **This section of Policy TC-Xf does apply and must be conditioned on the plans** (which was left out of the conditions in DR20-0001) or be the project must be denied.

2.15 "The project is consistent with General Plan Policy TC-Xg."

"Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters."

With the limited information on this report this issue is difficult to determine.

The county is intentionally dismissing the law that was passed by the voters and approved through the courts. **This is becoming criminal and those making these decisions intentionally will be personally held responsible.**

This project is not in compliance with County objective standards and therefore the project as designed does not qualify for SB35. Currently the project is not within the El Dorado County Irrigation District. This is something that is going to have to go through LAFCO before the project can access water and sewer. That is a discretionary decision. The project does not comply with the General Plan with the General Plan Transportation

Circulation Element, specifically TC-Xa, TC-Xc, TC-Xd, TC-Xe, TC-Xf, TC-Xg, TC-Xh, and TC-Xl. The Staff has completely dropped the ball on these requirements and given the way these elements were handled there are sure to be many more regulatory requirements, General Plan, and zoning regulations that have been dropped with this project.

To merely claim that numerous requirements were handled within Design Review 20-0001 is lazy and not correct.

This developer has a history of trying to use SB35 to manipulate the normal planning process so that it can be vetted in public. The County started encouraging this developer to use AB35 even when his projects do not qualify. And even if his project were to qualify for SB35 it does not mean the General Plan, Ordinances, and Health and Safety regulations can be ignored.

This project is a hazard given the lack of road capacity, drainage, not within the EID district (THEY ARE CONSIDERING ONSITE TREATMENT SYSTEM... REALLY!!!!!!) and road capacity. The need to go through LAFCO for annexation for water and sewer is not even mentioned in the latest staff report.

SB35 states that "This bill would authorize a development proponent to submit an application for a multifamily housing development, **which satisfies specified planning objective standards**, that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. **The bill would require a local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards.**

This project does not meet specified planning objective standards such as retaining 30' setbacks as required by CalFire given this is in a State Responsibility area and 30' setbacks are required on parcels one acre or more. This revised plan was not even submitted to CalFire or to Caltrans for comment, which is a requirement. And as I said they cannot meet county sewer and water requirements since they are not even in the El Dorado County Irrigation District.

They are not abiding with Measure E because they say they don't have to. Whether they are allowed to use SB35 or not the project does have to conform to any law in which the entire county is subjected to. Measure E applies countywide.

Also, Per the County's **REQUIRED FINDINGS** for a Tentative Parcel Map Permit:

In accordance with Section 16.44 of the Minor Land Division Ordinance, the following findings must be made by the approving authority:

1. That the proposed tentative map, including design and improvements, **is consistent with the General Plan** and Specific Plan where applicable;
2. That the proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance;

3. That the site is physically suitable for the proposed type and density of development; and

4. That the proposed subdivision is not likely to cause substantial environmental damage.

Staff's statement that there are not revised changes, is false and makes one wonder of the intent of the County to completely distort the planning process with this project. This proposed project DOES include revised changes to the DR20-0001 approval or we would not be having this hearing. The staff report also leaves out how the past conditions can be meet with this new plan. Also, in DR20-0001 it states that if the Developer does not secure, or cannot secure sufficient title or interest for lands where said off-site improvements are required, [which are many within the conditions of approval] and prior to filing of any final or parcel map, enter into an agreement with the county pursuant to Government Code Section 66462.5.

Has this been done? There are so many regulations within the DR20-0001 conditions of approval that are not being meet with the revised project map, how can the county state that this project is conditioned by the past review without actually going through that review bit by bit. The developer will need to get an encroachment permit from Caltrans – that is discretionary, the developer will need to annex into EID – that is discretionary, the developer will have to merge the parcels, well this permit violates that condition. **The EID Facility letter within the DR20-0001 has expired, therefore their application was not complete.** This project is within the Historic District Overlay and it should have gone to the Diamond Springs - El Dorado Community Review Commission during their meeting, not just passed out individually to the Commissioners. I do not have time to go through every condition listed from the DR20-0001, but it is easy to say that the County cannot meet the findings for this project to be streamlined by SB35 nor the findings to allow this to be approved by County Staff.

I do not oppose development which is compatible with the land and the community. I don't know why the County finds it so hard to follow health and safety measures when approving a project.

This project is not in compliance with objective standards and therefore the project as designed does not qualify for SB35. The staff report must be revised as required by the General Plan, Zoning Ordinances and Development Requirements and Standards to apply findings that this plan does not qualify for SB35 in which I've given staff enough evidence to do so. This must be done prior to, or on 1/19/22 in order for a more appropriate review to take place. Then this project should be submitted for review to the Planning Commission.

Thank you,

Sue Taylor
and Sue Taylor for Save Our County
530-391-2190