

TO: Peter Maurer

02 SEP -9 AM 9:58

From: Shan Nejatian

RECEIVED
PLANNING DEPARTMENT

Subject: Equestrian Village

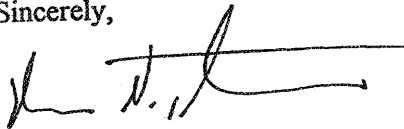
Dear Peter:

Per your request on workshop of August 22, 2002. I am providing the APN numbers for the property owners on Equestrian Village located between Lake Hills Drive and Salmon Falls in El Dorado Hills.

We would like to preserve the historic MDR and CC&R of our properties as are proposed on general plan of 2001.

Thank you very much

Sincerely,



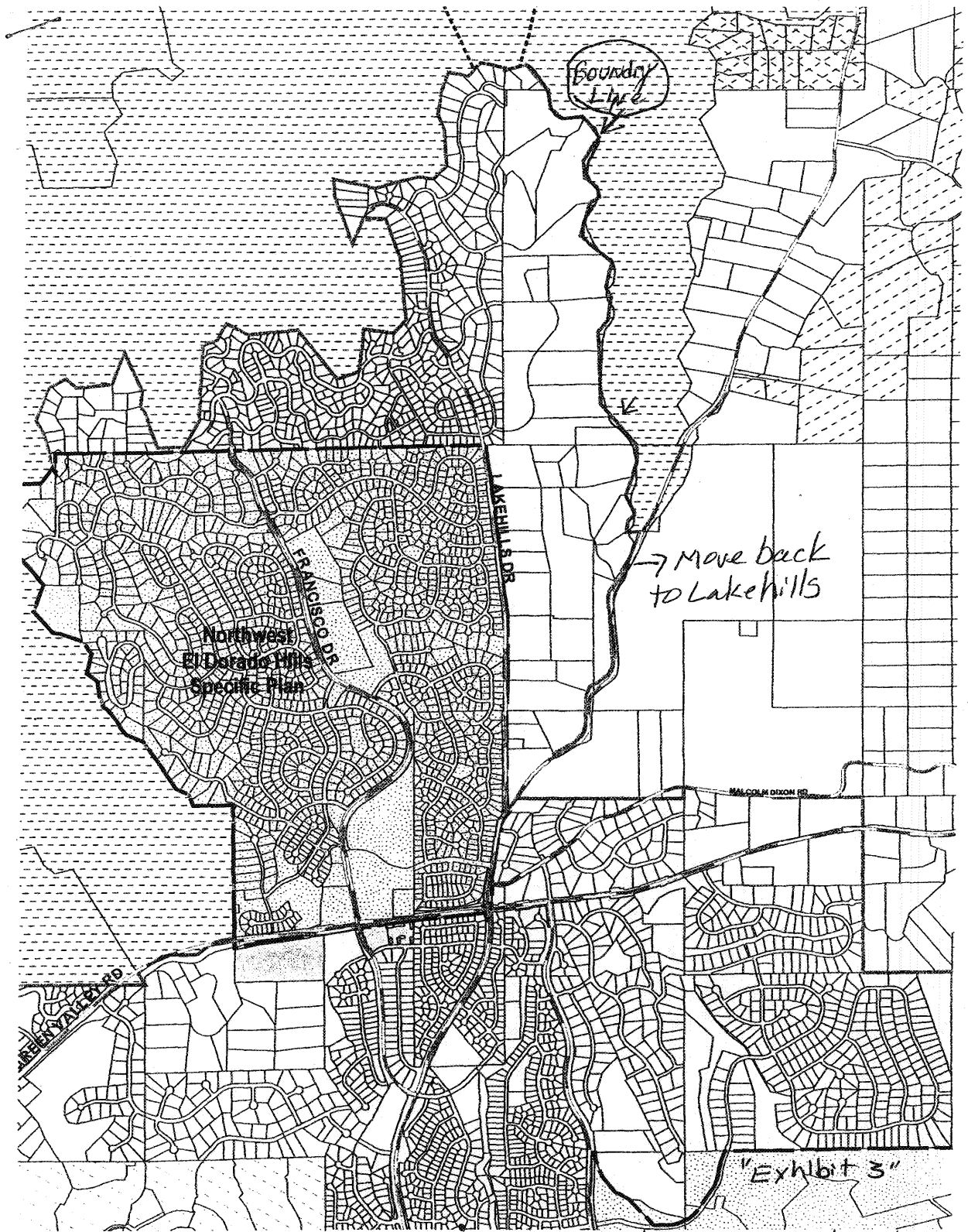
Shan Nejatian

Tel/Fax (916) 933-4242

"Exhibit 2"

El Dorado Hills Equestrian Village

		APN
Nejatian, Shan	933-4242	110-020-321&301
Fozouni , Buzz& Mahnaz	933-2221	110-020-151
Hackett, Lewis& louise	933-1682	110-020-131
Naef, leon	(209) 333-1333	110-020-311&321&341
Riegler, Robert	457-4504	110-020-081
Smith,Daid& Debra	933-6005	110-020- ³⁵¹ 361 &361 *
Schumann,	791-4801	110-020-141
Hampton,Norma	933-1315	10-020-161&171&181&091



1996 General Plan alternative (also ^{passed 73001} currently adopted map) ^{Whorelli} 194 ST

EL DORADO COUNTY

FIRST AMERICAN TITLE COMPANY OF TAHOE
ESCROW #42946-JP
RECORDING REQUESTED BY, AND WHEN
RECORDED SEND TO:
Mr. & Mrs. Edward Chenoweth
1740 Salmon Falls Road
Folsom, California
MAIL TAX STATEMENTS TO:
same as above

FIRST AMERICAN TITLE CO.
JAN 13 3 14 PM 1977
COUNTY RECORDER

DOCUMENTARY TRANSFER TAX \$183.70
CONVYED ON THE DATE OF DEED BY TRANSFERRED
BY COMPANY FOR THE VALUE OF THE SAME
FIRST AMERICAN TITLE
Signature of Dealer or Agent (Submitting Tax) Tax Name

THIS SPACE FOR RECORDERS USE

GRANT DEED SUBJECT TO RESTRICTIONS

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, a corporation, ("Grantor"), hereby GRANTS to Edward D. Chenoweth and Betty M. Chenoweth, Husband and Wife, as community property (all are hereafter "Grantees") the following described real property in the County of El Dorado, State of California:

PARCEL 1:

All that portion of Section 14, Township 10 North, Range 8 East, M.D.B.&M., described as follows:

BEGINNING at the Northwest corner of said Section 14 as shown on the Record of Survey entitled "Portion of Section 14, Township 10 North, Range 8 East, M.D.B.&M.", recorded in the office of said Recorder in Book 1 of Surveys, Map No. 158; thence along the boundary of said Record of Survey the following ten (10) courses and distances: (1) Along the North line of said Section 14, North 89° 57' 35" East 1969.72 feet to the Northeast corner of said Record of Survey, (2) South 02° 12' 00" East 4.12 feet to a U.S.B.R. Monument, (3) South 02° 12' 00" East 231.00 feet to U.S.B.R. Monument, (4) South 18° 26' 00" West 562.09 feet to a U.S.B.R. Monument, (5) South 27° 52' 00" East 309.92 feet to a 1-1/4 inch iron pipe monument tagged "L.S. 2651", (6) South 47° 06' 00" West 147.30 feet to a similar iron pipe monument, (7) South 04° 45' 00" West 201.15 feet to a similar iron pipe monument, (8) South 89° 59' 00" West 493.18 feet to a 1-1/2 inch iron pipe monument, (9) South 00° 41' 16" East 2645.51 feet to a 1 inch iron pipe monument

MAIL TAX STATEMENTS AS INDICATED ABOVE

Covenants and restrictions, if any, based on race, color, religion, sex, handicap, familial status, or national origin are deemed deleted unless and only to the extent that said covenants (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

"Exhibit 1" See p. 429 book 1463 page 426

1593

tagged "L.S. 2323" marking the Southeast corner of said Record of Survey, and (10) North 89° 51' 40" West 1320.55 feet to a similar iron pipe monument marking the Southwest corner of said Record of Survey, said point also being described as the Northeast corner of the parcel of land entitled "Gladys Jackson, 40.644 acres" as shown on said Record of Survey entitled "Portion of Section 10, 14, 15 and 16, Township 10 North, Range 8 East, M.D.B. & M."; thence along the West boundary of said Section 14, North to the point of beginning.

EXCEPTING THEREFROM:

All that portion of the herein described property conveyed to El Dorado County by a Deed recorded October 29, 1975, in Book 1356 of Official Records, at page 803.

PARCEL 2:

All that portion of the Northeast quarter of Section 15, Township 10 North, Range 08 East, M.D.B. & M., lying Easterly of the Easterly boundary of the County Road known as Lake Hills Drive.

EXCEPTING AND RESERVING, however, from said Parcel 1 and said Parcel 2, to the Grantor, its successors and assigns, all the oil, gas and other minerals in, under, and upon the property, and also the right and privilege of removing the same by any subterranean process, and of making and driving tunnels, passages and ways under the said surface for the purpose of removing any oil, gas or other minerals now or hereafter owned or held by the Grantor, its successors or assigns, on the property or any adjoining property.

SUBJECT ALSO TO THE FOLLOWING RESTRICTIONS:

The property conveyed by this grant deed, as described above (herein the "Property"), is subject to the following covenants, restrictions, limitations, reservations and easements (herein "Covenants"). It is agreed between the Grantor and the Grantees that these Covenants are for the mutual benefit of all property owned of record by Hancock, as of record date of this deed, in El Dorado Hills, El Dorado Hills being more particularly described in Attachment I, attached hereto and incorporated by reference (herein "El Dorado Hills"), and are part of a general plan to insure a pleasant residential environment and to preserve property values. It is understood by Grantor and Grantees

that Grantor will acquire additional property within El Dorado Hills after recordation of this deed. Grantor and Grantees agree that this additional property may be annexed to the land benefited by the Covenants herein by the execution and recordation of a declaration, referring to this deed, and identifying the property to be annexed. After said recordation, such additional property will have all the same benefits as the property originally named herein.

All of the following Covenants shall run with the land and are hereby expressly made binding upon all persons or entities now having, and any successive owner of, any right, title or interest in the land, or any part thereof, conveyed by this deed and said Covenants are for the benefit of every person or entity now having or hereafter acquiring any right, title or interest, in any real property located in El Dorado Hills, as defined above.

1. Land Use and Building Type

No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and shall have a private garage or carport for at least 2 cars, and other usual and appropriate outbuildings, including non-commercial barns and stables, incidental and appropriate to a private estate and in architectural harmony with the estate.

2. Architectural Control of Improvements

No building, fence, wall or other structure, shall be erected or placed, or altered in external design or color, on any lot until construction plans and specifications showing the exterior color scheme, and a plan showing

3.

BOOK 1463 PAGE 428

the location of the structure on the lot have been approved by the El Dorado Hills Architectural Control Committee as to conformity and harmony of external design and appearance with surrounding development, and as to location of the building and finished grounds elevation. Approval shall be as provided in Section 18.

3. Lot Size

No dwelling shall be placed or erected on any lot which has an area of less than three acres. Nor shall any lot be less than 300 feet in width, except where the presence of a public road requires a narrower lot and such lot has been approved by the appropriate governmental authorities. ★

4. Dwellings

No dwelling or other improvement shall be constructed or permitted to remain which does not meet the following criteria, except where the El Dorado Hills Architectural Control Committee specifically approves, in writing, a variance therefrom.

a. Size

All dwellings must have a total floor area of not less than 1,600 square feet exclusive of open porches, garages and other outbuildings.

b. No Temporary or Mobile Homes

All dwellings must be constructed on site, permanently affixed to the land and have, in the estimation of the El Dorado Hills Architectural Control Committee, a useful life of at least thirty (30) years.

c. Driveways

All dwellings must have an all-weather driveway or private road, suitably graded, drained, and surfaced. Surfacing material other than gravel, asphalt, macadam or concrete must be approved by the El Dorado Hills Architectural Control Committee.

Intentionally Blank

03 JUL 15 AM 8:29
RECEIVED
PLANNING DEPARTMENT

June 21, 2003

Helen Baumenn,

We are writing to you in hopes that you might help us in keeping our "Commercial" zoning. We are in the process of purchasing Parcel No. 009-720-08. We have been informed that this parcel may be changed to split zoning 53% Natural resources and 47% Commercial.

We are investing a considerable amount of money for purchasing, cleanup and rehab of this property. Our intentions are to save a majority of the forested area, provide overnight parking for RV'S and a day use picnic area.

We hope you can help us in protecting our investment and preserve our commercial zoning. If we can assist you in any way please give us a call. Your reply would be greatly appreciated. Our phone numbers are 644-0425 and 647-1410

Sincerely,

Rick Williams and Dave Corder

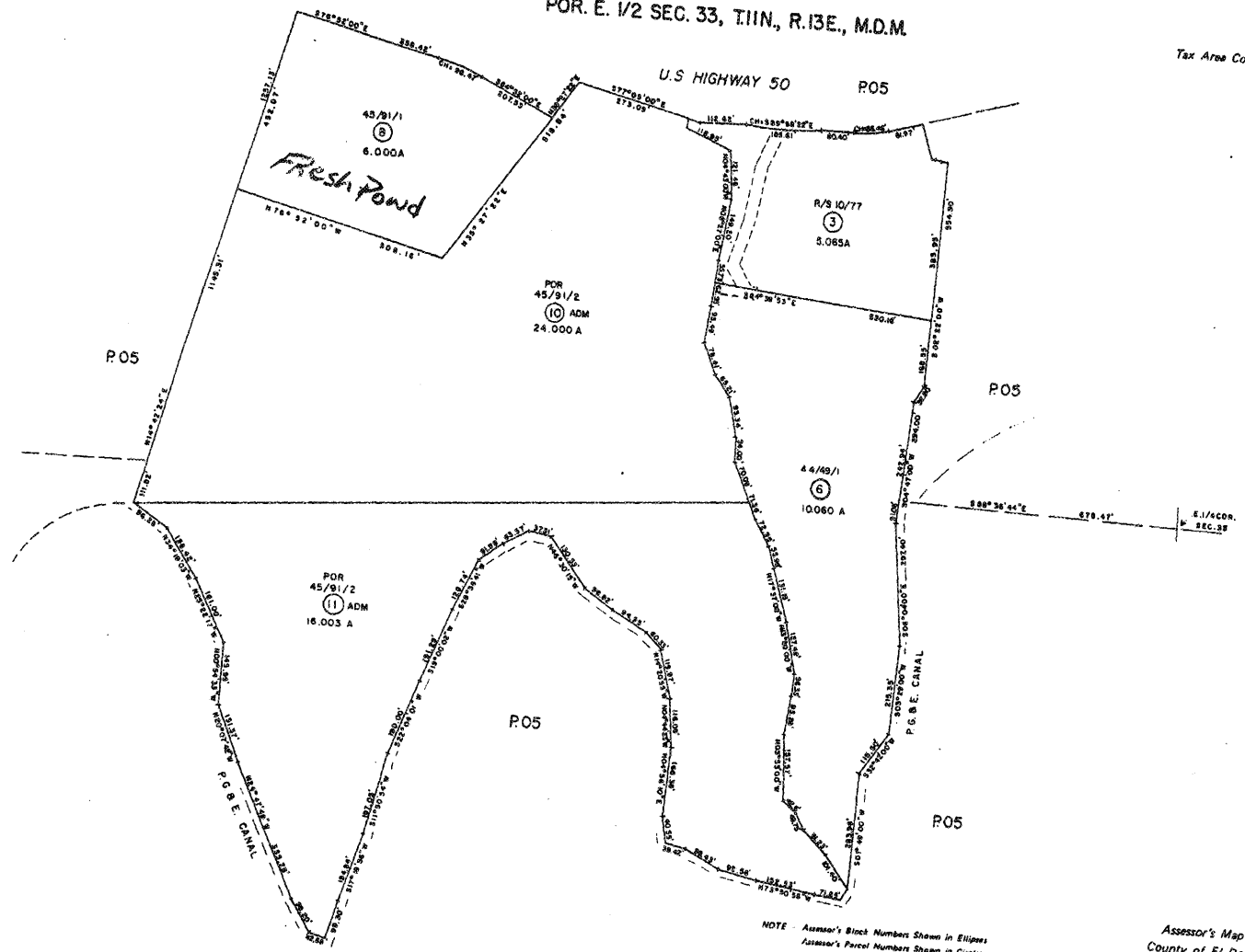
*tell them
forwarded to
AP team*

136-1

POR. E. 1/2 SEC. 33, T11N, R.13E., M.D.M.

Tax Area Code

9:72



NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 9 - Pg. 72
County of El Dorado, California
1-7-02

June 22, 2003

Peter Maurer
Principal Planner
EL Dorado County Planning Dept.
2850 Fairlane Court
Placerville, Ca 95667

03 JUL 11 AM 10:02
RECEIVED
PLANNING DEPARTMENT

Re: **APN: 110-020-14-100**
(Equestrian Village)

Dear Mr. Maurer and General Plan Team,

March 2002 we purchased a 10 acre parcel in El Dorado Hills on Lakehills Drive, APN: 110-020-14-100. We purchased our first home here in 1990 with plans of someday buying a piece of property and building. We looked all over the county for that perfect piece. Our friends the Smiths used to own Gary & Nancy Fletcher home, parcel APN: 110-020-35-100. Over the years we spent many enjoyable moments at the Smiths with our children riding horses, and enjoying their beautiful home setting.

Our daughter is involved in 4-H and has participated in many of the community events during the El Dorado County Fair. We've been taking classes that are offered through your El Dorado UC Cooperative office. We also have been tracking our dogs with members of Placer County Search and Rescue and had hoped to be certified through El Dorado County. One of the reasons we were so drawn to this parcel was its location and rural setting. Where else can you find homes on acreage so close in. We are within walking distance to Folsom Lake, and the property offers so many uses. The surrounding acreage is home to deer, wild turkey, rabbits, squirrels and many others.

We purchased our 10-acres after much thought and investigation. We checked into land use, soils and zoning. Not only was this a beautiful piece of property, it would support our families interest for years to come.

My wife received a phone call about the general plan and decided to call the Planning Dept. After several phone calls, and viewing the June 2 & 4th hearings. It became clear to many of us that someone was using our parcel numbers and names. Why would someone do that? How could someone

137-1

take our parcel number and make a request without asking? Later we found out a Mr. Shan Nejatian had placed our name on a request. We have met Mr. Nejatian only once and he never informed us or shared with us that he was attending meetings representing our interest.

137-1

I hope the Planning Dept. and Planning Commission will disregard everything Mr. Shan Nejatian has requested in our name and parcel. He has never been given permission to represent us or our interest. (Exhibit 1)

It is our understanding after speaking to the Planning Dept. and LAFCO that the community boundary line represents a Medium-Density Residential or Low-Density Residential. **We would like the community boundary line to stay on Lakehills Drive, leaving us outside the boundary as new general plan Roadway Constrained shows it. Preserving the residential 5 acre, rural intent of our parcel and keeping us from being rezoned in the future.**

These parcels were intended to be acreage home sites, (Equestrian Village) not one acre lots. Future downsizing to MDR could have detrimental effects on the wildlife, Folsom Lake and neighboring homes. Many of the rear parcels are sloped and down sizing could cause further erosion and sediment that would be carried into Lake Folsom via, New York Creek. We had driven by our parcel for years and not until we walked it did we realize how fortunate we were to live in such a special place. There are many beautiful Oak woodlands & wild life everywhere. Equestrian Village acts as a buffer between the neighborhood to the west and is an important biological corridor of Lake Folsom.

137-2

I hope when making your decision you take into account the development and growth that has already been approved that won't start for years. It will be too late to go back and wish there were more rural home sites and land left which makes El Dorado County such a special place to live. I heard someone say we are the gateway to Sacramento, does that mean we have to further develop the 5-acre parcels even more. How about this "We are the Gateway to the Sierras, the historic gold country preserving the look and feel of our county that so many of us have moved here for."

The Schuman Family owned our parcel before us. Before the final papers were signed, a member of the family came out to walk the parcel with us.

He wanted to know our intentions for the future. After sharing our vision he was relieved, Mr. Schuman had been a member of the El Dorado County Mounted Search and Rescue. He loved this area of little ranches, where children could raise animals and have room to run and play.

I could only see futher problems by making our acreage MDR, most people who buy 1-acre lots, which MDR would allow. Usually don't intend it for agricultural use or have horses. **(MDR enables limited agricultural use.) We are greatly opposed to the land use changes and impact that 1-acre lots would bring.** Taking larger parcels down to 5-acres wouldn't have the impact damage that MDR size lots would bring. There are many communities like Granite Bay who are having this current problem. The quality of life in El Dorado Hills has been decreased significantly in the last few years due to traffic congestion. Moving the community boundary line and making this MDR would only add more traffic to the existing problem to our already over crowded roads.

137-3

We would like the community boundary line to stay on Lakehills Drive, leaving us outside the boundary as new general plan Roadway Constrained shows it. Preserving the residential 5-acre, rural intent of our parcel, when we purchased it last March. This would also keep us from being rezoned in the future.

137-4

Many professionals that put the New General Plan together have proposed (LDR). They spent a lot of time and energy in what is in the best interest of our community.

Sincerely,
Jim and Linda Green
P.O. Box 5028
El Dorado Hills, Ca 95762
(916) 933-1108 email: arras@jps.net

CC: Heidi Tschudin
CC: Rusty Dupray
CC: Helen Bauman
CC: District 3
CC: Charlie Paine
CC: David A. Salaro

Table A-3. Landowner Parcel-Specific Requests

10813021	Robert Newlon	Robert & Alisa Newlon	8/29/2002
10815031	Howard & Mary Lou Klein	Howard & Mary Lou Klein	8/29/2002
10846004	Louis Mansour, The Mansour Company	El Dorado Hills Investors	9/3/2002
10901002	Mark Periberger	Cambridge Square Partners	8/23/2002 (oral & written)
10902004	Lynda Silva/El Dorado Limestone	El Dorado Limestone	9/25/2001, 8/22/02 (oral & written)
10903014	Loyd Inglie	Doyle Tabor Tr	8/17/2001
10903019	Loyd Inglie	Wli Sanders	8/17/2001
10903020	Loyd Inglie	Gerald Vincent	8/17/2001
11002013	Shan Nejtian	Lewis & Louise Hockett	8/24/2001, 8/22/02 (oral & resub of written request), 9/9/02
11002014	Shan Nejtian	James Green	8/22/2002 (oral), 9/9/02
11002015	Shan Nejtian	Bahman & Mahnaz Fozouni	8/24/2001, 8/22/02 (oral & resub of written request), 9/9/02
11002016	Shan Nejtian	Hampton Tr.	8/22/2002 (oral), 9/9/02
11002017	Shan Nejtian	Hampton Tr.	8/22/2002 (oral), 9/9/02
11002018	Shan Nejtian	Hampton Tr.	8/22/2002 (oral), 9/9/02
11002030	Shan Nejtian	Shan Nejtian & Marie Mitchell	8/24/2001, 8/22/02 (oral & resub of written request), 9/9/02
11002032	Shan Nejtian	Shan Nejtian & Marie Mitchell	8/24/2001, 8/22/02 (oral & resub of written request), 9/9/02
11002035	Shan Nejtian	David & Deborah Smith	8/24/2001, 8/22/02 (oral & resub of written request), 9/9/02
11002036	Shan Nejtian	Rich Family Trust	8/24/2001, 8/22/02 (oral & resub of written request), 9/9/02
11043001	Shan Nejtian	Leon Naef	8/22/2002 (oral), 9/9/02
11043002	Shan Nejtian	Tom Yarak et al.	8/22/2002 (oral), 9/9/02
11043003	Shan Nejtian	Leon Naef	8/22/2002 (oral), 9/9/02
11043004	Shan Nejtian	Leon Naef	8/22/2002 (oral), 9/9/02
11213019	Sam Miller	Serrano Assoc LLC	8/29/2002
11264208	Thomas Winn	Family Real Property LP/Wnn	8/29/2002
11302001	Wayne Lowery/EDH CSD	County of El Dorado	6/5/2001
11537001	John Sedar, Partner/Bass Lake Joint Venture	Bass Lake Joint Venture	8/28/2002
11537002	John Sedar, Partner/Bass Lake Joint Venture	Bass Lake Joint Venture	8/28/2002
11537003	John Sedar, Partner/Bass Lake Joint Venture	Bass Lake Joint Venture	8/28/2002
11537004	John Sedar, Partner/Bass Lake Joint Venture	Bass Lake Joint Venture	
11537005	John Sedar, Partner/Bass Lake Joint Venture	Bass Lake Joint Venture	
11537006	John Sedar, Partner/Bass Lake Joint Venture	Bass Lake Joint Venture	
11537007	John Sedar, Partner/Bass Lake Joint Venture	Bass Lake Joint Venture	
31712008	Loring Brunius	Loring & Thelma Brunius	8/22/2002 (oral)
31725034	Judy Mathat	Dennie & Judy Mathat	8/22/2002 (oral)
31725047	Diane Murillo	Martin & Diane Murillo	8/22/2002 (oral)
31925003	Earl McGuire/McGuire Engineering	Ralph & Linda Taeger	8/30/2002
32711004	John Johnson/Prospect Investment Company (adba El Dorado Land Company)	El Dorado Land Company	8/29/2002
32711006	John Johnson/Prospect Investment Company (adba El Dorado Land Company)	El Dorado Land Company	8/29/2002
32712019	John Johnson/Prospect Investment Company (adba El Dorado Land Company)	Prospect Investment Co.	8/29/2002

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667
Fax (530) 642-0508
Email: generalplan@co.el-dorado.ca.us

6-23-2003

03 JUN 25 AM 6:55

RECEIVED
PLANNING DEPARTMENT

To Whom It May Concern:

Comments regarding the Parks and Recreation Element of the General Plan and Draft EIR

My comments are directed at bringing to your attention what I believe is a major oversight in the Parks and Recreation Element of the Draft General Plan and hence in the Draft EIR. To prepare these comments I also reviewed the April 1989 (Amended April 1990) Hiking and Equestrian Trails Master Plan that was incorporated by reference into the General plan update. As stated in the Draft EIR it is the intent of the County to adopt a Parks Master plan and update the Hiking and Equestrian Trails Master Plan upon adoption of the General Plan.

138-1

Recognition of Mountain Bicycling in Trails Master Plan: There seems to be a oversight as to recognizing the existence of a major non motorized trails user group (Mountain Bicyclists) on unpaved (dirt) trails in El Dorado County. The Hiking and Equestrian Trails Master Plan does not discuss Mountain Bicyclists as potential users of off-road, unpaved trails. I suggest that the Hiking and Equestrian Trails Master Plan should be updated as planned and in the process should be renamed the Trails Master Plan and include evaluation of providing for multi-use unpaved (dirt) trails for needs of Hiking, Equestrian, and Mountain Biking user groups. The Bikeway Master plan should be renamed as the Paved Bikeway Master Plan to distinguish it from off-road unpaved (dirt) trails.

Objective 9.1.2 County Trails: In this objective the County states: "Provide for a County-wide non-motorized, multi-purpose trail system and trail linkages to existing and proposed State, and Federal trail systems." (emphasis added) However, as stated above, the needs of Mountain Bicyclists has not been included in the planning by the county for these multi-purpose trails. In other planning efforts, Mountain Bicyclists as a user group has been recognized as a major non-motorized user group that has been growing in size. For this reason the State has begun a comprehensive trails master plan for the Folsom State Recreation Area to provide for the needs of this user group along with others and so should the County.

138-2

Trails Advisory Committee: Given that the Advisory Committee was formed without the thought of the needs of the Mountain Bicycling community, I suggest that representatives of this user group be included in the Advisory Committee. As you are most likely aware, the Folsom Lake Recreation Area is updating their General Plan. As part of this effort a comprehensive trails master plan is being developed that includes trails in El Dorado County. This trails master plan for Folsom State Recreation Area will include representatives from all three major trail user groups in its preparation and so should the County's Trails Master Plan.

138-3

Planning for future needs is the stated goal of the General Plan and Draft EIR. To do this correctly you must take into account the needs of all user groups in your evaluation of needs in the Parks and Recreation Element.

138-4

If you have any questions regarding my comments, please give me a call at Work (916) 341-5358 or Home (916) 939-1218.

Sincerely,

Lewis Moeller
2586 King Richard Drive
El Dorado Hills, CA 95762

Diamond Springs Owners Association
15 Bryson Drive, Sutter Creek, CA 95665

209 267-9155 Ext 4

June 24, 2003

Gina Hunter, Senior Planner
El Dorado County Planning Department
28to Fairlane Court
Placerville, CA 95667

03 JUN 25 PM 1:37
RECEIVED
PLANNING DEPARTMENT

RE: AP# 54-431-21


Dear Ms. Hunter:

Our group is the owner of a 4.22 parcel off Fowler Rd in Diamond Springs. We are currently in plan review for a grading and site work permit for the construction of a residential care facility for the elderly. In reviewing the proposed Revised General Plan, our property is bifurcated into two proposed uses. The property is split into multi-family and single-family use designations. The property is contiguous with a senior multi-family project and it would appear that the entire parcel should have a general plan designation compatible with that use.

Please use this letter as our formal request that the proposed General Plan simplify the acceptable uses for the property by designating the entire parcel to be for a multi-family use. This would create conformity with the existing multi-family use of the adjacent property. Further, the property would not have split use designation.

Your prompt attention to this matter would be appreciated.

Sincerely,


Ron Regan

139-1

LEWIS HACKETT
1881 Lakehills Drive
EL DORADO HILLS, CA 95762
(916) 933-1682
FAX (916) 933-1406

03 JUN 26 PM 3:59
RECEIVED
PLANNING DEPARTMENT

June 24, 2003

El Dorado Planning Department
330 Fair Lane
Placerville, CA 95667

Re: General Plan Comments

Dear Staff:

Please be advised that Shan Nejatian does not speak on our behalf regarding the General Plan.

140-1

My wife and I moved to El Dorado Hills in 1987 and have watched with concern the changes taking place in the area. We live in the area between Salmon Falls Road and Lakehills Drive. The bulk of these properties are ten plus acres with a few five acre parcels and a few three acre parcels. A large portion of this area is under a set of CC&R's that were adopted in 1967 and limit the minimum size of a property to three acres. To rezone this area to high density one acre parcels would be the first step in defeating our interests in maintaining our CC&R's.

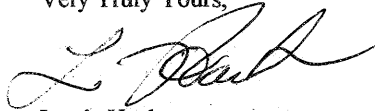
Our moderate size properties make a natural barrier/division between the high density of Waterford and the low density on the Salmon Falls Road.

140-2

We want to retain the pastoral setting and have our horses and pets. We do not want to have restrictions, other than those we agreed to in the CC&R's.

We therefore request that either alternative 2 or 3 be adopted OR, in the alternative, our area be designated as low or medium density. Either of these designations would allow the existing properties to be in conformance with the plan and uphold our CC&R's without penalizing those property owners that wish to divide their land.

Very Truly Yours,



Lewis Hackett

Open Letter to El Dorado County:

03 JUN 24 PM 1:41

Board Of Supervisors and Planning Commissioners

RECEIVED
PLANNING DEPARTMENT

After an exhaustive review of the Four General Plan Alternatives and the Draft EIR, there is but one reasonable conclusion to be reached. **Only one of these multiple Alternatives will allow El Dorado County to regain its land use authority in a timely manner... The 1996 General Plan Alternative.**

141-1

Based on the lengthy and troublesome history of the General Plan Process, coupled with litigation that resulted in a *Writ of Mandate* and even further complicated by the passage of *Measure Y*, the *1996 General Plan Alternative*, and **ONLY** the *1996 General Plan Alternative* can possibly meet the requirements of a legally sound General Plan.

After being adopted in 1996, The *1996 General Plan* was challenged in Court, and set aside in 1999 by Judge Bond. The *Writ of Mandate* was very specific in outlining which elements were insufficiently documented by the EIR, and what actions were necessary to satisfy the Writ and reinstate the *1996 General Plan*.

141-2

The *1996 Plan Alternative* has been modified to address the concerns of the *Writ of Mandate* and *Measure Y* and when supported by the updated and comprehensive Draft EIR it should not have any problems in satisfying Judge Bond's requirements. Additionally since the *1996 Plan Alternative* has already been tested in court once, and since it remains essentially unchanged, **EXCEPT for those changes mandated by the court**, it cannot be challenged again on those same issues. Once the Writ is lifted El Dorado County could regain its land use control and the policies of the *1996 General Plan* would again be in force.

The most compelling reason for adopting the *1996 General Plan Alternative* is the lengthy and legal process that brought it into being in the first place. Starting in 1989 the citizens of El Dorado County attended meetings and hearings and made their wishes known to their respective representatives. A vision statement, Goals and Objectives were all crafted and subjected to public comment and debate. The end result was a plan that was endorsed by citizens and representatives alike, EXCEPT for a disgruntled few who saw fit to litigate in an effort to push forth their own agenda. Those few individuals and groups succeeded in grinding the process to a halt. For SEVEN years El Dorado County has been strapped by litigation and has been unable to effectively plan for growth that has continued unabated.

141-3

Only the *1996 General Plan Alternative* has followed the correct and legal process and has included public comment, debate and has already been challenged in the courts. Its shortcomings were identified and are correctible. On the other hand, the **Constrained Alternatives were NOT crafted with public input, but were authored by paid consultants and the Planning Department Staff, with questionable anonymous input from special interest groups.** The *Constrained Alternatives*, or any proposed combination derived from the various Alternatives, will arouse the ire of other individuals and groups who will undoubtedly bring forth more litigation, more delay and more wasted time and taxpayer money.

141-4

Upon reading and comparing the *Roadway Constrained* and the *Environmentally Constrained* Alternatives the differences are nearly indistinguishable. **In effect they are the same.** They stress the same priorities and the same methodology. They presume to put forth an implementation program including measures and ordinances. The tragedy of this exercise is that **NONE** of it takes into account all of the work that has gone before. **NONE** of it acknowledges the years of public input and hearings or the will of the people.

141-5

The authors of the *Constrained Alternatives* even re-wrote the Vision statement, the Goals, and the Objectives.

141-6

The question is...on whose authority?

Beyond re-writing the basic framework, the authors of the *Constrained Alternatives* also arbitrarily re-defined the boundaries of the Community Regions, Rural Centers and Rural Regions, including adding or eliminating some at their own discretion.

141-7

The question is...on whose authority?

Beyond the area boundaries, the authors of the *Constrained Alternatives* re-drew the Land Use Maps, again arbitrarily, based on their self-defined boundaries and land use designations. This action is perhaps the most onerous in that it would effectively constrain allowable uses on most parcels in the unincorporated regions of the county with little or NO stakeholder input. Land values would be negatively impacted immediately and into the future.

141-8

The question is...on whose authority?

The **Board of Supervisors** is now waiting for the **Planning Commission** to recommend a "preferred alternative". It was obvious at the public hearings that the sheer volume of data in the Four Alternatives and the Draft EIR overwhelmed the **Planning Commission**. They were unprepared for the task and will be hard-pressed to come to a consensus any time soon. Their **ONLY** reasonable and actionable course is to recommend that the **1996 General Plan Alternative** be accepted as the "preferred" Alternative. Any other choice, or any indecisiveness by the Planning Commission, will send the whole process back to the drawing board and the County will continue to flounder without land use authority for an indeterminate amount of time.

141-9

The wheels of government have been stalled for several years by the flawed General Plan process. It is time to overcome the inertia and move forward with the **BEST, MOST COMPLETE** Alternative. **ONLY the 1996 Alternative has withstood the scrutiny of the citizens, the court and the process of full disclosure.** The other Constrained Alternatives are narrow in their vision and favor the interests of a few over many. The process has dragged on long enough. The most expeditious path is to adopt the **1996 General Plan Alternative** and move on. **There is no other reasonable choice.**

141-10

Submitted by:

Don Hartley (El Dorado Hills resident since 1991, former owner of 145 acre ranch in Fair Play, and current Realtor at Century 21 in Placerville.)

Send comments or phone:

don.Hartley@century21.com

530-651-1511

From: Dancemom814@aol.com
Sent: Tuesday, June 24, 2003 1:57 PM
To: generalplan@co.el-dorado.ca.us
Subject: rezoning of parcel #110-010-36-100

I believe the above parcel number is a vacant lot on the corner of Malcolm Dixon Rd. and Salmon Falls (the other side is Green Valley Rd.) It was split from the connecting property years ago (address 1028 Malcolm Dixon) and has been considered for rezoning to commercial property. I am opposed to this rezoning as are my neighbors Judy Elwood, and Mr. & Mrs. Diem (we three have the three homes on Allegheny Road) and neighbors on Uplands Road, the Connell Family. This is a residential neighborhood and no business should be adjacent to our homes. My house is across New York Creek from the original property and would have only 1 house dividing us from a commercial structure. Please don't let this property be rezoned for commercial. It is one of the very few older large parcel neighbors in El Dorado Hills. Let the commercial property move into the Francisco Corner or near the freeway.

142-1

Thank you
Kathleen van den Akker

EL DORADO COUNTY
INTEROFFICE MEMO

03 JUL -8 PM 1:09

TREASURER-TAX COLLECTOR'S OFFICE

RECEIVED
PLANNING DEPARTMENT

To: Heidi Tschudin
c/o County Counsel

From: Cherie Raffety *Cherie Raffety*
Treasurer-Tax Collector

Date: June 26, 2003

Subject: **General Plan**

Please consider adding to your general plan language to encourage wind energy for both residential and commercial applications.

Wind (and solar) energy are renewable resources, would help with energy conservation, and are non-polluting. Therefore, designating a review process of no longer than two weeks and no cost planning/building applications would be appropriate.

Attached is a copy of Assembly Bill 1207 which passed the California State Legislature.

Please feel free to call me with any comments or questions.

143-1

AB 1207 - Streamlining the Permitting of Small Wind Turbines in California

BILL NUMBER: AB 1207 CHAPTERED
BILL TEXT

CHAPTER 562
FILED WITH SECRETARY OF STATE OCTOBER 7, 2001
APPROVED BY GOVERNOR OCTOBER 5, 2001
PASSED THE SENATE SEPTEMBER 13, 2001
PASSED THE ASSEMBLY SEPTEMBER 13, 2001
AMENDED IN SENATE SEPTEMBER 6, 2001
AMENDED IN SENATE AUGUST 29, 2001
AMENDED IN SENATE JULY 18, 2001
AMENDED IN SENATE JULY 11, 2001
AMENDED IN SENATE JUNE 28, 2001
AMENDED IN ASSEMBLY APRIL 16, 2001

INTRODUCED BY Assembly Member Longville

FEBRUARY 23, 2001

An act to add and repeal Section 65892.13 of the Government Code, relating to wind energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1207, Longville. Small wind energy systems.

(1) Existing law prohibits the legislative body of any city or county from enacting an ordinance that prohibits or unreasonably restricts the use of solar energy systems other than for the preservation or protection of the public health and safety.

This bill would authorize until July 1, 2005, a local agency to provide, by ordinance, for the installation of small wind energy systems, as specified, and to issue a conditional use permit for this purpose. The bill would also authorize a local agency to impose conditions on the installation of these systems, as specified. This bill would also require a local agency to approve an application for a small wind energy system by right if specified conditions are met and would authorize the local agency to charge a specified fee. By increasing the duties of local agencies, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65892.13 is added to the Government Code, to read:

65892.13. (a) The Legislature finds and declares all of the following:

(1) California has a shortage of reliable electricity supply, which has led the Governor to proclaim a state of emergency and to issue numerous executive orders to lessen, and mitigate the effects of, the shortage. The executive orders, among other things, expedite and shorten the processing of applications for existing and new powerplants, establish an emergency siting process for peaking and renewable powerplants, and relax existing air pollutant emission requirements in order to allow power generation facilities to continue generating much needed electricity.

(2) Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources. Distributed small wind energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands, increase in-state electricity generation, diversify the state's energy supply portfolio, and make the electricity supply market more competitive by promoting consumer choice.

(3) In 2000, the Legislature and Governor recognized the need to promote all feasible adoption of clean, renewable, and distributed energy sources by enacting the Reliable Electric Service Investments Act (Article 15 (commencing with Section 399) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code). As set forth in Section 399.6 of the Public Utilities Code, the stated objectives of the act include to "increase, in the near term, the quantity of California's electricity generated by in-state renewable energy resources while protecting system reliability, fostering resource diversity, and obtaining the greatest environmental benefits for California residents."

(4) Small wind energy systems, designed for onsite home, farm, and small commercial use, are recognized by the Legislature and the State Energy Resources Conservation and Development Commission as an excellent technology to help achieve the goals of increased in-state electricity generation, reduced demand on the state electric grid, increased consumer energy independence, and nonpolluting electricity generation. In June 2001, the commission adopted a Renewable Investment Plan that includes one hundred one million two hundred fifty thousand dollars (\$101,250,000) over the next five years, in the form of a 50 percent buydown incentive for the purchasers of "emerging renewable technologies," including small wind energy systems.

(5) In light of the state's electricity supply shortage and its existing program to encourage the adoption of small wind energy systems, it is the intent of the Legislature that any ordinances regulating small wind energy systems adopted by local agencies have the effect of providing for the installation and use of small wind

energy systems and that provisions in these ordinances relating to matters including, but not limited to, parcel size, tower height, noise, notice, and setback requirements do not unreasonably restrict the ability of homeowners, farms, and small businesses to install small wind energy systems in zones in which they are authorized by local ordinance. It is the policy of the state to promote and encourage the use of small wind energy systems and to limit obstacles to their use.

(b) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of small wind energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that this section apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties.

(c) The following definitions govern this section:

(1) "Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce onsite consumption of utility power.

(2) "Tower height" means the height above grade of the fixed portion of the tower, excluding the wind turbine.

(d) Any local agency may, by ordinance, provide for the installation of small wind energy systems in the jurisdiction outside an "urbanized area," as defined in paragraph (2) of subdivision (b) of Section 21080.7 of the Public Resources Code pursuant to this section. The local agency may establish a process for the issuance of a conditional use permit for small wind energy systems.

(1) The ordinance may impose conditions on the installation of small wind energy systems that include, but are not limited to, notice, tower height, setback, view protection, aesthetics, aviation, and design safety requirements. However, the ordinance shall not require conditions on notice, tower height, setbacks, noise level, turbine approval, tower drawings, and engineering analysis, or line drawings that are more restrictive than the following:

(A) Notice of an application for installation of a small wind energy system shall be provided to property owners within 300 feet of the property on which the system is to be located.

(B) Tower heights of not more than 65 feet shall be allowed on parcels between one and five acres and tower heights of not more than 80 feet shall be allowed on parcels of five acres or more, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

(C) Setbacks for the system tower shall be no farther from the property line than the height of the system, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.

(D) Decibel levels for the system shall not exceed the lesser of 60 decibels (dBA), or any existing maximum noise levels applied pursuant to the noise element of a general plan for the applicable zoning classification in a jurisdiction, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.

(E) The system's turbine must have been approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the commission's Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.

(F) The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.

(G) The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code).

(H) The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

(2) The ordinance may require the applicant to provide information demonstrating that the system will be used primarily to reduce onsite consumption of electricity. The ordinance may also require the application to include evidence, unless the applicant does not plan to connect the system to the electricity grid, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.

(3) A small wind energy system shall not be allowed where otherwise prohibited by any of the following:

(A) A local coastal program and any implementing regulations adopted pursuant to the California Coastal Act, Division 20

(commencing with Section 30000) of the Public Resources Code.

(B) The California Coastal Commission, pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.

(C) The regional plan and any implementing regulations adopted by the Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact, Title 7.4 (commencing with Section 66800) of the Government Code.

(D) The San Francisco Bay Plan and any implementing regulations adopted by the San Francisco Bay Conservation and Development Commission pursuant to the McAteer-Petris Act, Title 7.2 (commencing with Section 66600) of the Government Code.

(E) A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.

(F) The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.

(G) A local agency to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.

(H) The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.

(I) The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.

(J) The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.

(K) The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.

(L) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

(4) In the event a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the local agency shall take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify

pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agriculture Code.

(5) Notwithstanding the requirements of paragraph (1), a local agency may, if it deems it necessary due to circumstances specific to the proposed installation, provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the installation is proposed.

(6) Nothing in this section shall be construed to alter or affect existing law regarding the authority of local agencies to review an application.

(e) Notwithstanding subdivision (f), any local agency that has not adopted an ordinance in accordance with subdivision (d) by July 1, 2002, may adopt such ordinance at a later date, but any applications that are submitted between July 1, 2002, and the adopted date of the ordinance must be approved pursuant to subdivision (f).

(f) Any local agency which has not adopted an ordinance pursuant to subdivision (d) on or before July 1, 2002, shall approve applications for a small wind energy systems by right if all of the following conditions are met:

(1) The size of the parcel where the system is located is at least one acre and is outside an "urbanized area," as defined in paragraph (2) of subdivision (b) of Section 21080.7 of the Public Resources Code.

(2) The tower height on parcels that are less than five acres does not exceed 80 feet.

(3) No part of the system, including guy wire anchors, extends closer than 30 feet to the property boundary, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.

(4) The system does not exceed 60 decibels (dBA), as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.

(5) The system's turbine has been approved by the State Energy Resources Conservation and Development Commission as qualifying under the Emerging Renewables Fund of the commission's Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.

(6) The application includes standard drawings and an engineering analysis of the tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a licensed professional engineer. A wet stamp is not required if the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000

pounds per square foot, or other relevant conditions normally required by a local agency.

(7) The system complies with all applicable Federal Aviation Administration requirements, including any necessary approvals for installations close to airports, and the requirements of the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code).

(8) The application includes a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

(9) Unless the applicant does not plan to connect the system to the electricity grid, the application includes evidence, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.

(10) A small wind energy system shall not be allowed where otherwise prohibited by any of the following:

(A) A local coastal program and any implementing regulations adopted pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) The California Coastal Commission, pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.

(C) The regional plan and any implementing regulations adopted by the Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact, Title 7.4 (commencing with Section 66800) of the Government Code.

(D) The San Francisco Bay Plan and any implementing regulations adopted by the San Francisco Bay Conservation and Development Commission pursuant to the McAtter-Petris Act, Title 7.2 (commencing with Section 66600) of the Government Code.

(E) A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.

(F) The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.

(G) A local agency to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.

(H) The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.

(I) The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.

(J) The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.

(K) The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.

(L) On a site listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

(11) In the event that a proposed site for a small wind energy system is in an agricultural area that may have aircraft operating at low altitudes, the local agency shall take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agriculture Code.

(12) No other local ordinance, policy, or regulation shall be the basis for a local agency to deny the siting and operation of a small wind energy system under this subdivision.

(13) No changes in the general plan shall be required to implement this subdivision. Any local agency, when amending its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the approval of small wind energy systems, must do so in a manner consistent with the requirements of this subdivision and the Permit Streamlining Act (commencing with Section 65920).

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the siting and operation of small wind energy systems.

(h) A local agency shall review an application for a small wind energy system as expeditiously as possible pursuant to the timelines established in the Permit Streamlining Act (commencing with Section 65920).

(i) Fees charged by a local agency to review an application for a small wind energy system shall be determined in accordance with Chapter 5 (commencing with Section 66000).

(j) Any requirement of notice to property owners imposed pursuant to subdivision (d) shall ensure that responses to the notice are

filed in a timely manner.

(k) This section shall become inoperative on July 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2006, deletes or extends that date.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

HOME

BACK

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FREDA D. PECHNER
ATTORNEY AT LAW
P.O. BOX 700
GARDEN VALLEY, CALIFORNIA 95933
(530) 333-1644 VOICE OF CITY

03 JUN 30 PM 2:00
RECEIVED
PLANNING DEPARTMENT

FACSIMILE
(530) 333-1578
email: mylawyer@ps.net

June 27, 2003

General Plan Team
2850 Fairlane Ct.
Placerville CA 95667

RE: My client: Boyd Sears, dba Bear Creek Quarry
APN 60-021-59 ARA 4

As you may or may not be aware, my client's property, described above, is currently being mined. The requirements of the Surface Mine and Reclamation Act, as it relates to the protection of lands designated on approved mineral resource mapping as MRZ-2a lands, do not appear to be incorporated into any of the proposed drafts of the General Plan or the Environmental Impact Report (EIR).

My client's property is important to protect, as El Dorado County is currently not able to serve more than approximately one-third of its current needs, as set forth in OFR-2000-03. My client's mine is a designated Aggregate Resource Area, and thus entitled to protection. We are looking forward to the opportunity to meet with your staff, along with my consultant, to discuss the manner in which applicable state law will be more fully implemented in the final EIR and Plan.

Thank you for your attention in this matter. Please feel free to contact me if you have any questions regarding this matter, or if you wish to discuss it in further detail.

Very truly yours,

Freda D. Pechner

FREDA D. PECHNER

FDP:ss

c: Boyd Sears

SIGNED IN DICTATOR'S
ABSENCE TO AVOID DELAY

144-1



SIGN LANGUAGE
SPOKEN HERE

OFFICE LOCATION: 4661 MARSHALL ROAD, GARDEN VALLEY, CALIFORNIA

Dennis Peterson
4345 Stevens Court
Placerville, Ca. 95667

03 JUL -9 PM 12: 33
RECEIVED
PLANNING DEPARTMENT

June 30th, 2003

County Planning Dept
12850 Fairlane Court
Placerville, Ca. 95667

Reference: 096-120-49 (aprox. 11 ac)

Dear Sir

In reference to the above parcel, our intent is to split it into two parcels for our family. We request our current zoning to remain to facilitate that split.

Thank you for your attention to this matter.

Sincerely



Dennis Peterson
(530)626-5215

145-1

NICK J. & GRACE P. SCHUBIN
PO BOX 1327
PLACERVILLE, CA 95667

03 JUL 10 PM 3:00
RECEIVED
PLANNING DEPARTMENT

June 30, 2003

Mr. Conrad B. Montgomery, Planning Director
El Dorado County Planning Department
2650 Fairlane Court
Placerville, CA 95667

RE: Mr. & Mrs. Nick J. Schubin Property Located Four Corners
APN 105-030-041; 317-020-011; 105-190-351; 105-190-331

Dear Sir,

In response to your request for comments as to the General Plan Update for El Dorado County, as long term residents and contributors to the County's economy, we respectfully submit the following comments for your consideration.

It is obvious that it is increasingly difficult to economically engage in agricultural pursuits in the section of the County in which our property is located. We do feel the property is uniquely located for the growing desire of new residents of the County to engage in the rural lifestyle afforded by small ranchettes that are located on established County roads adequate to meet transportation needs and serviced by the water district and established fire and public safety support facilities. The properties located at the intersection of Lotus Road and Gold Hill Roads, Four Corners, has historically been a crossing point in this section of the County. As more density develops on the surrounding non-prime land, this intersection will likely be a logical location for a more commercial type of service center that should contribute to the employment and tax base needs of the County.

As stated above, the transportation arterials, in place, provide easy, inexpensive, access from the four quadrants of lands gradually developing with increased densities surrounding Four Corners which will logically continue to develop into a Rural Center supporting neighbors needs.

The subject property is well positioned to support medium density development for which it is presently zoned. With its unique location and amenities the immediate areas around Four Corners may well support appropriately planned recreational types of uses, such as an equestrian center. To make these commercial and recreational services viable, some increased densities are required such as already exist in surrounding lands most particularly to the West Platted Lands.

Increased densities of these non-prime former agricultural lands preserves the opportunity to continue to encourage agricultural emphasis on properties of better quality soils or current consolidated plottage that can support efficient winter cattle grazing. We find the inclusion of a

146-1

Conrad B. Montgomery
El Dorado County Planning Department
June 30, 2003
Page 2

portion of APN 105-190-331 in the Agricultural District to be not compatible with the terrain of the subject land and ask it to be removed from the District.


We believe parcel 105-030-041 meets the criterion outlined in the General Plan Alternatives to be included in the Rural Centers designation, well supported by existing infrastructure and unique physical position for medium density residential with some opportunity for commercial use as a potential to support the surrounding properties and the County's economy.

Our other three parcels are logical for low density residential to continue to meet demand for this type of occupancy by future residents of the County.

We have always believed the 1996 General Plan as adopted was appropriate for the continued economic development of El Dorado County and urge the Board of Supervisors to expeditiously confirm the existing General Plan and allow planning as to rural residential parcels to commence to meet the demonstrated demand and contribute to the local economy through job creation and economic stimulus to the County.

Thank you in advance for considering this inclusion in your planning process.

Very truly yours,


Nick J. Schubin & Grace P. Schubin

cc: Clerk of Board of Supervisors, El Dorado County
330 Fairlane Court, Placerville, CA 95667



146-1

146-2



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2902

03 JUL -7 PM 2:19
RECEIVED
PLANNING DEPARTMENT

June 30, 2003

Regulatory Branch (200300421)

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, California 95667

Dear General Plan Team:

I am responding to the Notice of Availability for the El Dorado General Plan. This project is a General Plan for El Dorado County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

147-1

The project considered should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Any activity which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species may require consultation with the United States Fish and Wildlife Service or the National Marine Fisheries Service. Any activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places must satisfy the requirements of the National Historic Preservation Act.

147-2

147-3

-2-

Please reference identification number 200300421 in any future correspondence concerning this project. If you have any questions, please write to Mr. Paul Maniccia at the letterhead address, or email Paul.M.Maniccia@usace.army.mil, or telephone 916-557-6704.

Sincerely,

A handwritten signature in black ink, reading "Nancy D. Haley". The signature is written in a cursive style with a large, sweeping initial "N".

Nancy Haley
Chief, San Joaquin Valley Office

From: Paul Raveling [Paul.Raveling@sierrafoot.org]
Sent: Tuesday, July 01, 2003 3:30 PM
To: generalplan@co.el-dorado.ca.us
Cc: BOSONE@co.el-dorado.ca.us; bostwo@co.el-dorado.ca.us; Leslie Vandever; Paul Raveling
Subject: General Plan comments

For attention of the Planning Department, Planning Commission, and Board of Supervisors

Thank you for the opportunity to submit these comments.

General, choice of General Plan alternative:

I recommend adoption of the Roadway Constrained alternative. The most important reasons are:

a.. Only the Roadway Constrained and No Project alternatives reduce the traffic burden, which is an extremely important concern for El Dorado Hills. In addition to the traffic load induced by urbanization directed by past planning, El Dorado Hills is a concentration point for almost all traffic between the rest of the County and Sacramento County. Part of the load on US 50 also is due to service to points farther west, particularly the Bay Area.

148-1

With key roadway segments already peaking at LOS F it is important to minimize traffic for ALL reasons: Economics (commercial transportation), minimizing air pollution, and preserving as much as possible of residents' quality of life.

b.. Of the two alternatives that limit traffic, the No Plan alternative is not viable in the long term. This alternative does not provide a firm legal basis in the General Plan itself for the effects of the current writ of mandate.

148-2

This could be changed at any time by additional court orders or by amendments to the original Environmental Impact Report. Again, these factors lead to the Roadway Constrained alternative as the most appropriate choice, especially for El Dorado Hills. Additional benefits accrue to other goals which benefit from limitation of permitted densities and limitation of extent of future subdivision. These goals include maintaining quality of life for current residents and maintaining appropriate environmental protection.

148-3

Comments on certain parcel-specific requests

I understand that a number of parcel-specific requests have been submitted for the area between Lakehills Drive and Salmon Falls Road (Equestrian Village). I investigated this through public information on the County's web site in response to a contact from a concerned owner who lives in that area, with her property line about 200 feet from my own home. At the time I moved in, in 1990, this area was

148-4

zoned for a minimum parcel size of 10 acres. The semirural environment created by the 1990 land use standards was one of the reasons for my own choice Slightly later,

I think in 1992 or 1993, two 5-acre parcels were created by subdivision.

The web-based records show that Shan Nejatian submitted a batch of requests on behalf of himself and several other people. Mr. Nejatian owns the 23-acre parcel that my neighbor fears will be subdivided. That in turn was subdivided from a 40-acre parcel which was owned by Leon and Ellyn Naef. Another beneficiary of these parcel-specific requests is Dr. Bahman Fozouni, owner of a 10-acre parcel in the same area. No detailed information about these requests is available on the web, but it is reasonable to assume that their nature is to authorize subdivision to a density greater than that which would be permitted by the Roadway Constrained and Environmentally Constrained alternatives.

In searching for parcels owned by the three individuals named above I found a history showing approximately 32 diferent parcels, currently owned or previously owned, not counting changes in parcel numbers due to splitting map books. The history shows at least four subdivisions of previously owned parcels. Transfer of ownership activity among this group appears to have become quite active beginning around the end of 1999, frequently involving two transfers on the same day.

Altogether the pattern of real estate activity is one that suggests active speculation and investment with a principal goal of monetary profit. This appears to have no relation to the property rights issues advocated by Tom Mahach and others, and it appears to be in conflict with reasonable principles of planning in the interests of the community and the county.

I urge all of those involved at the county level to examine these requests very carefully. If they will be discussed in public hearings, I would appreciate notification if possible in order to arrange my schedule to allow attending. I absolutely oppose subdivision of property in this area to sizes less than 5 acres, and would prefer no further subdivision if possible.

The parcel-specific requests at issue are listed below, showing all those included in Mr. Nejatian's request. This is derived from Table A-3 in the Draft Environmental Impact Report and several cross checks on the parcel information database, are listed below. Due to limitations of personal time I have done only moderate research on the history of the overall set of parcels, but will speculate that most may have been subdivided from land traceable to the Naef and Rich families.

Some of the entries which I haven't checked also suggest real estate investment or speculation activity. For example, in search for parcels which have been associated with the Rich family the database returned approximately 100 rows.

Parcel APN

148-4

Owner

110-020-13-100
Louis & Loise Hackett

110-020-14-100
James Green

110-020-15-100
Bahman Fozouni & Mahnaz Moussavi

110-020-16-100
Dixie C. Hampton

110-020-17-100
Dixie C. Hampton

110-020-18-100
Dixie C. Hampton

110-020-30-100
Shan Nejatian & Marie Mitchell

110-020-32-100
Shan Nejatian & Marie Mitchell

110-020-35-100
David & Deborah Smith

110-020-36-100
Rich Family Trust (Clarence P. & Madeline J. Rich)

110-043-001-100
Leon & Ellyn Naef

110-043-002-100
Yarak family

110-043-003-100
Leon & Ellen Naef

110-043-004-100
Leon & Ellyn Naef

Paul Raveling
Paul.Raveling@sierrafoot.org
(916) 933-5826
Except Tuesdays and Wednesdays: (650) 506-8393

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COUNTY OF EL DORADO

Airports, Parks & Grounds

Michael Gray, Manager

3000 FairLane Ct. Ste 1

Placerville, CA 95667

(530) 621-5864 FAX (530) 295-2540

July 2, 2003

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA. 95667

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PLANNING DEPARTMENT

The El Dorado County Parks and Recreation Commission met June 10, 2003 and the following are our comments on the Draft El Dorado County General Plan.

PARKS AND RECREATION ELEMENT

The Parks and Recreation Element goals and policy statements in the **ROADWAY CONSTRAINED SIX-LANE "PLUS" ALTERNATIVE AND ENVIRONMENTALLY CONSTRAINED ALTERNATIVE** (which are the same) reflect our current thinking and we believe should be adopted into the General Plan.

The **NO PROJECT AND 1996 GENERAL PLAN ALTERNATIVES** are more a reflection of past thinking and need updating if they are to be adopted. The following are our proposed changes:

Objective 9.1.1 Park Acquisition and Development

Policy 9.1.1.7 Request the last sentence that states "cities and service districts shall assume all the development costs for community parks", be deleted because it eliminates the possibilities of cooperative projects.

As part of the Parks & Recreation Plan development for communities a countywide "needs assessment" be conducted that establishes where parks and recreation facilities are most needed.

The Parks & Recreation plan needs to develop criteria where county facilities could be transferred to service districts.

Objective 9.1.2: County Trails

The El Dorado Trail is the backbone for non-motorized transportation along the Highway 50 Corridor from Shingle Springs to Camino rather than simply a recreation resource. A clear statement of roles needs to be developed between the Department of Transportation, Parks and Recreation to ensure this critical resource is developed in a timely manner.

149-1

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149-3

The 1979 Bikeway Master Plan is woefully inadequate and the Commission recommends the *El Dorado County Bicycle Master Plan* El Dorado County October 6, 1999, as amended, and the *Bicycle Transportation Plan*, El

149-3

Dorado County Transportation Commission, April 3, 1997 be used to provide guidance for the development of bicycle routes within the County in all alternatives.

CIRCULATION ELEMENT

149-4

The comments under Objective 9.1.2 need to appear in the Circulation element also.

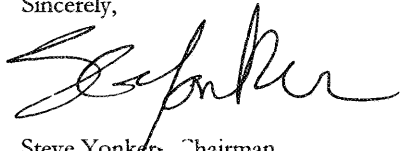
CONSERVATION AND OPEN SPACE

We believe Policy 9.1.1.11 should be deleted because it limits flexibility and this issue is best addressed in future Parks and Recreation Master Planning.

149-5

Please inform us of actions taken relative to our comments.

Sincerely,



Steve Yonkers, Chairman
El Dorado County Parks and Recreation Commission

SAGE

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PLANNING DEPARTMENT

Paul T. Converse, President
(530) 626-4700
Page #1 of 2

Surveyors, Architects, Geologists and Engineers
of El Dorado County
211 Sandy Court
Diamond Springs, California 95619

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, Ca. 95667

Attn: El Dorado County Planning Commission

Re: General Plan Task Force Reports - Comments

Dear Commissioners,

The Surveyors, Architects, Geologists and Engineers of El Dorado County (SAGE), an association comprised of some 80 licensed professionals in several technical fields and specialties, representing perhaps 400 to 500 technical staff have devoted substantial effort to technical review of the General Plan alternatives and associated Environmental Impact Reports which are currently subject of public review, and have come to the following general conclusions:

- We believe that, while the Draft 1996 General Plan Alternative is the only alternative without fatal flaws, it requires substantial refinements to become a workable document;
- It appears that no alternative currently under consideration is consistent with the Project Description listed in the Notice of Preparation, which may be a serious procedural shortcoming;
- All of the alternatives, as presented, appear to be excessively detailed, unwieldy, and costly to administer. Much of the detail should, if needed, be adopted separately, as Policies or Ordinances, for greater flexibility and responsiveness to changing circumstances;
- Under the No Project Alternative (i.e. continued operation under the Writ) major vested developers are left unopposed to virtually monopolize the housing market in the county, since their development agreements with the county were unaffected by the lawsuit and resulting Writ. This distorts the housing market, inflating prices to a degree that even the middle class working families find themselves priced out of the market;
- Both the Environmentally Constrained Alternative and Roadway Constrained Six-Lane Alternative accomplish down-planning of small land holdings by arbitrarily moving the community region boundary lines to

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exclude these parcels. As a result, they are denied the community region services to which they are currently entitled. This is done without any appropriate dialogue or consideration as to how this will affect those owners, would undoubtedly be judged to circumvent due process, and possibly to constitute "taking" of private property.

- El Dorado Irrigation District has invested heavily in infrastructure, based upon the land uses projected in the 1996 General Plan, assets which will become stranded without means of anticipated repayment, should these land uses fail to occur as expected, leaving ratepayers with an unfairly imposed liability;
- The 1996 General Plan Alternative, should be amended to fully comply with the Writ, to update technical data and other information which may have changed since preparation in 1996, and to correct other deficiencies, including those presented in our attached comments, and then adopted in a more workable form than the current Draft.
- The Draft 1996 General Plan Alternative is endorsed by SAGE as a preferred basis for the El Dorado County (EDC) General Plan;

In addition, we wish to express our very great concern with proposed new policy 5.5-1 (b) which requires "adequate and physically available" water supply prior to granting any discretionary or ministerial land use approval.

We appreciate the opportunity to provide these general comments, and our more detailed technical comments, which are attached. Thank you for your pending thoughtful review of our observations.

Very truly yours,



Paul T. Converse, President,
Surveyors, Architects, Geologists and Engineers
of El Dorado County (SAGE)

Attachments:

SAGE Comments on General Plan
SAGE Comments on General Plan EIR

Cc: El Dorado County Board of Supervisors

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150-9

SAGE

Surveyors, Architects, Geologists and Engineers
of El Dorado County

211 Sandy Court
Diamond Springs, California 95619

Paul T. Converse, President
(530) 626-4700
Page #1 of 8

Re: SAGE General Plan Task Force - Comments on General Plan

SAGE Comments on General Plan:

Land Use

Lower densities proposed in the Environmentally Constrained and Roadway Constrained Alternatives will have substantial negative impacts on values of effected private properties.

150-10

Circulation

The following provides, in bullet format, preliminary comments on the major areas of concern with the Draft General Plan and Environmental Impact Report for El Dorado County, California. While the central aim of this document is to provide a review of the Circulation Element mandated by California State law, the below comments are more general in nature, not having yet been organized and refined.

Comments and Concerns

- A.) Alternatives 2 and 3 require that housing be fairly distributed throughout the county. Setting aside the questionable practicality of distributing housing where there is no apparent current demand, how does such a requirement fit with the Alternative 2 Roadway Constrained title?
- B.) The various alternatives treat development and construction of bicycle paths as components of a regional transportation system. Bicycles do not, and for the useful life of this General Plan will not, move any statistically significant amount of people or goods, that is, they will account for far less than a tenth of a percent of the County's transportation needs. That is not to say bicycle paths should be ignored, but they should be addressed, including funding, as components of the Parks and Recreation Element.
- C.) As discussed above with regard to development and construction of bicycle paths, hiking and equestrian trails should not be treated as components of the County's

150-11

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transportation system, but rather as components of the Parks and Recreation Element.

150-13

D.) Alternative 2 requires inclusion of latent demand in determination of what it terms concurrency. However, it appears this alternative actually requires construction of related policy mandated improvements before issuance of building permit. This will require construction of improvements before actual need, the cost of which will have to be borne by the families who eventually live in the affected homes. Early construction of such improvements will also draw other County resources from more critical current needs, such as the Department of Transportation having to devote staff oversight to design and construction of projects not yet needed.

150-14

E.) The definition of latent demand will also add to the cost burden families living in El Dorado County must bear. Experience has shown that approved projects and ministerial approvals almost never build out. Up front construction of related transportation infrastructure takes away the opportunity to stage such improvements as needed. It not only adds unnecessary cost, but also harms the environment by paving lanes that may not eventually be needed, and could have remained grass and tree covered lawns and savannas.

150-15

F.) The Alternative 2 prohibition of ridgeline development would seem in conflict with preservation of agricultural lands, a nationwide effort included in United States Environmental Protection Agency policy in addition to stated goals in El Dorado County. Such a prohibition will push development to valley floors since, generally, many hillsides are too steep to develop economically. Valley floors are the best and most productive agricultural lands, and even if not used for agricultural often contain the highest densities of healthy trees. Forcing development of such areas will increase tree loss. It is further noted that for similar reasons this prohibition is inconsistent with the preclusion of grading steep slopes in Alternative 3.

150-16

G.) There is no justification, economic or otherwise, for El Dorado County support of electric vehicles. Who pays for this?

150-17

H.) The frequent references to transit and its encouragement at best create an impression that it may be a near-term solution to El Dorado County traffic problems. At best this is wishful thinking, and may lead to wasting significant resources that would be better spent increasing roadway capacity and addressing existing roadway deficiencies. Effective transit, especially rail, requires high densities in both housing and employment/commercial destinations, densities EDC will not see over the useful life of this GP.

150-18

Potential 1996 Alternative Support Statement (Should SAGE decide to support Alternative 4)

The 1996 Alternative is the best choice for meeting the goals and objectives of the Circulation Element, which is the General Plan Element that directly addresses El Dorado County's transportation needs and its traffic. The 1996 Alternative is preferred

150-19

because it is the most visionary in recognizing our community's needs and presenting solutions to the issues ahead. Rather than artificially constraining our streets and roadways, ignoring existing traffic problems and adopting a head-in-the-sand approach to providing for our children and families, this Alternative recognizes we are able to build the infrastructure necessary to avoid every trip to work or to pick up kids from school involving uncounted lost time and frustration sitting in traffic.

150-19

Housing

It appears that compliance with state mandated housing requirements becomes increasingly difficult to achieve under the Environmentally Constrained or Roadway Constrained alternatives.

150-20

Public Services and Utilities

General Public Services for Alternates 2 and 3 Roadway Constrained six-lane "plus" Alternative Environmentally Constrained Alternative.

Surface Water Resources:

The General Plan claims that the new sources of water "have not been approved and if approved may be at levels less than Expected". We believe this incorrect. The County has two new sources of water:

Public Law 101-514 Fazio Water :

Congress, by Federal statute, directed the Bureau of Reclamation (USBR) to enter into a contract with El Dorado County for 15,000 a.f. annually. This is part of Public Law 101-514, therefore, neither approval nor quantity are in doubt. The other part of Public Law 101-514 awarded Sacramento County 35,000 a.f. (22,000 a.f. went to Sacramento County Water Agency with 7,000 a.f. of this going to the City of Folsom and 15,000 a.f. going to San Juan Water District). Sacramento County, San Juan and Folsom completed their EIR/EIS in 1997 and are receiving their water. This water is referred to as the "Fazio" water because Congressman Fazio sponsored the original bill. This water is expected to be split between EID and Georgetown Divide PUD.

150-21

There are procedural steps to the execution of the required contract which remain to be completed, one of which is adoption of this General Plan. This water contract was delayed for several reasons, primarily, because a judge said that EDC could not obtain new water when it did not have an approved general plan substantiating its intended use and need. The required EIR/EIS work has been held up for several years pending an approved general plan. A virtually complete administrative draft EIS/EIR has been ready for some time.

There is little doubt that the contract for this water will be executed, once the new general plan is approved. The total water quantity is specified by statute, with clear implications in terms of EID's ability to serve.

17,000 A.F. Water Right:

Order WR 2001-22 is a water right awarded by the California State Water Resources Control Board (SWRCB) to El Dorado County on August 16, 2001. This decision affirms and revises the Board's previous decision D-1635. It is nominally for 17,000 a.f. annually. It came with 43 conditions. This water can be received by EID from Folsom Lake. This water right is not being exercised because the El Dorado County Water Agency and EID have chosen to challenge the imposition of Term 91 in this contract. It is conceivable that the historic water yield from this project (and therefore the associated water right) might be slightly decreased by the pending project re-licensing, depending on what conditions FERC will impose on EID's future project operations in the re-licensing of Project 184. There is little doubt that this project's contribution to EID's future supplies, and ability to serve, will be very substantial.

150-21

Drought Planning:

In considering drought planning, the General Plan suggests "curtailing and/or more actively regulating the use of existing water supplies".

We would like to suggest that in addition to that and more positively, the County should look towards additional water storage within the County. This can be achieved by expanding existing storage facilities or constructing new ones. This includes investigating the use of existing storage presently owned and operated by SMUD.

150-22

Water Supply Policies:

Policy PS-2a: This policy advocates that the County Water Agency (CWA) "actively engage in and support the efforts of public water providers to retain existing and acquire new surface water supplies". The CWA has County-wide jurisdiction and responsibilities, which the water purveyors do not. This broader mandate, which has the force of law, should be acknowledged and supported by the General Plan. The CWA, based on its legislative mandate, should pursue new surface water irrespective of efforts by the water purveyors, and responsive to the needs of the entire County. The two new water sources the county is expecting were initiated and obtained through the initiative and efforts of the Water Agency.

150-23

Environmentally Constrained Alternative:

Water Supply Policies

Policy PS-3b: Although the state water code, Article 7 Section 13550 allows a county or district to mandate the use of recycled water, it conditions this on the availability of recycled water of adequate quality and quantity and should be furnished at a reasonable cost. The county does not control these conditions and could only suggest to the water purveyors to mandate the use.

150-24

Attached is Section 13550 of the Water Code:
Water Code: Division 7. Water Quality

Article 7: Water Reuse

13550: (a) The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available which meets all of the following conditions, as determined by the state board, after notice to any person or entity who may be ordered to use recycled water or to cease using potable water and a hearing held pursuant to Article 2 (commencing with Section 648) of Chapter 1.5 of Division 3 of Title 23 of the California Code of Regulations:

(1) The source of recycled water is of adequate quality for these uses and is available for these uses. In determining adequate quality, the state board shall consider all relevant factors, including, but not limited to, food and employee safety, and level and types of specific constituents in the recycled water affecting these uses, on a user-by-user basis. In addition, the state board shall consider the effect of the use of recycled water in lieu of potable water on the generation of hazardous waste and on the quality of wastewater discharges subject to regional, state, or federal permits.

(2) The recycled water may be furnished for these uses at a reasonable cost to the user. In determining reasonable cost, the state board shall consider all relevant factors, including, but not limited to, the present and projected costs of supplying, delivering, and treating potable domestic water for these uses and the present and projected costs of supplying and delivering recycled water for these uses, and shall find that the cost of supplying the treated recycled water is comparable to, or less than, the cost of supplying potable domestic water.

(3) After concurrence with the State Department of Health Services, the use of recycled water from the proposed source will not be detrimental to public health.

(4) The use of recycled water for these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plantlife, fish, and wildlife.

(b) In making the determination pursuant to subdivision (a), the state board shall consider the impact of the cost and quality of the nonpotable water on each individual user.

(c) The state board may require a public agency or person subject to this article to furnish information which the state board determines to be relevant to making the determination required in subdivision (a).

Public Health, Safety, and Noise

No Project and 1996 General Plan Alternatives, Public Health, Safety, and Noise Element

Page 219, Policy 6.2.3.1: This policy that requires that an applicant for new development must demonstrate adequate emergency water flow and fire access is reasonable. However the additional requirement of demonstration of adequate fire fighting personnel and equipment may be expected to be beyond the training and knowledge of those without fire suppression training. This policy may therefore be asking for an evaluation by a non-trained citizen that is beyond his or her experience and training.

150-25

2) Policy 6.2.3.2: This policy requires that an applicant "demonstrate that adequate [fire] access exists, or can be provided". This requirement has been stated in Policy 6.2.3.1.

150-26

Page 220, Policy 6.3.2.4, This section should refer to the California Building Code.

150-27

4) **OBJECTIVE 6.6.1: REGULATION OF HAZARDOUS MATERIALS:**

This objective should be reviewed and expanded to include the generation and handling of hazardous materials from all reasonable sources. Provision should be made to require the reporting, evaluation and mitigation (if needed) of contamination found in the course of construction activities.

150-28

Page 227, Objective 6.7.3: Transit Service, Policy 6.7.3.1: Oftentimes, a project such as a neighborhood store or a gas station may be required to mitigate air quality impacts by paying for the construction of a park and ride facility or possibly to subsidize bus service to a remote part of the County. While well intentioned, this sort of a policy is easily abused by those who may not want the improvements to be built.

150-29

Page 227, Objective 6.7.4: Project Design and Mixed Uses, Policy 6.7.4.3: This section refers to a rail corridor. What rail corridor is this referring to? The old Southern Pacific Right-of-Way is not really situated in an ideal location for the direction that growth is occurring. Has a feasibility analysis of the use of this corridor as for a commute rail line been completed? Such a use might not be compatible with the use for excursion trains and/or a hiking/equestrian/cycling path. Alternately, is the section referring to a proposed tie-in to the Sacramento Regional Transit District's extension to Folsom? The section should include some background, and state whether there is a proposed or current rail corridor. This sort of policy may need focusing on large projects and not on individual commercial projects.

150-30

PAGE 228, Objective 6.7.8, Policy 6.7.8.1: This policy states that the county shall monitor ongoing scientific research regarding the adverse effects, if any, of air pollution on vegetation, including commercially valuable timber, threatened or endangered plant species and other plant species. Who in the county will do this and who will pay for this. We question if this is not a better role suited to state and federal agencies.

150-31

Draft Environmentally Constrained Alternative, Health, Safety, and Noise Element

Page 233, Fire Safety Policies, Goal HS-2: Policy HS-2e. This policy prohibits gated subdivisions. Are gated subdivisions a problem now for emergency services? Isn't there a better way to solve a possible problem than by outright prohibition?

150-32

Page 233, Seismic and Geological Hazards, first paragraph. Wouldn't it be sufficient to state that the county will follow all appropriate state and federal regulations regarding geologic hazards? A reworded paragraph should also mention slope stability hazards.

150-33

Page 234, Seismic and Geological Hazards, second paragraph. This entire paragraph should be rewritten. Earthquakes occur along fault zones. Currently the state of the practice addresses seismicity in both a deterministic sense (distance to a causative fault) and probabilistic (potential for ground shaking at any given location). A better approach would be to use the probabilistic map provided by Petersen (1999, "Seismic Shaking Hazard Maps of California, Peak Ground Acceleration, 10 Percent Probability of Exceedence in 50 Years"; California Division of Mines and Geology, Map Sheet 48). This is actually one of the tools used by geologists to assess peak ground acceleration for most site evaluations.

150-34

Page 234, Seismic and Geological Hazards, third paragraph. This refers to a 1974 reference. Data developed within the last 3 years has significantly revised the Tahoe seismicity information.

150-35

Page 234, Geological Hazards, first paragraph. We are unclear on how dominant soil types can present a geological hazard. This is a poorly written paragraph of which the original intention is unclear.

150-36

Page 234, Geological Hazards, second paragraph. The 1973 reference is severely outdated. Landslide potential should be viewed in terms of potential slope instability. In a generic sense, this is anywhere there are steep slopes and/or steep cuts, natural or manmade. In this sense, they are more common on steep canyon walls. They are also common on the sides of bluffs, hills, and mountains.

150-37

Page 235, Seismic and Geological Hazard Policies, Policy HS-4a. This policy states that the county shall maintain updated geological, seismic and avalanche hazard maps. We must be careful in how this is worded. The county should maintain an inventory of such maps prepared by qualified regulatory agencies. The county has no one qualified to prepare such maps nor should the county have to hire a subcontractor to prepare such maps.

150-38

Page 239, Airport Safety, first paragraph. The last sentence should list, right after the word ponds, "or other sites".

150-39

Page 249, Implementation Program, Measure HS-C. This should be reworded "Develop a program to maintain current and updated collections of geological hazard and avalanche information".

150-40

Page 251, Implementation Program, Measure HS-J. A green waste program could be developed to supplement outdoor burning. On a small-scale residential basis it may be

150-41

possible to replace outdoor burning by a green waste program. On a large scale agricultural and/or development basis, development of a green waste program is unlikely.

150-41

Page 253, References. The members of the SAGE Environmental Science Committee would be willing to share our working lists of current references regarding geological hazards.

150-42

**Draft Roadway Constrained Six-Lane "Plus" Alternative
Health, Safety, And Noise Element**

150-43

1) All comments listed above apply to this document as well.

Conservation and Open Space

Agriculture and Forestry

Parks and Recreation

Economic Development

SAGE

Surveyors, Architects, Geologists and Engineers
of El Dorado County
211 Sandy Court
Diamond Springs, California 95619

Paul T. Converse, President
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Page #1 of 7

SAGE General Plan Task Force Reports - Comments on General Plan EIR

SAGE Comments on General Plan EIR

Land Use

Circulation

Housing

Public Services and Utilities

Section 5.5 Water Resources of EIR

General Comment: This section is well researched and presented. The only problem is that it is very subjective and throws great doubts about available, but not yet perfected, new water for the county. This water has not been perfected primarily because the county does not have a valid general plan. Once this general plan is certified, obtaining the new water sources is purely ministerial. This water is far more certain than the growth assumptions provided in the 4 general plan alternates. If table 5.5-1 is appropriately corrected then mitigation measure 5.5-1 (b) is not necessary.

150-44

5.5.1 SURFACE WATER AND GROUNDWATER RESOURCES

We recommend amending this section to read:

This subsection addresses issues related to surface water system demand, operations, supply sources, and infrastructure of the three west-slope water purveyors that would be affected by

the equal-weight alternatives being assessed in this EIR:

- < El Dorado Irrigation District (EID),
- < Georgetown Divide Public Utility District (GDPUD), and
- < Grizzly Flat Community Services District (GFCSD).

The systems of these water purveyors would be affected by the population and employment growth associated with the equal-weight alternatives. With related increases in water needs,

the water purveyors would have to take a variety of actions to meet the increase in water demand. This subsection addresses these potential actions along with the potential physical environmental impacts that could result from the purveyors augmenting their existing water

150-45

supply systems. Development on lands not served by these purveyors typically will rely on groundwater. Potential impacts related to changes in groundwater demand associated with the new population and employment growth also are addressed in this section.

One of the primary purposes of the General Plan is to designate land uses and define related policies from which future population and economic growth may be forecasted. It is the role of the EDCWA, to provide countywide water planning work, with assistance from each of the county's water purveyors, where appropriate. Specifically, EDCWA is required, annually, to comply with El Dorado County Ordinance No. 4325, entitled The El Dorado County Public Water Planning Ordinance, which requires, among other things:

1. An inventory of the projects and parcels being processed by the County, within each public water district, and estimates of their public water needs; and,
2. An inventory of all existing unserved parcels and projects within each public water district, and estimates of their public water needs.

150-45

This inventory is structured to facilitate preparation of the estimates of public water needs, which are dependent upon the probable future uses of the lands in question. It is the role of the county's water purveyors, with assistance from EDCWA, to provide surface water to the surface water users (customers) within their respective service areas. Water users that are not connected to the purveyors' surface water systems rely, for the most part, on groundwater pumped from private wells, and to a lesser extent, on small, local water systems that rely on springs and wells. Because future demand for surface water and groundwater is intrinsically linked to changes in residential, commercial/industrial, and agricultural development, the land use decisions associated with adoption of the General Plan affect both the amount of water that must be supplied by the water purveyors' surface water systems and the amount of water that must be supplied by local aquifers.

1- EIR Page 5.5-18:

- **The following language appears regarding the Public Law 101-514 Contract:** "...water planners need to ascertain whether this project remains a preferred option for EID and GDPUD to pursue among other alternatives being assessed."
- **Our Comment:** This is very strange language, proposing action that has already occurred. This water source is not just "a project", it is a law directing the USBR to sign a contract with El Dorado County. EID has shown this water in all its master planning. The County Water Agency has shown it in every Supply/Demand Report it has published. It is a longstanding part of the water planning for the County. There is no uncertainty that this water is coming, particularly since Sacramento County and the San Juan Water District are already receiving their portion of this water.

150-46

- **The following language appears:** "EID purchased Project 184 from PG&E to, in part, use for consumptive purposes some of the water previously used to generate hydroelectricity."
- **Our Comment:** This is not entirely accurate. EID purchased Project 184 for the following reasons:
 - To assure the continued supply of its 1919 contract for 15,080 acre feet annually from the El Dorado Canal.
 - To generate power and sell it thus offsetting the price of the water in 1 above.
 - To assure the continued operation of the power plant thus securing its Water Rights Permit 21112 for 17,000 a.f. annually. This water goes through the power plant to generate power, goes back to the American River, then is rediverted at Folsom for consumptive purposes.
- **The following language appears:** "Assuming that the final EDCWA Water Plan verifies that this water supply option should still be pursued by EID, EID expects to be able to use some of the water from this project for consumptive purposes . "
- **Our Comment:** The total amount of 17,000 a.f. annually has been shown for many years as expected additional water supply in all of EDCWA's as well EID's master plans for water supply. There is no uncertainty there.

150-47

150-48

2- Impact 5.5-1 and Table 5.5-1:

Our Comment: Table 5.5-1 presents estimates for water demand for all 4 alternates. These projected demands incorporate far greater uncertainties than do the expected additional water supplies from PL 101-541 and Water Right Permit 21112. Furthermore as stated at top of page 5.5-33, with regards to water supply, the table does not include impacts of improved conservation, recycled water which is already part of the water supply and the expected additional water right and water contract. Therefore the resulting impacts expressed in Impact 5.5-1 are not entirely correct, and highly misleading. This defect in table 5.5-1, incorrectly indicating high water shortages, impacts and suggests exaggerated need for all policies presented for all alternates in section 5.5 of this EIR. We will not comments on all these separately.

150-49

3- Table 5.5-2

Our Comment: This table does not include water from the Webber Reservoir (water right dating back to 1925) or other existing ditch water rights that can be diverted and received from Folsom. The water supply shown from the Crawford is very nominal and does not represent EID's existing water rights from the Crawford Ditch.

150-50

4- Table 5.5-9

Our Comment: This table should be updated based the final Collaborative Agreement and its attachments.

150-51

5- Mitigation Measure 5.5-1 (b)

New policy requiring that water be "adequate and physically available" prior to granting any discretionary or ministerial land use approval.

Our Comment: This policy is the result of the defective Table 5.5-1. The depicted water shortage is so severe that draconian measures are being brought to bear.

As we see it, the possible impacts of this policy on the County could be:

New development planning would deplete whatever water the county purveyors have remaining,

150-52

regardless of the success, failure or modifications of the proposed plans. This water would be reserved indefinitely for these proposed land uses, irrespective when and if they will ever need it.

We believe there are statutory obstacles to reserving water in this manner.

Purveyors are required to reserve water for unforeseeable periods of time, contrary to state law where water rights are lost if not used within 5 years.

"Physically available" implies all infrastructure already in place, constructed presumably at ratepayer expense, for project proposals which may well never come to fruition. Carrying costs of the idle capacity would presumably be borne by pre-existing ratepayers until such time as the final map defined the final scope of proposed development, and authorized parcel creation. Cost for making this water "physically available" will have to be the responsibility of existing customers until such time as the new users exercise this reservation.

The proposed Policy changes the existing and quite satisfactory County and purveyor requirement whereby, beginning in 1992, no new residential parcel is created without a purchased water meter, with its associated water supply commitment. This requirement applies at the time when a parcel is finalized and recorded, not at tentative map stage with its many uncertainties. This has worked very well, since many existing parcels then have received new meters when developed, as a result the number of parcels in the county without committed water continues to decline. This existing requirement and practice, is as far as we know, required only in El Dorado County and is the most stringent in the state.

Would reserve and reduce existing water availability, to the unwarranted detriment of projects ready to proceed. This, in turn, would prevent water purveyors from receiving fees necessary to pay for expansion of facilities in a timely manner.

Negates the votes by county citizens about 8 years ago, when they voted down Initiative Measure K, which included a similar provision.

Imposes a very serious impact on county purveyors and their ability to expand. Prevents them from fulfilling obligations to lenders for existing unpaid bonds.

150-52

Public Health, Safety, and Noise

Section 5.8 Human Health and Safety

- 1) Page 5.8-37, 1996 General Plan Alternative (Buildout) – Impact Discussion. This discussion links septic systems to the illegal disposal of hazardous waste. What peer-reviewed reference indicates that this is a significant problem?
- 2) Page 5.8-54, Existing Conditions, Sieche. There is also evidence of Tsunami waves greater than 30 feet in height on the Tahoe Shoreline. (*Ichinose, Anderson, Satake, Schweikert, and Lahren, 2000, Geophysical Research Letters 27, April 15, 2000, pp 1203-1206*)
- 3) Page 5.8-88, Naturally Occurring Asbestos. This section should be incorporated with geologic hazards.
- 4) Page 5.8-88, Naturally Occurring Asbestos, second paragraph. There are many types of asbestos. Six forms are regulated. These six forms can be lumped into two groups, chrysotile and amphibole asbestos. Tremolite and actinolite are forms of amphibole asbestos. Chrysotile is most commonly associated with serpentinite. Amphibole asbestos is most commonly associated with hydrothermal alteration, typically associated with fault zones. Given that serpentinite is also commonly associated with fault zones, such zones can commonly contain both major forms. Additionally, on a California-wide basis, El Dorado County may exhibit a slightly higher level of mesothelioma (most commonly related to asbestos exposure), but not at a statistically significant level.

150-53

150-54

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150-56

- 5) Page 5.8-91, Naturally Occurring Asbestos, Table 5.8-8. This table gives a false precision by expressing influenced areas in acreage to several significant digits. Whereas there is a great deal of effort that went into the General Plan Update in determining what percent of the County and what market share area contains NOAs, geologists closest to the Naturally Occurring Asbestos issue in the County have learned that delineating the occurrence of NOAs considered to be of potential risk by jurisdictional agencies is very difficult at a site-specific level; Let alone at a Countywide General Plan level. Existing maps showing the presence of potential NOAs are very general and to suggest that they are based on "well-researched and well-documented" information that can be used for land-use decisions is inappropriate at best. We recommend that NOAs be addressed on a regional basis with caution given to the use of maps at a detailed level such as land-use policy and that such decisions hinge upon site-specific studies performed by qualified and properly licensed geologists with local familiarity with the occurrence and recognition of NOAs.
- 6) Page 5.8-92 Last paragraph in page. The County enacted Ordinance 4548 before the two most recent state ATCMS were enacted. The ordinance does not specifically require the testing of surface materials for asbestos.

150-57

150-58

Section 5.9 Geology, Soils, and Mineral Resources

- 1) Existing Conditions, Page 5.9-1, Regional Geology, first paragraph. This paragraph characterizes the Sierra Nevada province as having steep sided hills and narrow, rocky stream channels. This is not meaningful.
- 2) Existing Conditions, Page 5.9-1, Regional Geology, second paragraph. This paragraph is in gross error and should be rewritten by a geologist familiar with El Dorado County.
- 3) Existing Conditions, Page 5.9-2, Seismicity Section. Much of the background section refers to antiquated methods and/or terminology suggesting the section may not have been prepared by a qualified and properly licensed geologist. For example, earthquakes do not cause faults (which is implied in this section). This section refers to the Richter Magnitude Scale, which has not been used in California in many years. This section seems to associate fault hazards only from potential sources in El Dorado County, the greatest potential ground shaking hazards are from sources outside of the County. At a minimum, this section should be written reflecting current literature and using terminology from the California Building code, the International Building Code, California Geological Survey, and the USGS. Much has been updated in codes and knowledge/practices since 1996 in this field. The General Plan and the Safety Element need to reflect current knowledge. This section should incorporate the map by Petersen (1999, "Seismic Shaking Hazard Maps of California, Peak Ground Acceleration, 10 Percent Probability of Being Exceeded in 50 Years", California Division of Mines and Geology, Map Sheet 48). This section should discuss that El Dorado County is in CBC Zone 3. Other seismic hazards such as liquefaction, lateral spread, and seismically induced landslides or rockfall are dismissed as a non-hazard on the basis of existing seismic hazard maps. While the California Geologic Survey (CGS) has prepared Seismic Hazard Maps for portions of California under the Seismic Hazards Mapping (SHMP) program, these maps do not extend outside of Southern California and the Bay area and therefore have no bearing on El Dorado County. Ground motions in El Dorado County reach values of 0.45g which, in areas of saturated and loose soils is a very real potential and needs to be mitigated where present. Seismically triggered rock falls in steep areas of the County are also a very real potential. We recommend that liquefaction and other seismic hazards be

150-59

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150-61

- addressed at a site-specific level. This section should refer to the California Building Code (CBC), there is no such thing as the California Uniform Building Code.
- 4) Existing Conditions, Ground Rupture Page 5.9-6. The section addressing ground rupture potential dismisses faults entirely on the basis of absent APEFZ's. However, there are several Quaternary faults and even Late Quaternary faults that, despite not being zoned as APEFZ's, warrant further site-specific evaluation given the relatively poor documentation and data of fault activity studies in this region. The general practice in ED County is to avoid building directly over or "straddling" these faults with any structures that may be influenced. This is especially important when considering sensitive or important structures such as essential or "lifeline" facilities. While placing faults that are of potential risk but are not currently zoned by the State can be controversial, these zones are not intended to drive any land-use policy decisions other than to require site specific evaluation and consideration of their risk to proposed projects by qualified and properly licensed individuals. Without these requirements in the Safety element, there are virtually no regulatory drivers to promote further understanding of the risk of these faults and there are no other requirements that would regulatorily prevent construction of any structures or facilities directly over these faults. We strongly urge the County to place these in fault study zones consistent with many other California Counties that have followed similar practice and guidelines (e.g Riverside, Los Angeles, San Mateo, Mendocino, San Diego, etc.). These should include: BMFZ-W, BMFZ-E, Maidu, Melones, and Lake Tahoe Faults. Maps showing approximate locations of seismicity and displacement along these features within and outside of the County but along the same faults are readily available.
 - 5) Existing Conditions, Page 5.9-30, California Uniform Building Code. Both the California Building Code and Title 24 of the CCR (for schools and hospitals) apply to projects in El Dorado County. This section should be rewritten to reflect these changes.
 - 6) Section 5.9.2 Environmental Impacts and Mitigation Measures, Page 5.9-36, Impact 5.9-1, Increased Development in Areas Potentially Subject to Seismic Hazards. While we agree that the impact is less than significant, this should be based on the 1999 Probabilistic Seismic Hazard Map, as discussed above. Succeeding paragraphs in this paragraph need to be framed with the concept of probabilistic seismic hazards.
 - 7) Section 5.9.2, Environmental Impacts and Mitigation Measures, Page 5.9-42, Impact 5.9-2. Landslides are potentially present in just about all areas of the county with the right slope, soil, and water saturation conditions. This is as true in El Dorado Hills as it is in Kyburz. Geotechnical studies for discretionary projects should address this potential. If the County requires soil studies for nondiscretionary projects (single family homes on existing parcels), then the geotechnical study should catch the problem at that point also. Geotechnical studies do not typically address avalanche hazards.
 - 8) Section 5.9.2, Environmental Impacts and Mitigation Measures, Page 5.9-48, Mitigation Measure 5.9-2. Using the CBC zoning for most residential construction for nondiscretionary projects should provide adequate design parameters. Discretionary projects usually require a Geotechnical Study, which incorporates an analysis of geological hazards.
 - 9) Section 5.9.2, Environmental Impacts and Mitigation Measures, Page 5.9-51, Discussion on expansive soils. In our experience, expansive soils are present on a lot more than 1% of the western part of El Dorado County. However, due to the geotechnical oversight requirements, we agree that this impact is less than significant.
 - 10) Section 5.9.2, Environmental Impacts and Mitigation Measures, Page 5.9-61, Mitigation Measure 5.9-4(b). This mitigation measure changes current slope restrictions from 40% to 25%. This contradicts current septic system standards, which apply to slopes up to 30%. This mitigation measure should use 30%. Specially engineered septic systems

150-61

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should still be allowed on slopes greater than 30% for non-discretionary projects. Subsequent paragraphs in this section should also use this 30% figure.

- 11) Section 5.9.2, Environmental Impacts and Mitigation Measures, Page 5.9-63, Reduction in the Accessibility of Mineral Resources. In general, the current regulations and rules specify that mining operations must stay at least 10,000 feet away from certain land uses. The EIR makes additional policy recommendations that might prevent development near certain types of mineral resource areas and for a minimum parcel size of 20 acres in mineral resource zone areas. The intent is good. However, there occur situations where this would adversely impact aggregate production. In many cases, aggregate production is of small deposits of resources that are limited. These resources are often of value simply due to their proximity to projects requiring the materials. Often, the single largest proportion of the costs of aggregates is the transport cost. By limiting these kinds of activities, the cost of materials would increase and the traffic associated with hauling such aggregates would increase. Furthermore, most small aggregate deposits are easily reclaimed to a land use compatible with many types of discretionary projects.

150-69

Conservation and Open Space

Agriculture and Forestry

Parks and Recreation

Economic Development

Leo J. Albusche

COMMERCIAL PROPERTY DEVELOPMENT & LEASES

03 JUL -9 PM 12:35
RECEIVED
PLANNING DEPARTMENT

July 7, 2003

Heide Tschudin, Manager
EDC General Plan
330 Fair Lane
Placerville, CA 95667

Re: Proposed EDC General Plan

Dear Ms. Tschudin;

Please allow me to respectfully record my strenuous objection to the proposed General Plan Environmental Constrained Alternative #3 as it effects Assessors Parcel 70 261 82. Under this proposal, our property which has been planned Commercial since 1996, would become Low Density Residential. This action would negate years of effort and a great deal of expense.

This property is now ready to be developed pending final Commercial Zoning.

I also object to the proposed General Plan Alternative #2 as it effects portions of Assessors Parcel 70 250 01 changing long planned MDR to LDR and portions of Assessors Parcel 70 250 05 which do the same.

Your consideration of this matter will be appreciated.

Yours truly,


Leo J. Albusche
Property owner

151-1



BAYCO INVESTMENT CO.

July 7, 2003

03 JUL 14 PM 1:05

RECEIVED
PLANNING DEPARTMENT

Mr. Conrad B. Montgomery, Planning Director
 El Dorado County Planning Department
 2650 Fairlane Court
 Placerville, CA 95667

RE: APN 101-030-32

Dear Sir,

As a General Partner for the ownership group that acquired APN 101-030-32 approximately 12 years ago, I would urge the speedy adoption of the 1996 General Plan to stimulate the economy of El Dorado County. The residential restriction caused by the delayed adoption has undoubtedly reduced property demand in favor of neighboring counties.

152-1

I also note that in the specific land use proposals as to this project, the most northerly approximate 40 acres is designated as Natural Resources and we request that this be changed to low density or rural residential. We recognize from the prior investigations into the property and the report of the El Dorado County agricultural commission that better quality soils exist in this northerly portion, and therefore may be appropriate for some limited agricultural use that would be most appropriately be focused for rural residential semi agricultural uses. As you can see from the site location, this parcel would have very limited infrastructural demand or public service request. This specific parcel was extensively timber harvested a little over decade ago and therefore would not be of forest generating capacity for approximately the next 90 years. The northerly approximate 40 acres lies immediately adjacent to the tourist and recreational designation for Ghost Ranch. We are requesting and believe it to be appropriate that this northerly portion be designated as low density or rural residential as a transition point to the medium density remainder of the parcel, which is within the community region of Camino/Pollack Pines. I would also point out that this property is within close proximity to high density residential and closely serviced by the primary arterial Highway 50. Should you have any additional questions, please do not hesitate contacting me.

152-2

Very truly yours,

Nick J. Schubert

NJS/jt

cc: Clerk of Board of Supervisors, El Dorado County
 330 Fairlane Court, Placerville, CA 95667

Cool-Pilot Hill Advisory Committee

Post Office Box 22
Pilot Hill, CA 95664

03 JUL -8 PM 1:18

July 7, 2008 RECEIVED
PLANNING DEPARTMENT

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

Comments on El Dorado County Plan Alternatives and Process

The Cool-Pilot Hill Advisory would like to submit the following comments collected from Committee members regarding the general plan alternatives. Our review is not complete because of the complicated organization of the process, the many alternatives (12) that vary policies and wording in a way that complicates their impacts (environmentally conservative policies not necessarily in the most environmentally constrained alternative, for example).

CPHAC was formed originally during the 1968 County General Plan process to advise the District IV Supervisor on community input to the plan. The committee has continued to provide comments on subsequent General Plans and community planning questions regarding Cool, Pilot Hill, and the county planning in general. Thank you again for the opportunity to comment on the design of our future community. Subcommittees reviewed various elements so the extent of our comments vary.

153-1

General:

- In many cases there are no standards developed for implementation throughout the various alternatives. Without standards, it is virtually impossible to define impacts.
- In many cases actions are delayed until some study is done to determine the action. Again, one must be clairvoyant to be able to judge impacts. It is impossible to measure, evaluate, and report impacts of future yet-undetermined actions. For example, within Ag/Forestry all of these implementations should have been determined with the General Plan, not 8 or ten years in the future.... when the plan is half way to it's planning horizon:
 - Measure AF-C: Procedure for evaluating suitability of land for timber and ag production, and "implement recommendations made pursuant to the guidelines of each procedure". Timeline: 10 yrs.
 - Measure AF-F: Establish threshold of significance for ag land loss, a project's contribution to same, mitigation means so threshold not exceeded. 5 yrs for threshold, 8 yrs for procedure
 - Measure AF-H: Procedure for evaluation of lands for suitability for timber production. Address identification of TPZ land, non forestry-related development on such lands, identifying new or reclassification of existing lands for NR/TPZ. 8 yrs.

153-2

153-3

Similar "future action" implementations are found in the various elements in the alternatives.

Economic Development Element:

- Starting in the Introduction, the text mentions an "Economic Development Providers Network" This term is used 14 times in the document. Nowhere could the definition be found.
- Program 10.1.2.4.3

All proposed development regulations or ordinances shall demonstrate a public benefit where proposed regulations or ordinances will result in private or public costs. This requirement shall not be construed to create a cause of action against the County for alleged failure to prepare a formal cost/benefit analysis or its alleged failure to prepare a legally adequate or sufficient cost/benefit analysis.

+Whats this mean? Does the county need to do a B/C study?

- Policy 10.1.5.1; Program 10.1.5.1.6 ...

develop a comprehensive regional economic development program to attract industry to the County at a rate higher than the Sacramento Area Council of Governments (SACOG) and/or County employment forecasts. - +Why must it be a higher rate? Lets not set ourselves up for over development just for the sake of development at the cost of quality of life.

Conservation and Open Space:

- It appears that, with very few exceptions, Alternatives #1 and #4, the "No Project and 1996 General Plan Alternatives are out of date and lacking in substance.
- Geological Resource Policies: This policy in Alternatives #2 & #3 does not address Policy 7.1.2.1 in Alternative #1 & #4 regarding location of Septic Systems, **is this addressed in another element?**

Alternative #3 **precludes** grading activities during the rainy season, while Alternative #2 **discourages** grading during the rainy season. Since our rainy season can vary in El Dorado County, is seems Alternative #2 would be the most acceptable.

Alternative #3 includes Policy CO-1e, regarding development on slopes. Inclusion of this Alternative #3 policy seems appropriate for El Dorado County.

- Mineral Resources:

All policies in Alternatives #2 and #3 appear to be identical. However, Policy 7.2.3.2 in Alternatives #1 and #4 includes a long list of issues that should be considered in granting a new permit for extraction of minerals. Why shouldn't the environmentally sensitive alternative also include these?

- Water Resource Policies:

In Alternatives #1 and #4, Policy 7.3.1.2 refers to water conservation programs and should be included in the final Plan if it is not addressed in another section. Likewise, in Alternatives #1 and #4, Policies 7.3.2.1 - 7.3.2.5 refers to quality of underground and surface water, which should also be included in the final Plan if it is not addressed in another section.

Alternatives #4 and #4, Policies 7.3.5.1 - 7.3.5.5 refers to conservation of water resources and should also be included in the final Plan if it is not addressed in another section.

- Biological Resources:

Under this heading, Alternative #3, the Environmentally Constrained Alternative, a "paragraph 2" is included that discusses the "Important Biological Corridor (IBC)" and the importance of habitats that the County desires to identify and protect. This paragraph should be included in the final Plan.

153-4

153-5

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153-7

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153-11

153-12

153-13

153-14

<ul style="list-style-type: none"> • <u>Biological Resource Policies:</u> The policies in this section appear to be identical, except that Alternative #3, The Environmentally Constrained Alternative, includes Policy CO-6d, regarding protection of core areas important for wildlife forage, etc. This policy should be included in the final Plan. 	153-15
<ul style="list-style-type: none"> • <u>Open Space:</u> All Policies in Alternatives #2 and #3 appear to be identical, except in Policy CO-11a(B), which also includes: <u>Agricultural Lands and Natural Resource land</u> for low-intensity uses. These land designations should be included in the final Plan. 	153-16
<ul style="list-style-type: none"> • <u>Implementation Program:</u> <u>Measure CO-A:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of two (2) and three (3) years seems long. 	153-17
<ul style="list-style-type: none"> <u>Measure CO-B:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of five (5) years seems long; the writer would recommend three (3) years. 	153-18
<ul style="list-style-type: none"> Programs for both Alternatives #2 and #3 are identical. However the time frame of three (3) years seems long; the writer would recommend two (2) years. 	153-19
<ul style="list-style-type: none"> <u>Measure CO-D:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of three (3) years seems long; the writer would recommend two (2) years. 	153-20
<ul style="list-style-type: none"> <u>Measure CO-E:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of five (5) years seems long; the writer would recommend three (3) years. 	153-21
<ul style="list-style-type: none"> <u>Measure CO-F:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of five (5) years seems long; the writer would recommend three (3) years. 	153-22
<ul style="list-style-type: none"> <u>Measure CO-G:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of five (5) years seems long; the writer would recommend three (3) years. 	153-23
<ul style="list-style-type: none"> <u>Measure CO-H:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of five (5) years seems long; the writer would recommend three (3) years. 	153-24
<ul style="list-style-type: none"> <u>Measure CO-I:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of five (5) years seems long; the writer would recommend three (3) years. 	153-25
<ul style="list-style-type: none"> <u>Measure CO-J:</u> The Implementation Programs for both Alternatives #2 and #3 are identical. However the time frame of five (5) years seems long; the writer would recommend three (3) years. 	153-26
<ul style="list-style-type: none"> Additionally, Policy 7.4.4.4 of Alternatives #2 and #3 include a graph regarding tree canopy standards and an attempt should be made to incorporate this graph or a similar one in the final Plan. Likewise, Policies 7.4.5.1 and 7.4.5.2 should be incorporated. 	153-27
<ul style="list-style-type: none"> <u>Measure CO-K, Roadway Constrained 6-Lane Alternative #2 and Measure CO-L, Environmentally Constrained Alternative #3:</u> The Implementation Programs for both Alternatives are identical. However, this writer believes five (5) years for mapping is too long. 	153-28
<ul style="list-style-type: none"> <u>Measure CO-M, Roadway Constrained 6-Lane Alternative #2 and Measure CO-N, Environmentally Constrained Alternative #3:</u> The Implementation Programs for both Alternatives are identical. However, this writer believes five (5) years is too long. 	153-29

Measure CO-N, Roadway Constrained 6-Lane Alternative #2 and Measure CO-O, Environmentally Constrained Alternative #3: The Implementation Programs for both Alternatives are identical. However, this writer believes five (5) years is too long.

153-30

Land Use:

- Plans for the Pilot Hill Ranch, the Cool Corner, and the Strazza Planned Developments and higher density housing have not been removed from the Plan. These parcels have changed hands and are currently not planning on large development. The Board of Supervisors denied Pilot Hill Ranch because of road impacts. Nothing has changed since that determination. All these parcels should go back to no planned development.

153-31

Transportation and Circulation:

- The Georgetown Divide needs to have an alternative proposed that does not automatically default to LOS F on Highway 49. The stretch of 49 from 193 to the Placer county line is allowed to go to LOS F (1.5 times the volume at gridlock!!) in each and every alternative proposed under the draft. We also default to one of the highest volume to capacity (V/C) ratios of any road in the county. We need to have alternatives given in the proposed general plan for development densities on the Divide that do not automatically default to this intolerable level of traffic on the one main road leading out of our area.
- Letting Highway 49 go to LOS F seems to be inconsistent with Measure Y.
- The definition of LOS (how it is determined) appears different in the 1996 Plan versus the EC or RC Alternatives (V/C ratios and not standards manual).

153-32

153-33

153-34

Air Quality:

- How can the county not plan to meet air quality standards or at least take actions to meet them (Ozone non-attainment?)

153-35

Thank you again for the opportunity to comment.

Sincerely,

Bill Bennett

Bill Bennett, Chairperson
(530) 823-7079

7/7/03

my thoughts -

Eileen Crim

644-3322

Elton Crimm

How do we preserve the rural atmosphere that we value and that continues to attract residents to our county?

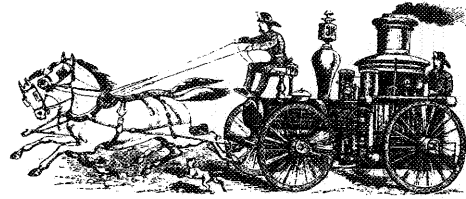
- | | |
|---|-------|
| 1. Retain separation of communities | 154-1 |
| 2. Establish interconnected systems of natural areas, open space, trails and greenways | 154-2 |
| 3. Require infrastructure before development. | 154-3 |
| 4. Maintain the historic character of the area. | 154-4 |
| 5. Encourage recreation al and agricultural industry. | 154-5 |
| 6. Protect the environment | 154-6 |
| 7. Integrate non-motorized transportation systems into planning developments and road projects. | 154-7 |
| 8. All new freeway over-crossing and under-crossings or interchange projects will meet the needs of pedestrians and bicyclists. | 154-8 |

03 JUL -9 PM 3: 12
RECEIVED
PLANNING DEPARTMENT

EL DORADO COUNTY COUNSEL

2003 JUL 14 PM 12:55

GEORGETOWN FIRE DISTRICT



Post Office Box 420

Office Phone: 530 333-4111

Fax 530 333-4020

Georgetown, California 95634

Heidi Tschudin, Contract Planner
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

July 7, 2003

Dear Ms. Tschudin,

The Georgetown Fire District has reviewed the proposals and recommendations to the El Dorado County Draft General Plan. The District endorses the recommendations of the Fire Safe Council.

The comments submitted by the Fire Safe Council and this District's support of those recommendations is not intended to be viewed as an endorsement of any particular alternative.

Yours truly

A handwritten signature in black ink, appearing to read "Rick Todd". The signature is stylized and cursive.

Rick Todd, Fire Chief

Cc: Georgetown Fire District Board of Directors
El Dorado County Fire Safe Council

155-1

July 7, 2003

Heidi Tschudin, General Plan Project Manager
El Dorado County Planning Department
2850 Fairlane Court
Placerville CA 95667

03 JUL 14 PM 3:20
RECEIVED
PLANNING DEPARTMENT

Re: Draft Environmental Impact Report (DEIR) on the El Dorado County
General Plan

Dear Heidi,

Upon review of the DEIR I have several concerns that I feel should be addressed prior to the adoption of the General Plan. I have been a resident of El Dorado Hills for 19 years. The level of service on local roads has seriously deteriorated as we have experienced growth on the Western Slope of El Dorado County, particularly in El Dorado Hills. Now I understand that the Level of Service on the proposed extended Saratoga Way presents a significant impact, according to the Draft Environmental Impact Report (DEIR) on the El Dorado County General Plan. In the DEIR, it is noted that the unacceptable Level of Service could even be worse than the numbers have projected due to Level of Service of F on various nearby roadways. The DEIR states, "The congestion on roadway segments projected to operate at LOS F could be severe enough to adversely affect adjacent roadways in El Dorado County, Sacramento County and the City of Folsom. When this occurs, peak-hour conditions can extend for multiple hours, resulting in peak-hour spreading and multiple hours with LOS F conditions." "LOS F conditions are projected for Latrobe Road and White Rock Road under all four alternatives. Operational Problems along these corridors could extend onto U.S. 50, El Dorado Hills Boulevard, Silva Valley Parkway, and Saratoga Way." Therefore, the LOS for these roadways "could be worse." The extended Saratoga Way to the City of Folsom will bring unacceptable levels of traffic into a residential area.

156-1

What is the projected Level of Service for the intersection of Saratoga Way and El Dorado Hills Boulevard? What is the impact on adjacent streets, Mammouth Way, Arrowhead Drive and Finders Way? What is the projected levels of service for the years 2015 and 2025 for these streets prior to mitigation?

156-2

Is there an alternative to Saratoga Way connecting to the City of Folsom? Has the south side of U.S. 50 been explored to connect El Dorado Hills to Folsom? It is unacceptable that all of the General Plan Alternatives indicate that Saratoga Way will extend to the City of Folsom and be expanded to four lanes. This is unacceptable in terms of impacts on safety, noise, air quality, traffic circulation, land use and planning, population and housing, and quality of life in Park Village. The DEIR has not specifically addressed these impacts for Park Village.

156-3

July 7, 2003

Heidi Tschudin, General Plan Project Manager
El Dorado County Planning Department
2850 Fairlane Court
Placerville CA 95667

03 JUL 14 PM 3:20
RECEIVED
PLANNING DEPARTMENT

Re: Draft Environmental Impact Report (DEIR) on the El Dorado County
General Plan

Dear Heidi,

Upon review of the DEIR I have several concerns that I feel should be addressed prior to the adoption of the General Plan. I have been a resident of El Dorado Hills for 19 years. The level of service on local roads has seriously deteriorated as we have experienced growth on the Western Slope of El Dorado County, particularly in El Dorado Hills. Now I understand that the Level of Service on the proposed extended Saratoga Way presents a significant impact, according to the Draft Environmental Impact Report (DEIR) on the El Dorado County General Plan. In the DEIR, it is noted that the unacceptable Level of Service could even be worse than the numbers have projected due to Level of Service of F on various nearby roadways. The DEIR states, "The congestion on roadway segments projected to operate at LOS F could be severe enough to adversely affect adjacent roadways in El Dorado County, Sacramento County and the City of Folsom. When this occurs, peak-hour conditions can extend for multiple hours, resulting in peak-hour spreading and multiple hours with LOS F conditions." "LOS F conditions are projected for Latrobe Road and White Rock Road under all four alternatives. Operational Problems along these corridors could extend onto U.S. 50, El Dorado Hills Boulevard, Silva Valley Parkway, and Saratoga Way." Therefore, the LOS for these roadways "could be worse." The extended Saratoga Way to the City of Folsom will bring unacceptable levels of traffic into a residential area.

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156-2

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156-3

SAFEGROW

Salmon-Falls Environmental Guard/Residents on Watch

*P.O. Box 55
Pilot Hill, CA 95664
HOTLINE: 823-1503*

July 7, 2003

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

03 JUL -9 PM 12:26
RECEIVED
PLANNING DEPARTMENT

Comments on El Dorado County General Plan Draft EIR

General:

In many cases there are no standards developed for implementation throughout the various alternatives. Without standards, it is impossible to define impacts.

Some actions are delayed until later. Formation of a procedure, setting standards, or other actions, for example, is critical, rather than simply delaying actions or analysis until a later time. Again, one cannot judge impacts in a DEIR if the actions are not defined by the plan.

157-1

157-2

Land Use:

Plans for the Pilot Hill Ranch, the Cool Corner, and the Strazza Planned Developments and higher density housing are still in the Plan and the resulting EIR analysis. These parcels have changed hands and are currently not planning for large development. The Board of Supervisors denied Pilot Hill Ranch because of road and traffic impacts, a situation that has not changed. They should be removed as planned developments and these lands placed within agricultural or low density RR classifications.

157-3

Transportation and Circulation:

The No Project and 1996 plans have a policy that road Level of Service should not be below LOS E. The environmentally constrained and the traffic constrained alternatives have LOS E in community regions and LOS D in Rural regions. **However, in every alternative, the county has chosen to allow the volume of traffic for Highway 49, from Cool to the Placer**

157-4

County line, to go down to LOS F, with over 1.5 times the gridlock volume! This needs to be changed. Since improving Highway 49 is doubtful, limiting development on the Georgetown Divide so that current residents are not doomed to gridlock up and down the canyon is critical. Moreover, letting Highway 49 go to LOS F seems to be inconsistent with Measure Y.

↑
157-4

The definition of LOS (how it is determined) appears different in the 1996 Plan versus the EC or RC Alternatives (V/C ratios and not standards manual).

157-5

Air Quality:

How can the county not plan to meet air quality standards or at least take actions to meet them (i.e., ozone non-attainment?)

157-6

Thank you for addressing these concerns in the upcoming plan revisions and the resulting EIR analysis.



Larry Ring
SAFEGROW

From: NkeXi@aol.com

Sent: Tuesday, July 08, 2003 6:34 AM

To: generalplan@co.el-dorado.ca.us.; "CC:f"@myexcel.com; "BCC:B"@Co.El-Dorado.CA.US; gallagher@innercite.com

Subject: Erratum:

Please modify email Subject: The Roadway-Constrained General Plan (Alternative #2), A Comment, dated 7/05/2003 from William Blanton (NkeKi) as follows:

In paragraph beginning..."In spite of the exclusion"...please replace the term "lot-split" with the words "four-parcel subdivision".

Thank you

William Blanton

158-1

Subject: The Roadway-Constrained General Plan (Alternative #2), A Comment

The subject Plan includes two policy statements that impose a difficult problem on a property owner needing to subdivide a residential parcel. The problem arises only if Alternative #2 is the chosen Plan. The first statement, found on page 8 of the Introduction Section, is reassuring.

"The Land Use Map for *this* General Plan is based on the assumption that all vacant residential parcels will be allowed at least one residence, regardless of parcel size. Residential parcels having remaining capacity for subdivision based on the land use designation will be allowed to subdivide into a maximum of four parcels. Nonresidential properties are expected to develop based on market forces, proportional to housing growth."

The second statement, found on page 20 of the Land Use Section however, contains an unspecified conditional that seems inappropriate in a document meant to be, in effect, a County Constitution and a guide for property owners and County officials until 2025.

"Although intended for application for rural regions only, the LDR designation may be applied in Community Regions and Rural Centers where LDR parcels are surrounded by higher density/intensity land uses, (i.e. MFR, HDR, MDE, Commercial, Industrial, and Research and Development)."

A case in point is our 14-acre property, APN 076-011-02, located in the Pollock Pines/Camino Community Region. We have transformed this property, initially heavily forested ex-CCC "Camp Snowline", into a forest park containing our home and a dwelling for our daughter. Because of advancing age (mid-80s) and limited income we are forced, in order to keep the park fire-safe and attractive, to sell part of it; or...failing that...to sell all of it. In either case it is an imperative for us that the property not be substantially down zoned from its present R-1 zoning.


In spite of the exclusion of LDR and MDR surroundings in the second statement's "i.e." specification above, this General Plan designates APN 076-011-02 as Low Density Residential (minimum 5-10 acres). This automatically rules out any lot-split. The other three General Plans designate the parcel as Medium Density Residential (minimum 1-5 acres). A four-parcel subdivision of APN 076-011-02 is allowed under those plans. It is unclear why the Land Use designations differ. The 6-lane expansion of Highway 50 does not affect contiguous properties East of Shingle Springs but property owners in the areas unaffected by the expansion are affected by this difference in Plans.

The accompanying graphics extracted from the Alternative #2 Land Use Map's Pollock Pines Quad illustrate the unwarranted and discriminatory effect of the LDR designation on APN 076-011-02. Much smaller lots, all LDR or MDR, inhabited by families with automobiles surround the parcel. The addition of two more families can be absorbed without stressing the area. Viewed from the air the Camino to Pollock Pines region is best described as suburban, certainly not rural.

My recommendation would be:

1. Eliminate "based on the land use designation" from the page 8 statement, or
2. Modify the page 20 paragraph to add explicit decision parameters so as to insure understanding by applicants and avoid the appearance of arbitrary authority, or
3. Failing those, eliminate the page 20 statement entirely, or
4. Reject Alternative General Plan #2.

Respectfully

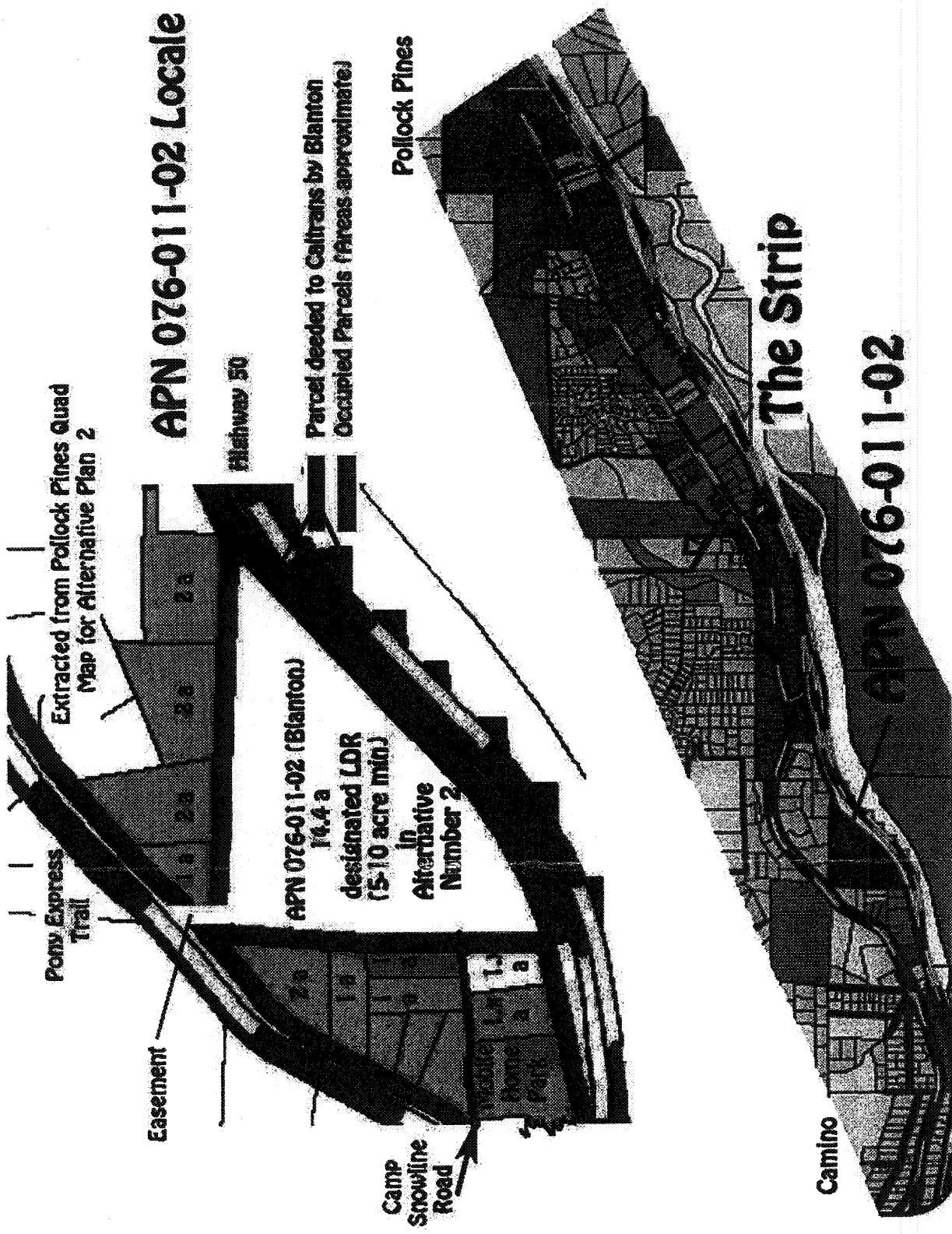

 William Blanton (nkexi@aol.com)
 5220 Camp Snowline Road, Camino
 530-644-4098
 Copies: Helen Bauman, Dennis Gallagher
 Copies to: Helen Bauman, Dennis Gallagher

03 JUL - 8 PM 12: 04
 RECEIVED
 PLANNING DEPARTMENT

158-2

158-3

158-4



03 JUL 15 AM 8:37

RECEIVED
PLANNING DEPARTMENT
Supervisor Charlie Paine
El Dorado County BOS
990 Fairlane
Placerville, CA

July 8, 2003

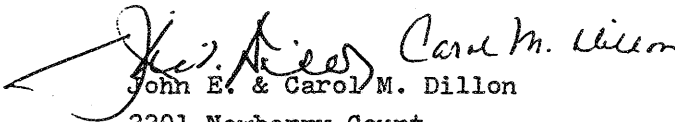
Dear Sir;

RE: County General Plan; Roadway Constrained Alternative

Anyone who drives in western El Dorado County must notice that roadways are very congested and getting worse. Promised improvements to alleviate developmental caused traffic congestion are repeatedly delayed. Our rugged terrain limits expansion of the road network even if funding were available and the county DOT has insufficient resources to properly maintain our existing network.

To ensure that future residential development be tailored to match our limited road network, we ask that our elected Supervisors accept the Roadway Constrained Alternative to the County General Plan.

Thank you,


John E. & Carol M. Dillon
2201 Newberry Court
El Dorado Hills, CA 95762
933-9680

159-1

03 JUL -9 PM 12:25
RECEIVED
PLANNING DEPARTMENT

6000 Cedarwood Ct.
Placerville, CA
95667
July 8 2003

EDC Planning Department
2850 Fair Lane Court
Placerville, CA 95667

Dear General Plan Team:

Thank you for the opportunity to comment on the draft General Plans and the draft EIR. It's apparent, some of the twelve alternatives proposed, are more environmentally friendly than others. I ask you to protect the environment.

I favor policies and land use #12, the environmentally superior plan. It would begin to arrest sprawl, support transit, and allow for mixed use and affordable housing. Limits on housing would reduce impacts caused by increased density, and preserve community identity by keeping open space.

Please select available features from all, and combine them to make a new alternative that reduces traffic impacts, protects rural lands, and wildlife habitat, and allows for moderate growth within the constraints presented by air and water quality, topography, and habitat protection. Persuade Developers to go along with the concepts in Alternative #9. The natural amenities that attract current residents and support our tourism industry should be protected.

The timelines for implementation of policies that characterize Alternatives #2 and #3 are too long. Very conservative interim standards must be in place so that the program isn't lost while implementation is in progress.

My husband and I have been residents of El Dorado County for 16 years of the 48 years living in the area, and spent many enjoyable vacations with our family here. We retired here for the environment of cleaner air, water, community and the serene beauty of area. Do not let it be destroyed!

Thank you for your consideration.

cc: County Supervisors

Respectfully yours,



160-1

160-2

160-3

160-4

July 8, 2003

EDC PLANNING DEPARTMENT

2850 FAIR LANE COURT⁰³

PLACERVILLE, CA 95666

#12:31
RECEIVED
DEPARTMENT

DEAR GENERAL PLANNING TEAM,

THANK YOU FOR THIS OPPORTUNITY
TO VOICE MY OPINION ON FUTURE PLANS
IN DRAFTING EIR.

FOREMOST, WITHOUT RESERVATION, THE
MOST AND ABSOLUTE REQUIREMENT TO
BE APPROACHED IS THE PRESENT AND
FUTURE AVAILABILITY OF WATER.

BEFORE ANY CONSIDERATION BE GIVEN
FOR MORE BUILDING OF HOMES, MALLS,
BUSINESS COMPLEXES OR ANY EXPANSION
OF ROADS, SCHOOLS, ENVIRONMENT PROTECTION,
ETC. FIRSTLY, NEW SOURCES OF WATER MUST
BE OBTAINED. SECONDLY, LARGE RESERVOIRS,
DAMS, CANALS, PIPELINES, RIGHT OF WAYS,
ACCESS ROADS, ALL MUST BE BUILT, BEFORE
YOU CAN ACCOMMODATE NEW GROWTH.

161-1

2/

thirdly, The funding necessary will have
to be secured, before any progress
can be made for new density of
people and communities. The developers
have to share the costs, as they are
the profiteers in any new building
program. The new comers have to pay for it.
Don't get the cart before
the horse.

161-1

Sincerely,
James L. Dickhoff
JAMES L. DICKHOFF
6000 CEDARWOOD CT.
PLACERVILLE, CA. 95667

cc: Supervisors

RECEIVED
PLANNING DEPARTMENT
03 JUL -9 PM 12:31

EL DORADO LOCAL AGENCY FORMATION COMMISSION

2850 FAIRLANE COURT
PLACERVILLE, CA 95667

APPROVED

TELEPHONE: (530) 621-5322
FAX: (530) 295-1208

**RESOLUTION NUMBER L 99-02
BASS LAKE HILLS ANNEXATION TO EL DORADO IRRIGATION DISTRICT:
LAFCO PROJECT NO. 97-02**

WHEREAS, a petition for the proposed annexation of certain territory to the El Dorado Irrigation District in the County of El Dorado was heretofore filed with the Executive Officer pursuant to Cortese/Knox Local Government Reorganization Act (CKA), commencing with Section 56000, et sequitur, of the Government Code; and

WHEREAS, the Executive Officer examined said petition and executed a certificate determining and certifying that said petition was sufficient; and

WHEREAS, at the time and in the form and manner provided by law, public notice of hearing by this Commission upon said petition was given; and

WHEREAS, an Addendum to the Bass Lake Road Study Area Program Environmental Impact Report was prepared for El Dorado County, was certified by the County as adequate and complete on November 7, 1995, was filed for public response based on the El Dorado County Board of Supervisors' Findings in Resolution No. 288-95, and was reviewed and considered by the Commission, and the time for public response has passed; and

WHEREAS, said Executive Officer reviewed said petition and prepared a report, including recommendations thereon, and said petition and report were presented to and considered by the El Dorado Local Agency Formation Commission; and

WHEREAS, the hearing by the Commission was held upon the date, time and in the place specified in said notice of hearing and in any order or orders continuing such hearing; and

WHEREAS, at such hearing, held on August 5, 1999, this Commission heard and received all oral testimony, protests, objections and evidence, which were made, presented or filed, received substantial new evidence on the project, including new circumstances and technical information, and considered the matter, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said petition and report, and the Commission voted to disapprove the project;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to its powers provided in §56375 (a) of the Cortese Knox Local Government Reorganization Act of 1985 as amended, the Local Agency Formation Commission of the County of El Dorado does determine and order as follows:

The subject annexation proposal is disapproved based on the following findings of fact:

1. There is insufficient water supply data to make an informed decision. The evidence indicates that the El Dorado Irrigation District cannot, at this time, or in the near term, provide water service to all of the lots to be ultimately created pursuant to the Bass Lake Hills Specific Plan. (CKA § 56841, §56375, §56653, Former Policies I-A, II-B1, II-B2, II-B5, Commission actions on May 2 and June 6, 1996, February 6, 1997, Current Policies 2.32, 2.33);

001651

APPROVED

2. Provision of service to the annexing property will result in negative impacts on the cost and adequacy of services in the district and upon existing customers due to inadequate water supply, and the cost of building infrastructure and securing new water supplies (CKA §56001, §56301, §56841, Former Policies II-B, I-A, Current Policies 1.1, 2.14 (b), 2.3, 4.16, 4.18, 4.19, 4.23, 4.24);

3. The project will have an adverse impact upon the physical and economic integrity of agricultural land and uses, particularly in the eastern portion of the district (CKA §56001, §56301, §56841, Former Policy I-A, Current Policies 2.10.1, 2.14 (c)(d)(e), 4.14).;

4. Inadequate CEQA documentation makes it infeasible to render an informed decision, including the existence of required CEQA documentation for proposed new water sources such as Fazio water, and facilities, including the extension of water from eastern facilities, particularly in light of the current uncertainty of acquisition of these new water sources. (California Environmental Quality Act, Public Resources Code Sections 21000 et sequitur, CEQA Guidelines Sections 15000 et sequitur, Former Policy II-B9, Current Policy 2.2, El Dorado LAFCO CEQA Procedures);

5. Approval of the project is inconsistent with the process, timing and adoption of an adequate General Plan (CKA §56841, §56375, §56300, §56301, Former Policy II-B10, V-A3, Current Policies 2.4, 2.14 (a)(c)(d)(g), 4.16);

6. The County has not made required findings regarding affected services pursuant to the Court's Writ of Mandate particularly as it relates to project related growth inducement impacts (CKA §56301, §56841, Former Policy I-A, Current Policy 1.1, 4.14).

The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution in the manner and as provided in CKA §56853 of the Government Code.

ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held on the 16th day of September, 1999, as moved by Commissioner Bradley, and seconded by Commissioner Lishman, by the following vote of the Commission.

AYES:	Manard, Bradley, Salazar, Humphreys, Lishman
NOES:	Flynn, Bush
ABSTENTIONS:	None
ABSENT:	Crawford

ATTEST:
Rosa Platan
Clerk of the Commission

Kenneth Bush
Chairperson

c:\shared\susan\projects\702dec.reso

001652

5. POLICY FOR RHNP REDISTRIBUTION UPON ANNEXATION OR INCORPORATION

In the event of annexation or incorporation of new jurisdictions during the planning period of this RHNP, provision needs to be made for the redistribution of housing needs. The following policy establishes the conditions and process for any such redistribution:

1. **Filing of Application for Annexation or Incorporation**
Upon receipt of notice of filing from LAFCO of a proposed annexation or incorporation, the affected county will notify SACOG of the proposal and resulting need for a redistribution of housing needs between the county and applicant jurisdiction.
2. **Discussion with Annexing/Incorporating City**
During the course of the annexation/incorporation process, the affected county will negotiate in good faith between the annexing/incorporating city and the county the RHNP allocations to be redistributed. **There will be no net reduction in the RHNP allocations within the affected county.** This means that the total number of housing units by income category accepted by the applicant jurisdiction, plus the remaining number of units by income category attributable to the donor county, shall not be less than the original number of units by income category originally allocated to the county by the RHNP. Other than satisfying this requirement, the affected county and annexing/incorporating city may negotiate any redistribution of housing need that is mutually acceptable.
3. **SACOG Mediation**
If, after negotiating in good faith, both the affected county and annexing/incorporating city cannot reach a mutually acceptable redistribution of housing need, both jurisdictions may request that SACOG mediate the redistribution of housing need. The purpose of such mediation will not be for SACOG to actually redistribute the housing need between the two affected jurisdictions, but to achieve mutually acceptable redistribution through negotiation. If, after mediation by SACOG, the affected county and annexing/incorporating city still cannot reach a mutually acceptable redistribution of housing needs, the matter will be referred to HCD.
4. **Annexation/Incorporation Conditions**
The affected county and the annexing/incorporating city will jointly draft conditions covering the transfer of RHNP allocations from the county to the annexing/incorporating city. The affected county will request that the RHNP conditions are included in the LAFCO resolution approving the annexation/incorporation.
5. **LAFCO Imposition of Conditions**
LAFCO imposes the proposed RHNP conditions in the resolution approving the annexation/incorporation.

6. **Transfer of RHNA Allocations**

RHNP allocations will be transferred from the county to the city as specified in the LAFCO resolution.

7. **Housing Elements**

7a. **County Housing Element**

The county's Housing Element should describe assumptions, conditions, and implications of any change in RHNP assumptions resulting from an annexation/incorporation.

Following the effective date of an approved annexation/incorporation, the county may amend its Housing Element to reflect the change in RHNP allocations.

7b. **City Housing Element Amendment (annexation)**

If the annexation and accompanying redistribution of RHNP allocations between affected jurisdictions occurs after the statutory housing element amendments have been adopted, any city general plan amendment accompanying an annexation must include amendment of the city's housing element to reflect that change.

OR

7c. **City Housing Element (incorporation)**

If the incorporation and accompanying redistribution of RHNP allocations between affected jurisdictions occurs after the statutory housing element amendments have been adopted, the new city will include the RHNP transfer in the housing element adopted for the new community.

8. **State HCD Review**

The transfer of RHNP allocations for annexations or incorporations pursuant to this policy is subject to the review and approval of HCD prior to the implementing action.

L A F C O

Local Agency Formation Commission

Serving the Area of El Dorado County

COMMISSIONERS

ROBERT SALAZAR, Chair
City Member

RUSTY DUPRAY, Vice-Chair
County Member

RICHARD C. PAINE
County Member

OPEN
Special District Member

OPEN
Special District Member

TOM DAVIS
City Member

ALDON MANARD
Public Member

ALTERNATES

GARY COSTAMAGNA
Special District Member

PENNY HUMPHREYS
County Member

JAN MC KINSEY
Public Member

KATHI LISHMAN
City Member

STAFF

ROSEANNE CHAMBERLAIN
Executive Officer

THOMAS PARKER
Legal Counsel

SUSAN STAHMANN
Clerk to the Commission

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Placerville, CA 95667

(530) 621-5322

FAX
(530) 295-1208

e-Mail
lafco@co.el-dorado.ca.us

web-site
www.co.el-dorado.ca.us/lafco

January 28, 2003

Mr. Conrad Montgomery
Planning Director
El Dorado County
2850 Fairlane Court
Placerville, CA. 95667

SUBJECT: LAFCO Information Request (Government Code Section 56378) for Silver Springs et al Reorganization (LAFCO Nos. 00-02, 00-06, 00-12) (Also refer to NOP, SCH# 20002122004)

Dear Conrad:

I am writing to formally request information LAFCO needs to complete the Draft EIR and related studies for the Silver Springs, et. al. proposal. As you will recall, LAFCO sought needed information from your staff and the General Plan consultant, prior to completing the Initial Study and issuing the Notice of Preparation for the Draft EIR. The initial information that you provided helped us get started. LAFCO must now move forward with Draft EIR preparation and we respectfully request additional information at this time.

We are anticipating that most of the items on the following list have been developed as part of the General Plan update/EIR process. Please understand that we are willing to work with you to minimize any hardships related to this request.

Please provide the following information:

- A detailed description of each project alternative (as described in the Draft EIR) being evaluated in the General Plan DEIR.
- A copy of the General Plan land use map (or other applicable map) for each project alternative, other descriptive maps, as applicable, and a statement of the underlying development or other assumptions used to predict traffic generation, traffic distribution and circulation patterns, related pollutant emissions and resultant air quality impacts, water consumption, wastewater collection and precessing issues, and wetlands and habitat impacts.
- Population and traffic projections for the subject project site and/or roadways as evaluated in the GP EIR project description and alternatives' analyses. For roadways, specifically the Bass Lake Road alignment (between Bass Lake Road and Green Valley Road), Green Valley Road, Bass Lake Road, major intersections on Bass Lake Road between Green Valley Road and Highway 50, and the Highway 50/Bass Lake Road Interchange.

- A copy of any maps currently being included in the Draft EIR which depict resources (natural, cultural, agricultural) or other characteristics which are needed to inform the subject EIR and study.
- The latest department projection of the number of unserved parcels within the El Dorado Irrigation District's boundaries and western region. The most recent number provided by your department (1,999) was obtained in September 2001.
- A map identifying the location of unserved parcels, and/or a map indicating agricultural/open space designated parcels within EID's boundaries (if available).
- Copies of proposed policies and related analysis pertaining to the County's disposition toward appropriate park and recreation service providers for the Silver Springs et al project site and area.
- A statement of the status of water supply projects (including status of CEQA documents, pending litigation and permits) for Project 184 and PL 101-514 (Fazio) water.
- Explanation of Measure Y's impact on land uses and land use densities for the project site and immediate vicinity.
- Any descriptions or discussions of annexation and sphere of influence issues and impacts pertaining to water and sanitation service, including identified developments not needing public services.

I have attached a copy of the project map for your convenience. Please contact Barbara Graichen at 916-991-2177 if you have questions, suggestions, or need assistance. I am also available to meet with you or otherwise discuss this request. Thank you in advance for your cooperation and attention to this important matter.

Sincerely,



Roseanne Chamberlain
Executive Officer

cc. Barbara Graichen
Project File

attachment: descriptive map

c:\shared\susan\projects\012ceqa

Subject: Re: Silver Springs/January 28 Memorandum

Date: Tue, 11 Feb 2003 17:07:16 -0800

From: Roseanne Chamberlain <roseanne@co.el-dorado.ca.us>

To: Conrad Montgomery <cmontgom@co.el-dorado.ca.us>

CC: barbara <NNatomas@aol.com>

Conrad: Thank you very much for your thorough reply. We do have a copy of the Silver Springs EIR, and I agree the studies and GeneralPlan materials will be very helpful to us. Unfortunately most of the information we require is not contained in the County's Project EIR and circumstances since it's approval have changed. We'll contact Roger to obtain the information we need.

Thanks,
Roseanne

Conrad Montgomery wrote:

> Roseanne
>
> I have received your letter of January 28 Re:a request for information
> surrounding the silver Springs project.
>
> In your memorandum you have requested a lot information regarding the
> current General Plan efforts and the DEIR that we are currently preparing.
> This information can not be released until everything has been finished. We
> are currently in the administrative draft mode for the General Plan text,
> which there are three volumes and next week we will be in the administrative
> draft mode on the General Plan DEIR itself. Those documents will be
> available to you on March 31st when they are released to the public for the
> 45 day CEQA review period. The document will run about \$200 but it will
> also be available by CD ROM and it will be available on the planning
> department web site to download.
>
> This project did have an environmental impact report prepared for it. My
> staff will try to find an extra copy of that document for you. hopefully
> most of information you desire will be included in that document. The
> county has recently processed a large lot subdivision map on this property
> and restrictions have been applied to the property prohibiting any
> development until such time as individual phasing maps are applied for an
> approved. The project also cannot be final until water meters have been
> purchased which we anticipate will happen one days at a time.
>
> Any analysis associated with water for this project would be included in the
> project EIR.
>
> This project was approved before Measure Y. Therefore Measure Y does not
> apply to the project.
>
> You or your staff are more than welcome to come down and look at the project
> file. If there are materials and that file that would be useful to you we
> can certainly make copies.
>
> The original project planner is no longer employed with the County. I also
> believe that it is going to take some time to completely respond to your
> request however, this process could possibly be expedited with a
> face-to-face meeting with Roger Trout. We currently have a shortage of staff
> and responding to your request may not be the highest priority particularly
> if you demand at this point a written response. I would recommend that you
> contact Roger Trout if you have any questions or if you or your staff wish

> to set down and get a better idea on how we can work together to get to the
> information you want.
>
> I hope this has been useful.
>
> Conrad

EXCERPT FROM GOVERNMENT CODE SECTION 56425-34 SPHERES OF INFLUENCE

56425. (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.

(b) At least 30 days prior to submitting an application to the commission for a determination of a new sphere of influence, or to update an existing sphere of influence for a city, representatives from the city shall meet with county representatives to discuss the proposed sphere, and its boundaries, and explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If no agreement is reached between the city and county within 30 days, then the parties may, by mutual agreement, extend discussions for an additional period of 30 days. If an agreement is reached between the city and county regarding the boundaries, development standards, and zoning requirements within the proposed sphere, the agreement shall be forwarded to the commission, and the commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section, and the commission shall give great weight to the agreement in the commission's final determination of the city sphere.

(c) If the commission's final determination is consistent with the agreement reached between the city and county pursuant to subdivision (b), the agreement shall be adopted by both the city and county after a noticed public hearing. Once the agreement has been adopted by the affected local agencies and their respective general plans reflect that agreement, then any development approved by the county within the sphere shall be consistent with the terms of that agreement.

(d) If no agreement is reached pursuant to subdivision (b), the application may be submitted to the commission and the commission shall consider a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section.

(e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

(1) The present and planned land uses in the area, including agricultural and open-space lands.

(2) The present and probable need for public facilities and services in the area.

(3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

L A F C O

Local Agency Formation Commission

Serving the Area of El Dorado County

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August 20, 2001

Roger Evans, Project Planner
Planning Department
County of El Dorado
2850 Fairlane Court
Placerville, CA 95667

Subject: Comments of El Dorado LAFCO on the Notice of Preparation of a Draft Environmental Impact Report for the Adoption of the El Dorado County General Plan

Dear Mr. Evans:

I have reviewed the material submitted for the above referenced project and submit my comments below.

Public Services, Utilities and Services Systems

In evaluating public services, utilities and services systems, the county should not rely on Spheres of Influence as the probable service areas or capabilities of an agency, particularly for special districts.

Spheres of Influence are the principal planning tool of LAFCO, defined in law as a plan for the boundaries and service area of a local agency. Unfortunately, the spheres of most special districts in El Dorado County are inadequate, out of date or nonexistent. The sphere lines may not necessarily correlate with existing services, planning service areas, plans for expanding service or capacity or an agency's ability to provide service. In most cases LAFCO's sphere of record is not supported by any service analysis or the necessary determinations which would relate a sphere of influence to the present and planned land uses.

Since LAFCO cannot presently provide reliable service analyses for most agencies, it is important that General Plan analysis distinguish between those services or service areas for agencies which have completed substantive plans (such as comprehensive master plans, financing and implementation strategies, etc.) and other agency's services or service areas which have hypothetical or speculative plans. This could be very important for defining community regions where reliable infrastructure, facilities and services will need to be extended as the land use plan builds out.

162-38

Water Resources

The County's review should include the relative likelihood of securing each planned new water source and could identify the limitations on storing, transmitting and distributing water to areas planned for growth. LAFCO suggests that the EIR include information about discretionary approvals needed from state and federal agencies for each new water supply or entitlement. Information about any physical or technical impediments to serving the planning water supply would also be helpful. For example, El Dorado Irrigation District has distinct regions that constrain service of each of its of water supply entitlements. Much of this information will be contained in EID's draft water supply master plan.

LAFCO denied the annexation of a large development area due in part to the water supplier's inability to prove they could adequately service the area over the long term.

It would be desirable to distinguish between those new water supplies for which agencies have completed substantive plans (such as comprehensive master plans, financing and implementation strategies, etc.) And other proposed water sources for which planning efforts are more hypothetical or speculative. Water resources for planned expansion of irrigable lands and for economic growth of agriculture should be identified.

Soil/Agriculture

New Statutory criteria (1/1/2001) for prime agricultural lands if defined at Government Code §56064 and may be relevant to this review.

The County's analysis should include the relative likelihood of securing each new water source and identify the limitations on storing, transmitting and distributing water to areas planned for agriculture. Water for expansion of irrigable lands or economic growth of agriculture should be identified. The adequacy and reliability of agricultural water resources should be reviewed.

Potential Effects of the Incorporation of El Dorado Hills

Citizens of El Dorado Hills are actively pursuing incorporation. The proposal, currently pending before LAFCO, will likely have a significant effect on the County, especially with regard to affordable housing requirements, Measure Y, transportation and transportation funding. The County should consider these effects, both with and without the new city, because there potentially significant indirect effects have been identified by LAFCO. Please refer to LAFCO's initial study and Notice of Preparation for the proposed incorporation of the City of El Dorado Hills (LAFCO Project No. 98-02), attached.

If you have questions or need additional information, please contact me at your convenience.

Sincerely,



Roseanne Chamberlain
Executive Officer

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162-39

162-40

162-41

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MEMO

DATE: September 3, 2002

TO: General Plan Team
El Dorado County Planning Department

FROM: Roseanne Chamberlain 
Executive Officer

SUBJECT: DRAFT GENERAL PLAN POLICIES

Thank you for the opportunity to comment on the Draft General Plan Policies. LAFCO staff has reviewed the July 17, 2002 documents and has scheduled a discussion with Peter Maurer at the next Commission meeting. LAFCO, like many other agencies, is looking forward to the new, much needed, County General Plan.

Our comments below follow the sequence of the draft policies.

Policy LU-1a

This policy notes that the location and boundaries of the community regions are based the spheres of influence of cities and service providers. Please be aware that the Spheres of Influence as set by LAFCO approximately 20 years ago were not based on service analyses, and in many cases have no relationship to actual agency plans. New laws require review and revision of spheres every five years and in the near future LAFCO hopes to adopt valid spheres of influence for each agency.

162-42

LAFCO staff suggests adding the phrase "a combination of the following" before the words spheres of influence.

Policy LU-1c

Correct the word "disbursed" to "dispersed".

162-43

Policy LU-1e

The first sentence seems to apply to cities; the second to all agencies, i.e., cities and districts both. A clarification would be very helpful. For example, LAFCO staff suggests the addition of the word "city" before each use of "sphere of influence" or "annexation" if that is the intent.

162-44

Policy LU-3b

Please clarify whether "communities" means community region in this usage or if there is some other definition of community will be used in the application of this policy.

162-45

Policy LU-9a and 10b

These policies will assist LAFCO as well as the County in evaluating adequacy of services.

162-46

Policy PS-1b

Use of the term "service purveyor" may suggest only enterprise districts and private service providers. It might be clearer to use the term "public service providers" to include non-enterprise agencies and exclude private providers. It might also be clearer if the County's policies encourage other independent agencies to emphasize capacity within the community regions, rather than use the mandatory "shall".

162-47

Policy PS-2b and 3b

These policies will assist LAFCO, as well as the County, in evaluating adequacy of services. Where boundaries or other changes of organization are required to secure necessary services, the County's discretionary approval process should coordinate with LAFCO. The spheres of influence for many agencies cannot be relied upon as evidence of adequate plans for services.

162-48

Policy PS-4b

It may be clearer to use "water service providers" instead of the term "water districts". Currently, fire protection, but no water service, is provided by one water district. Water service is provided by an irrigation district, public utility districts and a community services district in those parts of the county where public water is available.

162-49

Policy PS-9a

Please consider making this policy consistent with Policy PS3b, such that the county will make a determination of availability of services, in addition to the applicant demonstrating that services are available.

162-50

Policy HS-4a

This policy will assist LAFCO as well as the County in evaluating adequacy of services.

162-51

Policy HS-17b

Please add use of Zero Emission Vehicles or Ultra-low Emission Vehicles to the list of options to be encouraged in the reduction of vehicle air pollution.

162-52

Policy HS-17d

Please do not omit the possibility of other Zero Emission Vehicles, low emission or Ultra-low Emission Vehicles from this policy.

162-53

Policy HS-24a

It is not entirely clear if this policy will apply to all roads, including private or other public roads with safety problems or if it will apply to only county maintained roads.

162-54

Policy CO-6a

It may be clearer to use "water service agency" instead of the term "water districts". Currently, fire protection, but no water service, is provided by one water district. Water is provided by an irrigation district, public utility districts and a community services district in those parts of the county where public water is available. This policy will assist LAFCO as well as the County in evaluating adequacy of services.

162-55

Policy CO-6b

Please consider making this policy consistent with Policy PS3b, such that the county will make a determination of a reliable source of water, in addition to the applicant demonstrating that water is available.

162-56

Policy AF-3a

Suggest the addition of language similar to "consistent with applicable state regulations for use of reclaimed water for agricultural purposes"

162-57

Policy AF-3b

Use of water "provider" may be clearer than water "purveyor".

162-58

Policy PR-4a

Suggest the addition of the underlined wording: "The county shall encourage annexations to existing recreation service provider agencies, the exercise of latent powers for recreation services or the formation of independent recreation service provider districts where none currently exist..."

162-59

Policy PR-5a

Suggest the addition of the underlined wording: (e.g., homeowners associations or benefit assessment districts, annexation to existing recreation service provider districts, or the exercise of latent powers for recreation services by existing districts)...

162-60

**POLICIES FOR THE IMPLEMENTATION OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)**

2.2. CEQA COMPLIANCE

- 2.21. Within the scope of LAFCO's specific mission and purposes, and as stated in §21001 of the Government Code, LAFCO shall be guided by state policy when considering projects. Those State policies that will be furthered are:
- a. Develop and maintain a high-quality environment now and in the future, and take all actions necessary to protect, rehabilitate, and enhance the environmental quality of the state (§21001 (a));
 - b. Take all actions necessary to provide the people of California with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise;
 - c. Prevent the elimination of fish and wildlife species due to people's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and wildlife communities and examples of major periods of California history;
 - d. Ensure that the long term protection of the environment, consistent with the provision of a decent home and suitable living environment, shall be the guiding criterion when making decisions whether to approve or disapprove a proposed project (§21001 (d));
 - e. Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of existing and future generations;
 - f. Develop standards and procedures necessary to protect environmental quality; and
 - g. Consider qualitative factors as well as economic and technical factors, long term benefits and costs in addition to short term benefits and costs, and less damaging alternatives to proposed actions affecting the environment.

2.22. LAFCO shall implement CEQA in an effective and efficient manner while maximizing opportunities for public participation and disclosures (§21003) by:

- a. Meeting with applicants early in the process to facilitate processing and encourage modifications to the proposed project, before it is submitted, that may eliminate or avoid potential environmental impacts
- b. Integrating environmental review with other processes to the maximum extent feasible so that such processes may run concurrently;
- c. Preparing documents that are organized, readable and concise;
- d. Omitting unnecessary information and only considering feasible mitigation measures and project alternatives;
- e. Providing new technical data gathered in the CEQA process to local, state and federal agencies to support data base development;
- f. Coordinating document preparation with other agencies possessing discretionary authority over any portion of a proposed project to minimize project related costs.

2.23. LAFCO shall adopt policies and procedures for processing and administering CEQA (§21082, §15022). LAFCO intends through the appropriate use of such procedures to:

- a. Assist with the provision and maintenance of a high quality environment in El Dorado County (§21000, §21001); and
- b. Ensure ongoing CEQA compliance by initiating revisions to reflect amendments to CEQA within 120 days of the effective date of new legislation (§15022 (c)).

2.24. The Executive Officer shall serve as the Environmental Coordinator and have the authority to prepare, or cause to be prepared, the appropriate environmental documentation. The Executive Officer shall be responsible for making an environmental determination pursuant to the requirements of CEQA.

- 2.25. No application shall be deemed filed for processing purposes until CEQA documentation has been completed which adequately addresses the requirements of CEQA and El Dorado LAFCO's CEQA procedures.
- 2.26. Applications for annexation to a City shall not be deemed filed until the following is provided: (1) verification of an approved prezone from the annexing City (§56375); and (2) verification of a completed CEQA and NEPA process in which LAFCO assumed the Responsible Agency role (§15042, §15050, §15051, §15096, §15381).
- 2.27. LAFCO shall not act upon any change of organization or reorganization until environmental documentation has been approved which adequately addresses all potential areas of environmental concern.
- 2.28. LAFCO shall use the Environmental Impact Report prepared by the Tahoe Regional Planning Compact when applicable and available (§66081, §21083.5).
- 2.29. Criteria for determining the Lead Agency is contained in §15051. LAFCO will typically act as Lead Agency in reviewing:
 - a. Changes of organization or reorganizations initiated by LAFCO pursuant to §56375 of the Cortese-Knox-Hertzberg Act;
 - b. Spheres of influence Plans and Amendments;
 - c. Incorporations;
 - d. Consolidations, Detachments, Dissolutions and District Formations;
 - e. City annexations where no rezoning has been undertaken by the city prior to LAFCO approval;
 - f. Annexations which are not a part of a larger project for which a city or county acted as Lead Agency, or for which LAFCO is the first to act; and
 - g. When the Lead Agency is unable to undertake, or has failed to undertake, required CEQA responsibilities pursuant to §15052.
- 2.210. LAFCO shall assume the Responsible Agency role for annexations that include a prezone unless the Lead Agency did not consult with LAFCO pursuant to §15051(c) and §15052 (a)(3), and the environmental

document failed to describe, or adequately disclose the impacts of, LAFCO's actions.

- 2.211. Because LAFCO projects in El Dorado County are generally initiated by a land use authority with annexations required as conditions of land use approvals, or processed with prezones, LAFCO is expected to assume the Responsible Agency role for most annexation proposals. In cases, where LAFCO and another public agency qualify for Lead Agency status, the agency with the greatest responsibility for carrying out the project should assume the Lead Agency role.
- 2.212. LAFCO shall assume a Lead Agency role for a project for which it was a Responsible Agency if the Lead Agency failed to conduct an environmental review, a previously prepared environmental review is outdated or substantive new technical data or new information is available, or the Lead Agency failed to consult with LAFCO when it prepared its review (§15052).
- 2.213. When acting as Responsible Agency, LAFCO's Environmental Coordinator shall encourage the Lead Agency to consult with LAFCO early in the environmental review process in order to facilitate and coordinate the evaluation of impacts related to future LAFCO actions. LAFCO shall respond to Notices of Preparation, requests for consultations and other reasonable information requests as soon as feasible (§15103, §15082 (b), §15096 (b)).
- 2.214. LAFCO will comment, consistent with its legislated mandate and adopted mission, upon Notices of Preparation for Environmental Impact Reports for projects that may cause the conversion of important prime agricultural, open space and resource lands, not scheduled for development within five years of project approval, to urban uses (§56301).
- 2.215. When determining the significance of a potential environmental impact, LAFCO shall consult with Responsible and Trustee Agencies and may consult with any agencies that might provide guidance in determining the extent and nature of impacts (§15082, §15086, §15096). Where feasible, LAFCO shall use thresholds of significance established by the state, El Dorado County, the local air quality management district, county agricultural commission, and any other local entity possessing the technical expertise and statutory authority to determine levels of significance.

2.216. When evaluating environmental impacts discovered during the Initial Study process, LAFCO will identify such impacts as potentially significant and adverse if:

- Buildout of the proposed project may cause service levels to decline below established standards, costs of service provision to rise substantially to the detriment of service levels, or cause those currently receiving service to receive reduced or inadequate services especially when such change may cause adverse health and safety or other physical impacts;
- Buildout of the proposed project may cause the infrastructure capacity of a service provider to exceed planned and safe limits especially when such change may cause adverse health and safety or other physical impacts;
- The proposed project includes or plans for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not planned for development, especially those containing prime agricultural land, mineral, sensitive plant and wildlife or other important resources;
- The proposed plan could cause health and safety or other physical impacts because a service provider is incapable of providing service, the proposal has an illogical boundary, or elements needed to provide service (water supply, treatment facilities, equipment, energy) are not available, or stressed beyond capacity.
- The proposed project may result in substantial loss of prime agricultural and important open space or resource land;
- The proposed project may cause premature, ill planned, illogical, or inefficient conversion of prime agricultural, open space, mineral resource or other important resource areas not planned for development in the next five years;
- The proposed project is substantially inconsistent with applicable Sphere of Influence Plans, long range and area service plans, phased land use plans of any city or county, or resource conservation plans of the state or federal government.

In the case of Sphere of Influence and area of service plans, the Environmental Coordinator reviews the appropriate plans and determines whether the level of significance warrants additional review. In the case

of public agency land use or resource plans, the affected agency shall provide specific information regarding the nature and substance of the project's potential impacts upon its plans or programs.

- The proposed project may induce substantial growth on important agricultural and open space lands because it would:
 - ◆ Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or other public facilities that would permit new development in a substantial area currently constrained from development;
 - ◆ Encourage or foster development by permitting uses that adversely impact adjacent agricultural operations, significantly increase property values of adjacent or proximate resource land, or remove natural or man made buffers between urban and agricultural, mining or other conservation uses.
 - ◆ Be adversely and substantially inconsistent with the agricultural, open space, resource conservation or preservation, growth management, trip reduction, air quality improvement or other plans, policies or Ordinances of the General, Community, Specific or other Plan of the land use jurisdiction responsible for the project site or vicinity.
- The proposed project, when considered in conjunction with other recent, present and reasonably foreseeable projects, may cause significant adverse cumulative impacts;
- The project would result in substantial noncontiguous development which, in turn, results in adverse physical impacts;
- There is no need for service and the proposed project adversely affects important public resources or the public health and safety;
- The project would adversely impact animal or plant species either listed as, or determined to be, endangered, rare, or threatened as provided in §15380; or
- Project related impacts are identified as potentially significant when completing the Initial Study checklist adopted as Exhibit A of LAFCO's CEQA procedures.

- 2.217. LAFCO shall not charge public agencies having jurisdiction related to the project, or individuals or organizations possessing special expertise and from whom the Environmental Coordinator desires input into an environmental analysis, for environmental document reproduction costs.
- 2.218. Consultants may prepare Initial Studies only if hired and supervised directly by LAFCO. If consultants are used to prepare an EIR, the Environmental Coordinator shall ensure that the environmental documentation:
- Is completed pursuant to a phased plan developed by the Environmental Coordinator and within the timelines established by CEQA; and
 - Contains required environmental analysis and disclosures of issues identified in the Initial Study;
 - Reflects the independent judgement of the Lead Agency; and
 - Is adequate and complete pursuant to the requirements of CEQA (§21082.1).
- 2.219. In the event that a consultant is unable to produce an adequate environmental document, the Environmental Coordinator shall assume control of document preparation to ensure that CEQA issues are adequately addressed and processing timelines met (§21082.1).
- 2.220. Upon request by a public agency that provides services within El Dorado County but is unable or unwilling to fulfill the function, LAFCO may assume the Lead Agency role at the discretion of the Executive Officer for the purpose of providing environmental review for projects initiated by those governmental agencies. A written agreement will be required.
- 2.221. LAFCO shall use its authority, pursuant to §56375, §56375.5, §56376, §56376.5, §56377 and other applicable sections of the Cortese-Knox-Hertzberg Act, to make a project self mitigating whenever feasible (§15040, §15041, §21002).
- 2.222. Consistent with §21002 of CEQA, it shall be the policy of El Dorado LAFCO that no projects should be approved as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.

2.223. LAFCO shall conduct a hearing on a Negative Declaration, Mitigated Negative Declaration and Draft EIR.

2.224. A Notice of Intent to adopt or consider a Negative Declaration or Mitigated Negative Declaration shall be provided to the public not less than twenty (20) days in advance of the hearing.

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EL DORADO LAFCO**LOCAL AGENCY FORMATION COMMISSION**

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RECEIVED
AM 8:40
PLANNING DEPARTMENT

July 8, 2003

Mr. Conrad Montgomery, Planning Director
General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, Ca. 95667

Subject: May 2003 Draft Environmental Impact Report (DEIR) for the El Dorado County General Plan (GP); State Clearinghouse Number: 2001082030

Dear Mr. Montgomery and General Plan Team:

El Dorado LAFCO has reviewed the GP and DEIR and is submitting comments pursuant to its current and future roles as affected and/or Responsible Agency. LAFCO's comments include ideas and feedback for enhanced disclosure of the project's potential adverse environmental impacts and for provision of information that LAFCO needs as Responsible and Lead Agency for projects relying on information contained in the documents.

The Commission has long been anticipating a GP DEIR that enables LAFCO to comply with CEQA without having to undertake additional exhaustive and expensive CEQA reviews. The lack of a GP DEIR caused LAFCO to speculate upon the meaning, intent and impact of the County's land use plans as it carried out its statutory responsibilities. For several years, LAFCO relied on CEQA documents tiered from a GP EIR that inadequately addressed impacts. LAFCO needs a DEIR that adequately assesses the impacts of projects it must evaluate using the County's CEQA documents.

Please understand that LAFCO is endeavoring to provide the most helpful and instructive comments possible. I am attaching copies of materials which clarify LAFCO's needs and perspectives which supplement these comments. Some materials describe the types of impacts arising from LAFCO projects needed to implement the proposed General Plan. These documents include LAFCO's Inventory of Local Agencies, Policies and Guidelines, CEQA policies, CEQA Handbook, excerpts from LAFCO statutes, a Notice of Preparation and Initial Study for a pending LAFCO Project enabled by the GP, LAFCO's January 28, 2003 letter to County Planning (and the County's response), LAFCO Resolution #99-02 with Findings and Policy 5 of the Sacramento Area Council of Government's (SACOG) Regional Housing Needs Plan, which constrains and affects the County GP and LAFCO decisions.

COMMISSIONERS: TOM DAVIS, ROBERT SALAZAR, GARY COSTAMAGNA, RUSTY DUPRAY, ALDON MANARD, CHARLIE PAINE
ALTERNATES: KATHI LISHMAN, GEORGE WHEELDON
STAFF: ROSEANNE CHAMBERLAIN-EXECUTIVE OFFICER, CORINNE FRATINI-POLICY ANALYST,
SUSAN STAHMANN-CLERK TO THE COMMISSION, TOM PARKER-LAFCO COUNSEL

162-1

These materials may help you understand LAFCO's concerns and assist you with disclosure and analysis of impacts and issues described in the following comments.

1. LAFCO staff and current/prospective applicants for LAFCO approvals are having difficulty navigating and reviewing the program DEIR and its parent GP. The GP, as presented, is difficult to read and understand with its three volumes of duplicate, overlapping and inconsistent information. The program DEIR exceeds the State's recommended EIR length by hundreds of pages and is not in a readable format as required by State CEQA Guidelines. An important concern is the inability to find program level information needed to evaluate impacts pertaining to specific parcels and subsequent projects.

162-2

2. The NOP project description (2001 Proposed General Plan and associated land use maps and descriptions) is different from that analyzed in the DEIR. LAFCO's comments on the NOP were, therefore, based on a specific proposed project different from the subject proposed project, a process deficiency. CEQA requires that the project description contained in the NOP clearly describe the proposed project. In this case, however, after carefully reviewing the documents, it is difficult to understand what the project was and is, or to have a clear idea of what is actually proposed to be adopted.

162-3

3. The DEIR states that the County may approve any combination of proposed plans, policies, implementation measures, timetables, and maps contained in three lengthy and separate volumes of General Plan proposals. It is impossible for LAFCO to have a clear idea of what may be approved, what impact levels will be, and which mitigation measures may be feasible, reasonable, or likely to be adopted.

162-4

4. There is no land use map specific to the Writ of Mandate No Project (NP) alternative. There is no list clarifying which projects don't need urban services under the NP alternative, but do need them in the 1996 alternative. Land use designations are unclear for parcels included in existing or expected LAFCO applications.

Numerous parcels are arbitrarily described in the NP as urban-designated (committed). These parcels possess GP land use designations which were invalidated by the Court. The urbanization of these parcels is not a "No Project" or baseline condition. Rather, their urbanization constitutes a proposed project. There are potential project-specific and cumulative significant adverse impacts (land use, natural resources, traffic, water supply, and wastewater treatment, etc.) related to urbanization of these parcels. Please refer to the attached Silver Springs Initial Study for more information on specific types of impacts.

162-5

The DEIR preparers appear to have assumed that projects subject to the Writ have received necessary discretionary approvals because the Court was advised by the County that the parcels were fully entitled. The DEIR fails to disclose that LAFCO

162-6

will need to consider, and may or may not approve, government reorganizations needed for completion of these projects. LAFCO has already disapproved an annexation to the El Dorado Irrigation District (LAFCO Project 97-02) required to implement the Writ-listed Bass Lake Hills Specific Plan. Disapproval was based, in part, upon the project's potential to cause significant adverse environmental impacts (see attached Resolution 99-02 and Findings). LAFCO's decision and findings were upheld by the Court in 2002.

162-6

These projects and associated litigation are pertinent to full disclosure of the proposed GP's impacts. The DEIR ignores related adverse environmental impacts by assuming certain projects are already approved and by failing to evaluate impacts stemming from LAFCO actions. (For example, what are the effects on infrastructure financing?)

The DEIR seems to assume that multiple development agreements (DA) for the Bass Lake Hills project are valid. However, LAFCO has received substantial comments and correspondence that indicate that the Bass Lake Hills Specific Plan requires all property owners to sign a single agreement and participate in a single public facilities financing plan. LAFCO's review of the DA language indicates that those comments may be correct.

162-7

LAFCO is currently being challenged by property owners in both a formal court action (LAFCO Project 98-02) and informally on pending applications. These landowners and applicants relied on the County's report to the courts that actions required to complete development of areas such as Bass Lake Hills were ministerial in nature. LAFCO actions are not ministerial. This issue is important to the DEIR because the NP alternative is used as a baseline for evaluating impacts and it assumes that development will occur at this level.

162-8

This assumption is not the case. LAFCO may not approve annexations to service providers found to be unable to provide services, especially water. LAFCO may not approve projects which will have the potential for significant adverse environmental impacts related to insufficient water supply or loss of agricultural productivity. The El Dorado Irrigation District (EID) currently has more than 14,000 unserved parcels within its boundaries and less than 100 remaining EDUs of water in the district's western region (see table in attached Initial Study). This is a substantive problem that needs to be fully evaluated in the DEIR.

The underlying assumptions of the GP, especially in relation to infrastructure financing plans, include reliance on a certain amount of short-term urban development. Such development may not be able to proceed without depriving other residential or agricultural parcels within EID boundaries of needed water. The DEIR does not acknowledge critical short-term impacts, including lack of water for properties with existing entitlements and effects on agricultural activities. The County has already informed LAFCO in writing that some of these expired maps ("committed" projects) may have associated environmental impacts unknown when they were approved, and that additional environmental review may be required. The subject DEIR needs to evaluate issues previously disclosed by the County.

162-9

We suggest that inclusion of a NP Alternative land use map and a project list that discloses the names and locations of projects discussed in this section, including recently expired tentative maps (since August 2001), is necessary and would be helpful.

162-10

5. Impacts from "committing" the County to urbanization, especially in the short term, of areas described above in #4 need to be assessed, quantified and disclosed, especially those impacts with an adverse public health and safety effect. Many parcels within EID's boundaries may need to obtain water within the next year, and EID may be unable to serve them. The effects of the GP's proposed NP/baseline with its water reallocation for committed and other projects outside of EID's boundaries may be potentially significant. These effects may adversely impact agricultural resources, undermine orderly development of properties with existing urban entitlements, and may prevent the provision of emergency water to parcels with failed wells.

162-11

The County's choice to designate these rural lands as urban, and their development as baseline, causes the DEIR to: inaccurately characterize the NP alternative and its environmental setting, inaccurately quantify and understate project impacts, and fail to clearly describe differences among project alternatives.

162-12

It is critical for LAFCO's review of proposals that LAFCO obtain an adequate Program EIR which is not subject to immediate challenge resulting from an incorrect description of baseline conditions.

6. Policies 2.1.1.2 and 2.1.1.4 appear to use the term "contiguous" to mean "coterminous," and assume that LAFCO never approves noncontiguous annexations. Other terms such as "Sphere of Influence," "service area," and "boundary" seem to be used incorrectly or interchangeably. DEIR analysis assumes these errors and incorrect usages making informed assessment of impacts infeasible.

162-13

Land Use Policy 2b suggests that LAFCO actions are ministerial. LAFCO considers, but is not bound by, this policy. GP language encouraging LAFCO to "strongly consider Community Region boundaries when evaluating proposals enabling urban services" would be consistent with the CKH Act.

162-14

Copies of the CKH Act are available from LAFCO. LAFCO policies are attached and may be used as a resource for curing GP or DEIR deficiencies that stem from misunderstanding of potential LAFCO actions. LAFCO staff is available to assist County staff and DEIR preparers with the development of language and discussions which correctly describe and evaluate LAFCO law, policies, projects and issues.

7. Neither the GP nor DEIR lists or discusses all the service providers included in LAFCO's Inventory of Local Agencies (attached). For example, McKinney Water District is not mentioned. Some district names are incorrect. Fire district tables include most providers with subsequent analysis of issues and impacts only disclosed for certain providers.

162-15

The DEIR needs to correctly present issues and impacts pertaining to all service providers that are affected by the proposed GP. Are they able to provide service over the short and long term consistent with the proposed GP? How will infrastructure be designed and funded? Are the providers, especially of water, using state-certified operators? Will service levels drop if the GP is approved? Can State, local or industry standards be met? Are there overlapping boundaries or gaps in service? Is adequate service currently provided? Is there current and expected compliance with State law?

162-16

The DEIR is inadequate because it arbitrarily selects the providers it evaluates and focuses on issues and impacts pertaining to only those providers. The brief description of the Spheres of Influence (SOIs) of only three water service providers, with inaccurate but more substantial analysis of EID, is an example (p. 5.5-12).

The GP and DEIR analysis assumes and relies on SOIs that suggest urbanization of areas not planned for growth. Yet, the SOIs are there because LAFCO previously assumed urban services will be provided in those areas during the life of the GP. Please be aware that the SOIs set by LAFCO more than 20 years ago were not based on service analysis or need for services and, in many cases, have no relationship to proposed land use plans. Relying on SOIs, which suggest urbanization, actually may induce unplanned growth and undermine the GP.

162-17

Substantial issues and potential significant adverse agricultural, open space, natural resource, land use, public service, traffic and air quality impacts stemming from reliance on inadequate and outdated SOIs that conflict with the proposed General Plan need to be disclosed and quantified.

8. LAFCO has several pending applications resulting from County General Plan approvals which have the potential to cause significant adverse environmental impacts on prime agricultural lands as defined in the CKH Act. The CKH Act, Williamson Act and LAFCO's policies identify agricultural land as "prime" based on a number of criteria including productivity. The County participates in Williamson Act programs and accepts subventions from the State. It cannot choose to ignore the Act's criteria for identifying prime agricultural land. The GP and DEIR do not identify the location of all prime land, and only briefly address some impacts that could occur if water supply is diverted from agricultural to urban uses especially in times of drought.

162-18

The DEIR needs to disclose the location and status of all, not a selection of, lands that qualify as prime pursuant to the CKH and Williamson Acts, and evaluate impacts upon them based on approval of any of the proposed project alternatives. Otherwise, impacts will be under-assessed. Pages 276 and 5-2-20 state that land is not considered choice or prime if soils are not the indicator, and discount any impacts related to the loss or decreased productivity of those lands. This approach causes large numbers of parcels with agricultural operations to be excluded from the impact analysis. This deficiency makes it impossible for LAFCO to assess that loss.

The Commission, including its members who also serve on the County Board of Supervisors, has long awaited a County GP and program GP DEIR that provide the background and impact evaluation necessary to inform LAFCO's review of agricultural issues and impacts. This DEIR does not provide such information. Attached copies of LAFCO Project 97-02 Findings, Silver Springs NOP and IS, and LAFCO's January 28, 2003 letter to County Planning (and the County's response) identify information and impacts that should be fully disclosed in the subject GP and DEIR.

162-19

9. Other LAFCO General Comments and Issues. There are other items that need to be disclosed and evaluated and mitigation opportunities that have been overlooked. LAFCO staff is available to assist the County with remediation of identified deficiencies or technical errors stemming from misinterpretation of the CKH Act and LAFCO's policies.

- It is true that EID's SOI includes land that cannot be served and is not planned for development before 2025. It is also true that there has been some conceptual discussion of reducing the SOI. However, LAFCO has not received a request to reduce the size of EID's SOI, nor has LAFCO determined that an EIR would be needed for such a project as stated in the DEIR. Certain SOI changes may lessen the potential for adverse impacts. In fact, the County can mitigate adverse impacts upon agricultural, open space and resource lands, especially growth inducement, by adopting GP policies and implementation and mitigation measures stating that the County will actively facilitate the removal of lands from the SOIs of certain service providers. These issues could be further analyzed and addressed as part of the State-required Municipal Service Review (Section 56430 of the CKH Act) process. The County could also work to secure funding for LAFCO's MSR and SOI update program.

162-20

- The GP and EIR do not address existing or future issues or impacts relating to boundary and service problems caused by urban development plans which ignore the capability of a district to serve a site, and yet designate the provider as appropriate. Existing levels of service are presented in some cases; however, more substantive issues (who actually serves areas, and who pays for the service and resultant impacts on service levels) are not. These impacts and issues are especially pertinent when reviewing fire and emergency service provision in the County. Duplicate facilities or needed but unplanned facilities, such as fire stations, are not identified and, as a result, the impacts of those oversights are not identified. The failure to address existing service responsibility issues causes inadequate evaluations and understatement of growth-related service issues and impacts. Potential adverse impacts are particularly significant in rapidly urbanizing areas such as those served by the Rescue Fire District.

162-21

- The DEIR does not address issues or impacts stemming from the County's failure to identify the most efficient service provider when approving development projects, especially those involving park districts. The GP proposed policies encourage the formation of park districts, possibly for numerous small developments. A proliferation of park service providers may undermine the long

162-22

term fiscal integrity and/or service quality of park and other services. Existing agencies may be willing and able to serve as determined by LAFCO. Please see attached LAFCO policies for additional information on this issue and related impacts.

162-22

- Each month, the Building Department issues a list of building permits for structures on parcels not included in the boundaries of any fire service provider. The DEIR does not disclose, quantify or evaluate the impacts of the continuance of the practice of permitting such structures especially as population densities and fire hazards increase. LAFCO suggests that the DEIR include a mitigation measure which would require that permits for structures being built outside the boundaries of fire service providers and in reasonable proximity to a fire service provider (depending on specific conditions and circumstances) be conditioned to require annexation to the appropriate fire service provider.

162-23

- Neither the GP nor DEIR analysis and mitigation take full advantage of LAFCO's power to assist the County with meeting its GP's goals and objectives, especially agricultural land and open space preservation/conservation and the orderly and timely provision of public services. The County, for example, could prohibit extensions of urban infrastructure without annexation to a public service provider. The County could adopt a policy prohibiting out-of-agency service contracts as a service option for any County approved development project. The County could encourage the Agriculture Commissioner to work with LAFCO to develop agricultural policies and procedures to enhance the County's short and long term agricultural future. The Commissioner could become a proactive leader in ensuring the conservation and preservation of the County's agricultural land resources. Implementation measures could include the completion of Countywide Municipal Service Reviews pursuant to Section 56430 of the Cortese-Knox-Hertzberg Act by January 1, 2006 as State law requires. Mitigation measures could include a requirement that Municipal Service Reviews and SOI updates be completed prior to the approval of development projects not already included in the Writ, and prior to Final Map recordation for those included, especially if they require annexation to public sewer, water or fire service providers and only if the existing SOI is more than five years old.

162-24

- Policy 5 of SACOG's Regional Housing Needs Plan provides for redistribution of housing allocations upon annexation or incorporation. The attached policy needs to be integrated into the County's GP and its potential effects evaluated in the DEIR.

162-25

- Government Code Sections 56425 et sequitur require City-County consultation, foster City-County agreement, and require LAFCO approval of policies for development outside a City's boundaries and within City Spheres of Influence. The GP and DEIR analysis should identify these provisions and explore opportunities for reducing adverse project-related environmental impacts by developing policies and implementation measures which address the Cortese-Knox-Hertzberg Act requirement in a manner which promotes GP goals and objectives and facilitates implementation of State service review mandates.

162-26

10. Short and long term water and wastewater issues and impacts are not fully addressed, quantified or disclosed, especially existing, existing with project, cumulative and cumulative with project. EID has already disclosed the fact that it does not currently have enough water to serve all parcels within its boundaries. It does not have enough water to serve all properties included in the Writ. It does not have enough water to serve those properties added to the NP alternative (maps which expired after 8/01 as examples).

162-27

The EID Board has officially informed LAFCO that it can no longer guarantee short term water service to a number of properties proposed to be annexed to the district. (See attached Silver Springs Initial Study). This baseline environmental setting needs to be disclosed and the proposed project's impacts need to be quantified in the same manner as the traffic, noise and air quality sections, including existing available EDUs, amount needed to support each alternative (including the development permitted between baseline and committed projects in the NP alternative), distribution of need, etc. (see tables, lists and discussions in Chapters 3, 5.4, 5.10 and 5.11 as examples). Water supply and wastewater issues need to be fully mitigated to avoid significant adverse health and safety impacts.

162-28

Page 3-49 contains a discussion of concurrency (defined as immediate) as it applies to traffic and traffic improvements. The DEIR states, "traffic improvements must be constructed and operational before occupancy of development can occur." A mitigation measure is recommended to state: "No final maps will be recorded or occupancy permits issued until water supply is secured, wastewater treatment capacity is available and water supply and wastewater improvements and facilities are constructed and operational to meet the demands of unserved parcels within service boundaries, proposed new customers and/or service areas and agricultural land."

162-29

11. The number of units included in development agreements varies depending on location in the DEIR. See page 5.1-14 and Table 17 for specific examples. These inaccuracies undermine the adequacy of all analysis based on these data.

162-30

12. Silver Lake inundation maps and impact analysis seem to be missing.

162-31

13. The DEIR fails to discuss land use, traffic, air quality, agricultural and open space, growth inducement and other impacts stemming from the use of water diverted from the Placer County Water Agency's (PCWA) facilities near the Auburn Dam site for use by the Georgetown PUD. What impacts are described or evaluated in the PCWA's EIR? Has El Dorado County participated in that project? What growth inducement impacts could occur which may not have been considered in the GP and GP DEIR both south of the Middle Fork and in western El Dorado County if water is piped from that area to points west of Placerville? Does this proposal induce additional consideration for the Auburn Dam and related growth? Are local service providers able to accommodate induced growth? These and other issues need to be considered, quantified and disclosed.

162-32

14. The DEIR fails to describe impacts and issues stemming from other planned water supply infrastructure which is currently being designed and is already needed. (See Silver Springs Initial Study). The Bureau of Reclamation, for example, has identified potential adverse environmental impacts, especially on biological resources, stemming from construction and operation of EID's Folsom Lake pumping facility and may require preparation of an Environmental Impact Statement (EIS). What are the effects of the pumping facility referenced in #13 and other needed infrastructure currently being designed and expected to be constructed in the near term? This is especially critical because the DEIR analyzes a NP alternative that has more water supply impacts than baseline conditions cause.
15. The proposed project states that the water supply plan is inconsistent with scenic rivers designations for waterways in El Dorado County. No analysis of associated long term impacts associated with inability to qualify for Federal scenic rivers programs or funding opportunities is provided.
16. The El Dorado Hills Incorporation is not discussed as a reasonably foreseeable project. It should be.
17. It is our understanding that the U.S. Bureau of Reclamation still has Jenkinson Lake water rights.
18. The DEIR fails to discuss growing strains on the County's emergency services system including increased 911 calls caused by Policy PR 6c.

162-33

162-34

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162-37

Thank you for the opportunity to comment upon the DEIR. Please contact me if you have any questions regarding this letter.

Sincerely,



Roseanne Chamberlain
Executive Officer

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Attachments

Additional Discussion/Initial Study Checklist

CONSISTENCY DETERMINATIONS	Land Use Designation	Consistent?	Comments
Sphere of Influence Plan	N/A	No	SOI amendments are proposed.
Other District Boundaries	N/A	No	Boundaries of four districts will be changed.
General Plan	Multiple	Unclear	See land use discussion.
Land Use Zone	Multiple	Unclear	See land use discussion.
Airport	Safety Area 3	No	Bass Lake Estates, and a portion of the Furbotten site are located in Safety Area 3 for the Cameron Park Airport. However, proposed uses are consistent with Airport Comprehensive Land Use Plan (CLUP).
Mineral Resource Zone	N/A	N/A	
State/federal Recreation Plan	N/A	N/A	

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
1. LAND USE, SPHERE OF INFLUENCE AND BOUNDARY CONSIDERATIONS - Would the project:				
a. Conflict with any applicable sphere of influence, boundary, district or city operations, resource conservation plan, growth management, air quality or trip reduction ordinance, land use plan, policy, or regulation of a local, state or federal agency with jurisdiction over the project (including but not limited to a general or specific plan or zoning ordinance) adopted to avoid or mitigate an environmental effect?	PS			See text of Initial Study.
b. Result in substantial noncontiguous urban development which, in turn, results in adverse physical impacts?			No	

Area of Impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
c. Physically disrupt/divide an established community?			No	
<p>1. Additional Discussion: The previously approved land use plans were made without knowledge of the courts action to set aside the 1996 General Plan. LAFCO approvals may undermine the county's ability to adopt land use designations in the proposed Draft General Plan by enabling property owners to obtain water meters, and possibly proceed with conflicting site development. Project approval is inconsistent with the process, timing and adoption of an adequate General Plan. Land use impacts may be significantly adverse.</p>				
<p>2. POPULATION/HOUSING - Would the project:</p>				
a. Induce substantial unplanned population growth in an area by introducing increased densities, new homes and businesses) or indirectly or by extending infrastructure or increasing the capacity of infrastructure)?			LS	Water and sewer infrastructure has been sized to accommodate growth to the north and northwest.
b. Displace substantial amounts of existing housing, causing replacement housing construction of elsewhere?			No	
<p>2. Additional Discussion: EID sizes and locates infrastructure to accommodate long range development potential. Sewer infrastructure has been constructed on and adjacent to the project site, and water and sewer service has been granted to the school sites without annexation. Infrastructure size was considered in previous documents and considered less than significant due to project's mitigating factors.</p>				
<p>3. AGRICULTURAL AND OPEN SPACE RESOURCES - Would the project:</p>				
a. Result in substantial loss of important agricultural, open space or resource land?	PS			See text of Initial Study.
b. Cause premature, ill planned, illogical, or inefficient conversion of prime agricultural, open space, mineral resource or other important resource areas not planned for development in the next five years especially when such land is not located within the Sphere of Influence of a proposed service provider and there is alternative sufficient vacant land available for development?	PS			See text of Initial Study.

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
c. Convert Prime Agricultural Land, Unique Farmland, Farmland of Statewide Importance or areas containing prime soils or productive agricultural operations to uses not conducive to agricultural production?	PS			See text of Initial Study.
d. Conflict with Williamson Act Contract?			No	
e. Induce development by permitting uses that adversely impact adjacent agricultural operations, significantly increase the property values of adjacent or proximate resource land, or remove natural or man-made buffers between urban and agricultural/open space uses?			No	
f. Conflict with agricultural, open space or resource conservation plans or programs of the state or federal government?			No	
g. See section 15 - growth inducement.			No	
3. Additional Discussion: It is unclear whether proposed General Plan policies conflict with existing entitlements (expired maps) because they are not yet adopted.				
4. AESTHETICS - Would the project:				
a. Substantially alter existing viewsheds such as scenic highways, corridors or vistas?		LS		Green Valley Road is a County designated scenic highway. The County required mitigations with the land use approvals.
b. Substantially degrade existing visual character or quality of site and its surroundings?		LS		The County required mitigations with the land use approvals.
c. Create new source of substantial light, glare or shadow that would result in safety hazards or adversely affect day or nighttime views in area?		LS		The County required mitigations with the land use approvals.

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
<p>4. Additional Discussion: Changes to visual surroundings were analyzed in previous CEQA reviews particularly views of woodland and grassland habitats. It was determined in the Silver Springs EIR that introduced physical features would not be inconsistent with that of developing areas to the east. Visual impacts were identified in the Verde Vista, Bass Lake Estates and Oak View Estates CEQA reviews but considered less than significant and mitigated where appropriate. For Silver Springs, mitigation measures were identified to minimize impacts including special design review standards for development along Green Valley Road. The cumulative effects of those projects were not considered, and the previous EIR used the Verde Vista site as one of the sites assumed to be developing. Due to proposed 2001 General Plan designations, which is likely to decrease visual impacts, and changes to the certainty of development to the east, the Silver Springs findings of no visual impacts may no longer be valid.</p> <p>The school sites EIR preparers found that project specific and cumulative visual impacts from habitat changes, light, glare and structures, especially along Green Valley Road, were significantly adverse and unavoidable and adopted Findings of Fact to that effect (Resolution 95-10). Those impacts will occur with, or without, project approval.</p>				
<p>5. AIRPORTS - Would the project:</p>				
<p>a. Result in a safety hazard for people residing or working in the vicinity of an airport/airstrip? Expose people residing or working in the project area to aircraft noise levels in excess of applicable standards? Result in a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft? Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?</p>		LS		<p>The County required mitigations with the land use approvals.</p>
<p>5. Additional Discussion: The site is located within the Safety Zone 3 of Cameron Park Airport. Residential uses are not permitted in the zone. The County determined that overflights from the Cameron Park Airport did not endanger site residents and were consistent with the airport's Comprehensive Land Use Plan (CLUP).</p>				
<p>6. PUBLIC SERVICES - Would the project:</p>				
<p>a. Cause service adequacy to decrease, service provision costs to rise substantially, or cause those currently receiving service to receive reduced or inadequate services especially when change may cause adverse health, safety or other physical impacts?</p>	PS			<p>Existing water supply is insufficient to serve the project site, and all approved development or entitled parcels within the water provider's boundaries.</p>

Area of Impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
b. Cause infrastructure capacity of provider to exceed planned and safe limits especially when such change may cause adverse health, safety or other physical impacts?		LS		Sewage infrastructure exists on-site. Sewage will be treated at the Deer Creek Wastewater Treatment facility. The County required mitigations with the land use approvals.
c. Causes unnecessary service provision and adversely affects important public resources, or the cost and adequacy of public services to the detriment of the public health and safety?	PS			New water and sewer service may not be necessary (with the exception of Bass Lake Estates) if the County adopts the Draft General Plan as proposed. Provision of service to the annexing property may result in negative impacts on the cost and adequacy of services in the district and upon existing customers due to inadequate existing water supply, the cost of building infrastructure and securing new water supplies. (See discussion in main document.)
d. Have an adequate water supply for project buildout?	PS			EID does not currently have enough water to serve the site.
e. Have adequate wastewater treatment and disposal facilities for full buildout of the project?	PS			The Deer Creek Wastewater Plant is nearing its permitted discharge capacity. Discharge from the site is expected to be insignificant in terms of remaining capacity. EID has applied for a permit to expand discharge capacity. Timing is unclear and there are a substantial number of parcels potentially needing service. The County required mitigations with the land use approvals.
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		LS		The County required mitigations with the land use approvals.

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
g. Result in substantial adverse physical impacts associated with the construction of new water supply or wastewater treatment and disposal facilities or expansion of existing facilities?	PS			Project approval increase pressures to obtain new water supplies.
h. Place conflicting land uses within an odor, or other protective barrier for a solid waste disposal site, energy facility, wastewater treatment plant or similar facility?			No	
i. Result in substantial adverse physical impacts associated with the provision of storm water drainage facilities?		LS		The County required mitigations with the land use approvals.
j. Result in substantial adverse physical impacts associated with the provision of electric or natural gas service?			No	
k. Result in substantial adverse physical impacts associated with the provision of emergency services?			No	
l. Result in substantial adverse physical impacts associated with provision of public school services? Note: Goleta Union School District v. Regents of the University of Cal. (36 Cal-App. 4 th 1121, 1995), indicated school overcrowding, by itself, is not a change in physical conditions, and cannot be treated as an environmental impact.		LS		The County required mitigations with the land use approvals.
m. Result in substantial adverse physical impacts associated with the provision of park and recreation services?			No	Annexation is proposed enabling compensation for services that will be provided with or without project approval. The park district will conduct CEQA reviews when specific park development projects are proposed.

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
7. TRANSPORTATION/TRAFFIC - Would the project:				
a. Result in substantial increase in peak hour vehicle trip-ends that exceed, either individually or cumulatively, an established level of service?	PS			The County required mitigations with the land use approvals. At that time, Level of Service (LOS) F for roadways was not considered a significant effect. Pursuant to Measure Y, the County considers LOS F (traffic flow stopped) significant, and is developing General Plan alternatives to improve levels of service including density reductions on the project site. Cumulative traffic impacts are expected to be more severe than those expected in 1998.
b. Result in a substantial adverse impact to access or circulation?	PS			Development facilitated with project approval conflicts with the project description General Plan and may be inconsistent with traffic measures needed to comply with Measure Y, the approved traffic congestion initiative.
c. Result in substantial adverse impact due to inadequate parking capacity?			No	
d. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?		LS		The County required mitigations with the land use approvals.
e. Result in a substantial adverse impact to public safety on area roadways?		LS		The County required mitigations with the land use approvals.
<p>7. Additional Discussion: Also see land use discussion. The project site is located south of Green Valley Road and west of the existing Bass Lake Road. The recently approved realignment of Bass Lake Road crosses the site from south to north. Bass Lake Rd. is a two-lane collector that extends north from Highway 50. In 2001, Bass Lake Road carried 3,821 average daily trips (adt) near the project site, and 5,176 adt at 1200' north of Country Club Drive. Green Valley Road is a two-lane east-west facility extending from the Folsom area to the town of Rescue east of the project site. Traffic on Green Valley Road increased from 9,000 to 10,777vpd, a 19 +/-% increase. Traffic generated from the entire project site could reach approximately 6,000 daily vehicle trips if the site is developed with current land uses, 2,800 under proposed densities (See Table 6). The Silver Springs and school site EIRs' preparers predicted that</p>				

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
<p>project specific traffic generation from the sites would not significantly affect levels of service on Bass Lake and Green Valley Roads with mitigation. The school sites EIR preparers found that cumulative traffic effects were significant and unavoidable with, or without, project, and the District Board adopted Findings of Fact to that effect. The latter impacts would occur, with, or without LAFCO approval of the subject project because site development is not affected by LAFCO action. (Source for 2001 traffic volumes: McKibben, 8/28/02).</p>				
<p>8. AIR QUALITY - Would the project:</p>				
<p>a. Result in cumulatively considerable net increase of criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?</p>	PS			See discussion below and text of Initial Study.
<p>b. Expose sensitive receptors to pollutants (i.e. asbestos) or pollutant concentrations in excess of standards?</p>		LS		The County required mitigations with the land use approvals.
<p>c. Create objectionable odors, dust, or other nuisances affecting a substantial number of people?</p>		LS		The County required mitigations with the land use approvals.
<p>8. Additional Discussion: The project site is located in the extreme western portion of the Mountain Counties Air Basin. The area experiences frequent conditions when vertical and horizontal air movements are hindered by stagnant atmospheric conditions. In the winter months, calm atmospheric conditions restrict vertical dispersion of pollutants released near ground level. Predominate winds during the summer season move urban air pollution from the west and southwest to the project area including pollutants from the Bay Area and Sacramento Valley. In the late fall and early spring, temperature inversions trap polluted air. These conditions cause the western slope area to violate State and federal ambient air quality standards for ozone (O₃) and State ambient air quality standards for particulate matter less than ten microns in size (PM₁₀).</p> <p>The County adopted Findings of Fact and a Statement of Overriding Considerations for the Silver Springs project indicating that development could potentially cause significant and unavoidable air quality impacts. Specifically, it could "result in significant air quality impacts for short-term construction and long-term operations due to violations of No_x criteria." Air quality impacts stemming from ozone and particulate matter were considered potentially adverse but mitigated by implementation of the County's Clean Air Act Plan a type of mitigation which may no longer be considered adequate.</p> <p>Project approval could undermine the county's progress toward traffic congestion mitigation required in Measure Y and intended to reduce air quality impacts. Therefore, project specific and cumulative air quality impacts may be considered potentially significant and may be more severe than those previously calculated.</p>				

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
The school sites EIR preparers found that project specific and cumulative air quality impacts were significant and unavoidable with, or without, project approval, and the District Board adopted Findings of Fact to that effect. The latter impacts would occur, with, or without LAFCO approval of the subject project because site development is not affected by LAFCO action.				
9. NOISE - Would the project:				
a. Result in exposure of persons to, or generation of, noise levels in excess of standards established by the general plan, noise ordinance or other noise standards?		LS		The County required mitigations with the land use approvals.
b. Result in a substantial temporary increase in ambient noise levels in the project vicinity?		LS		The County required mitigations with the land use approvals.
c. Result in a substantial temporary increase in ambient noise levels in the project vicinity?		LS		The County required mitigations with the land use approvals.
9. Additional Discussion: Noise generated by infrastructure construction was not evaluated prior to land use approvals. Impacts need to be evaluated. The school sites EIR preparers found that project specific noise impacts relating to short-term construction and traffic along Green Valley Road, were significant and unavoidable with, or without, project, and the District Board adopted Findings of Fact to that effect.				
10. HYDROLOGY AND WATER QUALITY - Would the project:				
a. Substantially deplete groundwater supplies or substantially interfere with groundwater recharge?			No	
b. Substantially alter the existing drainage pattern of the project area and/or increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?		LS		The County required mitigations with the land use approvals.
c. Develop within a 100-year floodplain as mapped on a federal Flood Insurance Rate Map or within a local flood hazard area?			No	
d. Place structures that would impede or redirect flood flows within a 100-year floodplain?			No	

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
e. Expose people or structures to a substantial risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			No	
f. Create or contribute runoff that would exceed the capacity of existing or planned drainage systems?		LS		The County required mitigations with the land use approvals.
g. Create substantial sources of polluted runoff or otherwise substantially degrade ground or surface water quality?		LS		The County required mitigations with the land use approvals.
11. GEOLOGY AND SOILS - Would the project:				
a. Cause premature, ill planned, illogical, or inefficient conversion of land containing important mineral resources, included in a state designated mineral resource zone and not planned for development in the next five years especially when such land is not located within the SOI of a proposed service provider and there is alternative sufficient vacant land available for development?			No	
b. Expose people or structures to substantial risk of loss, injury or death involving rupture of a known earthquake fault?			No	
c. Result in substantial soil erosion, siltation or loss of topsoil?			No	
d. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, soil expansion, liquefaction or		LS		The County and school district required mitigations with the land use and school plan approvals.

Area of Impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
collapse, or release or leaching of pollutants?				
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available?		LS		Sewer service is available if the project is implemented.
f. Result in a substantial loss of an important mineral resource?			No	
g. Directly or indirectly destroy a unique paleontological resource or site?			No	
<p>Additional Discussion: The project site lies within the western belt metamorphic rocks of the Sierra Nevada, and is in the Foothill Fault system. The eastern branch of Bear Mountain Fault zone, that locally separates ultramafic Gabbroic rocks to the west from foothill melange rocks on the east lies less than 5 miles east of the site. It is considered potentially active. The Bass Lake Fault (Lineament Zone) is characterized by ultramafic, commonly serpentized sheared rock and metasediments. It is not considered capable of producing earthquakes. There are six faults within 60 miles of the site that could produce some type of seismic event (See school sites EIR for additional discussion, and soils discussion in agricultural section.) Any development will be required to comply with construction and Uniform Building Code standards including earthquake-resistance requirements.</p>				
12. BIOLOGICAL RESOURCES - Would the project:				
a. Cause premature, ill planned, illogical, or inefficient conversion of important wildlife resource areas not planned for development in the next five years especially when such land is not located within the Sphere of Influence of a proposed service provider and there is alternative sufficient vacant land available for urban uses?	PS			See land use and water supply discussions.
b. Have a substantial adverse effect on special status species?	PS			The County required some mitigations with the land use approvals. See land use and water supply discussions.
c. Have a substantial adverse effect on any riparian habitat or other sensitive natural community?	PS			The County required some mitigations with the land use approvals. See land use and water supply discussions.

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
d. Have a substantial adverse effect on wetlands designated as jurisdictional waters of the United States as defined by Section 404 of the Clean Water Act?	PS			The County required some mitigations with the land use approvals.
e. Have a substantial adverse effect on the movement of any native resident or migratory fish or wildlife species?	PS			The County required some mitigations with the land use approvals.
f. Result in removal or damage to native/landmark trees?	PS			The County required some mitigations with the land use approvals. See land use and water supply discussions.
g. Conflict with local policies or ordinances protecting biological resources?	PS			
h. Conflict with the provisions of an adopted Habitat Conservation Plan or other approved local, regional, state or federal plan for the conservation of habitat?			No	
<p>12. Additional Discussion: The project site is dominated by California annual grassland, chaparral and oak woodland vegetation. Seasonal wetlands and swales, oak savannah, healthy riparian woodlands, a pond and seep also exist on site. The Oak View Estates site is almost totally covered with oak tree habitat. Two special status plant species, Red Hills Soaproot and Laynes butterweed, have been observed in the southern portions of the Silver Springs project site, and others are likely to occur. Layne's Butterweed was observed at five locations on the Verde Vista site. Twenty elderberry trees which may host the federally endangered valley elderberry longhorn beetle have been recorded on the Silver Springs site. Site soils, including gabbroic and serpentine, and conditions are conducive to the presence of such species. County Ordinances require mitigation for impacts upon special status plant species before any development may occur on the project site.</p> <p>Numerous special status bird species, such as the Golden Eagle, Bald Eagle and Cooper's Hawk have been observed on-site. A complete inventory of special status species and habitat evaluations can be found in the Silver Springs and Educational Joint Venture EIRs. Impacts upon biological resources were considered significant and unavoidable. The proposed project furthers development inconsistent with the superseded, and Draft County General Plan. Lower density residential uses in those plans accommodate the retention of more oak trees and native habitat, are likely to cause less disruption to nests and foraging areas for special status species, and may reduce wetland and riparian habitat impacts. Project approval, therefore, may increase previously identified impacts. The school sites EIR preparers found that project specific biological resource impacts, were significant and unavoidable with, or without, project, and the District Board adopted Findings of Fact to that effect. The latter impacts would occur, with, or without LAFCO approval</p>				

Area of Impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
of the subject project because site development is not affected by LAFCO action.				
In 1995 the US Fish and Wildlife Service and US Bureau of Reclamation (USBR) determined that EID activities were adversely affecting federally endangered Gabbro soil plant species. A draft Recovery Plan was subsequently prepared (2000). The County adopted an Ordinance requiring mitigation and established the Pine Hill Preserve. USBR recently informed EID that it will be reviewing all CEQA documents for evidence of mitigation for biological resource impacts, and will undertake NEPA reviews of water service area expansions needed to complete annexations to EID if special status species are present. Evidence of mitigation for special status species habitat loss or take is required before it will permit annexation to proceed. (See also referenced EIRs and Initial Studies (Table 2) for a listing and description of important habitat and species and site characteristics, and text of Initial Study.)				
13. CULTURAL RESOURCES - Would the project:				
a. Cause a substantial adverse change in the significance of an historical resource?		LS		The County required mitigation with the land use approvals.
b. Have a substantial adverse effect on an archaeological resource?		LS		The County required mitigation with the land use approvals.
c. Disturb any human remains, including those interred outside of formal cemeteries?		LS		A pioneer cemetery is located on the northern portion of the site and will not be disturbed. The County required mitigation with the land use approvals.
13. Additional Discussion: Cultural resource assessments of the Silver Springs, school, Verde Vista, Oak View Estates, Bass Lake Estates and Bass Lake Road realignment sites were undertaken as a part of land use entitlement processes. County and school district projects were conditioned to ensure that potential impacts to cultural resources are mitigated to a less than significant level. Cultural resources assessments or summaries from the previous documents have been incorporated by reference.				
14. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a. Create a substantial hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			No	
b. Expose the public or the environment to a substantial hazard through reasonably foreseeable upset conditions involving the release of hazardous materials (i.e. asbestos)? Emit hazardous emissions or handle hazardous		LS		The County required mitigation with the land use approvals.

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				
c. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, resulting in a substantial hazard to the public or the environment?			No	
d. Impair implementation or physically interfere with an emergency response or emergency evacuation plan?			No	
15. GROWTH INDUCEMENT - Would the project:				
a. Include or plan for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not planned for development, especially those containing prime agricultural land, mineral, sensitive plant and wildlife or other important resources?			No	Oversized sewer lines are already constructed and available.
b. induce substantial growth on important agricultural/open space lands because it would:	PS			See text of Initial Study.
B1. Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or other public facilities that would permit new development in a substantial area currently constrained from development?			No	

Area of impact	Potentially significant	Less than sig. Mitigated	Less than sig./No	Comments
B2. Encourage or foster development by permitting uses that adversely impact adjacent agricultural operations, significantly increase property values of adjacent or proximate resource land, or remove natural or man-made buffers between urban and agricultural, mining or other conservation uses?			No	
15. Additional Discussion: See text of Initial Study.				
16. CUMULATIVE IMPACTS - Would the project:				
a. When considered in conjunction with other recent, present, probable and reasonably foreseeable projects, cause significant adverse cumulative impacts?	PS			
16. Additional Discussion: See previous EIRs and the text of Initial Study.				

Table 6 - Trip Generation Summary				
Project under review*	Land Uses (1996 General Plan and school project)	Daily vehicle trips*	Land Uses (Draft General Plan Project Description)	Daily vehicle trips*
1. High School	1 High school (High School #5) in 2005	1,574	High school	1,574
2. Rescue School District	Middle school (Pleasant Grove) in 2005	368	Middle school	368
3. Silver Springs	244 sf units	2,440	46du	460
	Church	186		
	Park	3		
	Lot M (10 du)	100		
4. McGavock	3-4 du	30	3du	30
5. Hill	3du	30	3	30
6. El Dorado County	vacant	0	vacant	0
7. Hansen (Oak View Estates)	24 du	240	5du	50
8. McCaughern	1du	10	1du	10
9. Furbotten (Verde Vista)	69 du	690	6du	60
10. Bass Lake Estates	20 du	200	20du	200
Total		5871		2782

*From Institute of Traffic Engineers Trip Generation Handbook, Silver Springs and school sites EIRs

**El Dorado
Local Agency Formation Commission**

A CEQA HANDBOOK

October 5, 2000

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El Dorado Local Agency Formation Commission

A CEQA HANDBOOK

October 5, 2000

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I. Introduction

The relationship between the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the California Environmental Quality Act (CEQA) is often unclear to those who try to understand LAFCO's decision making processes. This Handbook has been written to clarify that relationship. It includes useful information for the general public and project proponents as well as specific technical guidance for staff and the Commission.

Section II of this Handbook provides general information on CEQA, the state law which requires environmental assessments of certain proposed projects. There is also a discussion of the National Environmental Policy Act (NEPA) which applies to federally funded or initiated projects. NEPA is included because it sometimes applies to local or state projects which receive federal funding or trigger the need for federal agency approvals or permits.

Section III provides guidance regarding LAFCO's specific CEQA roles and responsibilities including descriptions of Lead and Responsible Agency roles and functions. Because El Dorado LAFCO most frequently acts as Responsible Agency, a Responsible Agency Checklist is provided to facilitate application processing and CEQA compliance.

Section IV provides answers to the CEQA questions that are most frequently asked by the public, project proponents and public agencies who do business with El Dorado LAFCO.

For more information, contact the El Dorado Local Agency Formation Commission at 1-530-621-5322, or Barbara Graichen at 916-991-2177.

II. CEQA and NEPA

A. The California Environmental Quality Act (CEQA). The 1970 California Environmental Quality Act is the legislated response to the 1960s' environmental movement. That movement was a political expression of concerns regarding the enormous environmental damage being caused by that era's large scale public works and private development projects. CEQA is intended to make the public and decision makers more aware of the nature and magnitude of the environmental effects of public agency actions.

CEQA was modeled after the U. S. Government's National Environmental Policy Act (NEPA) and signed into law by Governor Ronald Reagan. Both NEPA and CEQA place environmental review and protection safeguards on certain projects that require public agency approval or funding.

CEQA (Sections 21000 et sequitur of the Government Code) states that “all agencies of the state government, which regulate activities of private individuals, corporations and public agencies which are found to affect the quality of the environment, will regulate such activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (§21000(g)).” CEQA requires that a project’s potential environmental damages be assessed, quantified, disclosed, minimized and eliminated whenever possible.

When CEQA was first adopted, it appeared to be written to apply only to public initiated projects. However, in the 1972 Friends of Mammoth case, the California Supreme Court ruled that approval of discretionary, privately initiated projects was as much a governmental action as extending public services into agricultural areas or constructing a water transmission line.

Public agencies must now adopt and use procedures, or plans for assessing a proposed project’s physical impacts. Every agency is now required to provide project maps or descriptions which clearly describe the project in terms that the public can understand. Of most importance under CEQA, consideration and reduction of a project’s harmful physical impacts has become as important as planning, economic and social concerns.

CEQA contains several broad objectives:

- To disclose to the public and decision makers the potential environmental effects of proposed actions;
- To identify ways to avoid or reduce environmental damages;
- To foster interagency coordination in the review of projects;
- To enhance public knowledge and participation in planning and decision making;
- To prevent environmental damages, to the extent feasible, by exploring less damaging project alternatives or strategies to reduce or eliminate adverse project related impacts.
- To explain publicly why an agency needs to approve a project that significantly and negatively impacts the environment.

CEQA and the CEQA Guidelines (Sections 15000 et sequitur as prepared by the State Office of Planning and Research), establish the requirements for conducting the environmental review of projects. They also include a description of required studies, what issues must be studied or evaluated, the scope of review, requirements for interagency coordination, the contents of environmental documents, public notice requirements and other important guidance.

CEQA and the CEQA Guidelines set the policy and provide the legal framework necessary to require government agencies to:

- Develop, maintain and enhance a high quality environment;

- Provide California's residents with clean air and water, and with historical, scenic, natural and pleasing visual amenities;
- Prevent the elimination of fish and wildlife species and communities for present and future generations;
- Provide long term environmental protection plus a decent home and living environment to its citizens;
- Create and maintain harmony between people and nature so that short and long term social and economic benefits can be gained;
- Develop standards and procedures designed to provide environmental protection; and
- Consider short and long term economic and technical costs and benefits when approving development proposals (§21001).

B. National Environmental Policy Act (NEPA). The National Environmental Policy Act was signed into law by Richard Nixon on January 1, 1970. The Act establishes national environmental policy and goals for the protection, enhancement and maintenance of the environment. It also provides a policy for implementing these goals within federal agencies. NEPA requires that the federal government use all practicable means to create and maintain conditions under which people and nature can coexist in harmony. Section 102 requires that federal agencies incorporate environmental considerations into their planning and decision making processes.

Requirements to comply with NEPA can be triggered when projects need both federal and local discretionary actions including requests for federal funding. Examples include Federal Emergency Management Agency grant programs, federally funded flood control projects and federal water projects. Locally, for example, projects affecting certain Folsom Lake water supply or flood control operations may trigger NEPA review by the U. S. Bureau of Reclamation. In these cases, agencies are encouraged to conduct CEQA and NEPA processes as a joint endeavor. State laws, such as CEQA, that were enacted after NEPA, are frequently referred to as "little NEPAs." Common NEPA review documents include Categorical Exclusions, Environmental Assessments, Findings of No Significant Impact, and Environmental Impact Statements.

III. CEQA Roles and Responsibilities.

A. Introduction. The following discussion includes a generalized description of potential public agency roles in the CEQA process. The purpose of this section is to provide a better understanding of the nature and types of roles that LAFCO may assume. Terms are used and references made which are more fully described in El Dorado LAFCO's CEQA Procedures. A copy of those Procedures may be obtained at the LAFCO office at 2850 Fairlane Court, Placerville.

B. Public Agency Roles in the CEQA Process. If LAFCO is required to hear and possibly approve a discretionary project, it is responsible for determining whether that project is subject to the requirements of CEQA and what LAFCO's role in the CEQA

process will be. The Executive Officer, acting as Environmental Coordinator, will make those determinations. If more than one government agency is involved in project approval, LAFCO will need to work with the other agencies to determine which agency will assume the lead role in CEQA compliance (act as Lead Agency) and which will assume lesser roles (act as Responsible Agencies).

1. The Role of a Lead Agency. A Lead Agency is defined as the California “public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect on the environment (§21067).” The State CEQA Guidelines provide additional guidance for determining the Lead Agency where more than one governmental agency are involved (§15051). It is useful to consider the following questions when identifying the Lead Agency for a project.

- Who will carry out the project?
- Who has the greatest responsibility for supervising and approving the project as a whole?
- Who has the broadest governmental powers (multipurpose versus single purpose agency)?
- Is the project a prezone for an annexation?
- If more than one agency equally meet the criteria, who acts first?
- Is the agency able to adequately prepare a CEQA document (staffing, funding, general expertise)?
- Do public agencies meeting the criteria for a Lead Agency role desire to share responsibilities or designate a specific agency to assume the role?
- Did a Lead Agency already prepare a CEQA document for a larger project but failed to consult with LAFCO or include a LAFCO discretionary action in the project description and environmental review?

Once the Lead Agency is determined, the Lead Agency must prepare, or cause to be prepared, the required CEQA documents and ensure that the project is processed in compliance with applicable CEQA requirements. These requirements include determining whether any other agency may qualify as a Responsible Agency. If Responsible Agencies are identified, the Lead Agency must consult with those agencies consistent with the requirements of CEQA.

Some of the responsibilities of the Lead Agency are:

- Undertaking a preliminary review to determine if the application is complete; that is, if information needed to make environmental determinations, is available;

- Determining what type of environmental review, if any, is required;
- If a review is required, preparing the environmental document; and
- Ensuring that all CEQA requirements are met including consultations, public notice, findings, if applicable, and all filings.

2. The Role of a Responsible Agency. A Responsible Agency is a public agency, other than the Lead Agency, which has responsibility for carrying out or approving a project (§21069). A Responsible Agency complies with CEQA by considering the EIR or Negative Declaration prepared by the Lead Agency and reaching its own conclusions on whether and how to approve the project involved (§15096 (a)).

To make the CEQA process more effective, a Responsible Agency should work closely with the Lead Agency to identify issues stemming from its actions which need to be discussed in the CEQA review. When considering project alternatives or mitigation measures, a Responsible Agency is more limited than a Lead Agency. A Responsible Agency has responsibility for avoiding only the direct or indirect environmental effects of those parts of the project, which it decides to carry out, finance or approve.

When an EIR has been prepared, a Responsible Agency shall not approve the project as proposed if it finds any feasible project alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment (§15096 (g)(1)).

To fully comply with CEQA, Responsible Agencies shall:

- Designate a representative to attend meetings and respond to consultation requests, including responses to Notices of Preparation, to ensure that a Lead Agency's environmental documents are adequate for its use;
- Explain why a Lead Agency should prepare an EIR or Negative Declaration;
- Review and comment on Negative Declarations and EIRs with a focus on its agency's issues, and recommend mitigation as appropriate;
- Consider the environmental document prepared by the Lead Agency;
- Approve feasible mitigation measures or project alternatives that are intended to avoid only those parts of the project which the Responsible Agency will carry out, finance or approve;
- Make findings regarding each significant effect on the environment, if any;
- File a Notice of Determination; and

- Challenge inadequate CEQA documents that it would be required to use within the required time period.

3. Strategies for Becoming an Effective Responsible Agency. In order for LAFCO, acting as a Responsible Agency, to ensure that a project's CEQA review will adequately address LAFCO's issues, LAFCO needs to assume a proactive role in the Lead Agency's review process. The Lead Agency needs to be aware of discretionary LAFCO actions that may be required as a result of their action, understand how LAFCO wishes to participate in the CEQA process, find out what environmental areas of concern may arise from subsequent LAFCO actions, and be made aware of other agencies or Commissions who may need to supply information or provide comments upon LAFCO's portion of the proposed project.

A first step to facilitating adequate environmental review by agencies, reviewing a project on LAFCO's behalf, is to send an introductory letter to those agencies (cities, county, regional entities, special districts). The letter should include the following:

- A brief statement of LAFCO's legislative purpose including its discretionary authority over certain types of projects;
- A list of LAFCO actions that most typically result from approvals by a Lead Agency (annexations, detachments, sphere of influence amendments);
- A request to be included on distribution lists for proposals which might create a need for LAFCO action;
- A request to be included in scoping sessions or consultations for pertinent CEQA reviews;
- A list of environmental concerns that typically need to be addressed by LAFCO; and
- The name, address and phone number for the designated LAFCO contact.

The second step to ensuring that LAFCO receives an adequate environmental document is to effectively interact with Lead Agencies throughout the CEQA process. The following checklist can be used to assist with the process.

Responsible Agency Checklist

Step	LAFCO Action		Response	
	Yes/No/N/A	Date	Yes/No/N/A	Date
1. PRIOR TO CEQA DETERMINATION				
a. Contact the Lead Agency to schedule consultation or scoping meeting.*				
b. Participate in a consultation. Recommend mitigation measures, or project alternatives that address LAFCO environmental concerns, if known. Recommend the preparation of an EIR or Negative Declaration if adequate information is available. Explain why a particular environmental determination is recommended.				
c. Recommend others who should be consulted regarding LAFCO environmental concerns (e.g., agricultural commission, other service providers).				
d. Ask to review the project description prior to CEQA determinations to ensure that LAFCO actions are included and correctly described, and that the project proponent and public are informed of the need for future LAFCO actions.				
e. Ask to review the Initial Study and any administrative draft of the CEQA document prior to release to the public to ensure that LAFCO related environmental issues are accurately stated and adequately evaluated.				
f1. Follow up with a letter stating LAFCO's understanding of its needs. (Or f2 below)				
f2. Respond to the Lead Agency's Notice of Preparation within 30 days.				
g. Review administrative draft. Provide comments and suggest additional or revised mitigation measures to address LAFCO related environmental impacts, if needed.**				
2. AFTER DOCUMENT IS RELEASED				
a. Review the project description to ensure that it accurately states the actions that LAFCO will consider.				
Form by Barbara Graichen, MPA, Graichen Consulting, Sacramento, Ca.; 916-991-2177; natomas@aol.com				
b. Check to ensure that LAFCO is listed as a				

Step	LAFCO Action		Response	
	Yes/No/N/A	Date	Yes/No/N/A	Date
Responsible Agency.				
c. Review document with focus on LAFCO environmental issues. Recommend mitigation measures or project changes/alternatives needed to address LAFCO's environmental concerns.				
d. Provide written comments even if only to acknowledge document adequacy within the public review period. Comments should focus on LAFCO's environmental issues.				
e. Review Lead Agency responses to comments, if any, and provide feedback as necessary.				
f. Attend the Lead Agency's public hearing and enter LAFCO's environmental disclosures into the record if they have not been included.***				
3. LAFCO PROCESS				
a. Provide public notice of LAFCO's intent to consider the CEQA review and other actions.				
b. Consider the CEQA document at a noticed public hearing for the project.				
c. Adopt mitigation measures or project alternatives as appropriate.				
d. Adopt a mitigation monitoring program (only if mitigation measures are adopted).				
e. Adopt Findings of Fact and a Statement of Overriding Considerations (EIR with significant unmitigated adverse environmental impacts).				
f. File a Notice of Determination with the County Recorder-Clerk within five days of approval.				

*If the Lead Agency does not consult with the Responsible Agency during the CEQA review process, the Responsible Agency may prepare its own CEQA document under certain conditions (§15052(a)(3)).

**Comments should be limited to those project activities, which are within LAFCO's area of expertise, are required to be carried out or approved by LAFCO, or which will be subject to the exercise of powers by LAFCO (§15096).

***If the Lead Agency fails to produce a CEQA document which the Responsible Agency believes is adequate, despite diligent LAFCO participation in the CEQA review process, the only recourse is a legal challenge (§15050).

C. LAFCO's Role. LAFCOs must use the criteria provided in CEQA when determining their specific role for a given project. In addition, each project needs

to be evaluated based upon its specific characteristics and circumstances. However, LAFCO will typically act as Lead Agency in reviewing:

- Changes of organization or reorganizations initiated by LAFCO pursuant to §56375 of the Cortese-Knox-Hertzberg Act;
- Spheres of Influence Plans and Amendments;
- Incorporations;
- Consolidations, Detachments, Dissolutions and District Formations;
- City annexations where no rezoning has been undertaken by the city prior to LAFCO approval;
- Annexations which are not a part of a larger project for which a city or county acted as Lead Agency, or for which LAFCO is the first to act; and
- When the Lead Agency is unable to undertake, or has failed to undertake, its Lead Agency role.

LAFCO is almost never the Lead Agency when a city annexation includes a concurrent prezone. CEQA specifies that the annexing City should assume that role. However, if the city so desires, LAFCO and the annexing city may develop an agreement permitting LAFCO to assume the Lead Agency role or act jointly with the City.

LAFCO acts as a Responsible Agency in most other situations. Because most LAFCO projects in El Dorado County have been initiated by a land use authority with annexations required as mitigation measures or conditions of land use approvals, or processed with prezones, LAFCO has typically served as Responsible Agency for most annexation proposals.

There may be an occasion when LAFCO must assume a Lead Agency role for a project on which it previously was a Responsible Agency. The latter circumstance is strictly regulated under CEQA and may only occur if the Lead Agency failed to conduct an environmental review, a previously prepared environmental review is outdated, or the Lead Agency failed to consult with LAFCO when it prepared its review.

1. Focusing on LAFCO's specific environmental concerns. When acting as Lead Agency for a project, LAFCO must consider all areas of concern listed in its Initial Study Checklist. As Responsible Agency, LAFCO is required to focus on areas of impact directly related to its portion of the project. Areas of impact that are most likely to require evaluation and analysis in a LAFCO CEQA document

include:

- The physical or growth inducing impacts of projects proposing to add substantial new territory to a city or district before substantial vacant land within the city or district is developed to or near capacity;
- The physical or growth inducing impacts of public service extensions including the construction of transmission lines and other facilities;
- Direct and indirect physical impacts caused if the design or capacity of a public service or facility will be exceeded, the costs of services increased or service levels decreased if the project is approved;
- Cumulative and regional impacts caused by a number of related past, present or reasonably foreseeable projects which, when considered together, cause substantial environmental damage especially loss of important open space and agricultural resources;
- Premature loss of open space and prime agricultural land caused by illogical boundaries or ill-timed expansions;
- Conversion of important open space or agricultural land to urban uses caused by the introduction of incompatible uses or urban amenities into important open space and agricultural areas;
- Air quality impacts derived from additional travel caused by boundary expansions or the creation of illogical boundaries; or
- The physical impacts of lower service levels or reductions in tax bases.

2. Mitigation Measures and Reporting or Monitoring Programs.

The Lead and Responsible Agencies are responsible for developing methods for avoiding, reducing or eliminating a proposed project's significant adverse environmental damage (§21001, §21002.1). Such methods, called mitigation measures, must be adopted by a public agency if feasible (§21002). An agency must also adopt a mitigation monitoring or reporting program which ensures that mitigation measures are actually implemented (§21081.6).

CEQA does not grant LAFCO powers that are not already authorized in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. However, LAFCO may use its discretionary authority in forms not anticipated for CEQA compliance to mitigate or avoid a significant adverse environmental effect (§15040). For example, LAFCO may modify boundaries to avoid sensitive areas or require revenue transfers that ensure that adverse project related physical

impacts do not occur.

A Lead Agency has the authority to require changes in any or all portions of a project in order to lessen or avoid environmental damage. A Responsible Agency must confine itself to adopting mitigation measures that lessen or avoid the direct or indirect environmental effects of that part of the project which it approves or carries out (§21002.1, §15041).

LAFCOs should utilize powers granted pursuant to §56375, §56375.5, §56376, §56376.5, §56377 and other applicable sections of the Cortese-Knox-Hertzberg Act whenever feasible to create a project alternative that lessens or avoids project related environmental damage and approve that alternative. This strategy enables LAFCO to avoid adopting long term mitigation programs by ensuring that the proposed project cannot become effective without LAFCO's mitigation measures being implemented.

If a Lead Agency adopted mitigation measures for which LAFCO is responsible, LAFCO may be required to provide specific performance measures or criteria for ensuring that the mitigation measures are feasible and will be implemented (§21081.6). It is useful for LAFCO to request that the a land use authority that acts as Lead Agency administer the overall mitigation program adopted by that agency.

3. Findings of Significant Impact. LAFCO may not approve or carry out a project which is expected to cause significant adverse environmental effects unless it:

- Makes one or more of the following findings with respect to each significant effect:

Changes or alterations have been required for, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIR; or

Specific overriding economic, legal, social, economic, technological or other benefits of the project outweigh the significant effects on the environment and identified considerations render proposed mitigation measures or project alternatives identified in the Final EIR infeasible. This finding shall describe the specific reasons for rejecting identified mitigation measures and project alternatives;

- And prepares or causes to be prepared written findings in each case where a Final EIR identifies a significant effect on the environment (§21081).

When acting as Responsible Agency, LAFCO may adopt the Findings of Fact and Statement of Overriding Considerations that have been adopted by the Lead

Agency or develop its own.

IV. Answers to the Most Frequently Asked Questions About CEQA.¹

1. When does CEQA apply to a proposal? CEQA only applies to projects that require discretionary approval by a public agency. A discretionary approval requires use of judgement or subjective criteria on the part of the approving agency. For example, if a project includes a request for an annexation, LAFCO would consider various factors, apply its adopted policies and approve or disapprove the annexation. The project would be discretionary and CEQA would apply (§21080 (a)).

CEQA does not apply to non-discretionary (ministerial) projects. For example, a petition submitted to LAFCO would be evaluated according to specific LAFCO and Registrar of Voters' standards to make certain that it complied with already adopted regulations. This type of action is ministerial and does not require CEQA review (§21080 (b)(1)).

2. What types of actions are considered projects under CEQA? Any proposals, or parts of such proposals, which may result in physical changes to the environment, are considered projects. The term "project" refers to the activity which could directly or indirectly cause the environmental damage. The effect on the environment must be reasonably foreseeable and the effect must be on the physical environment (§21065). Some examples of projects are the extension of sewer infrastructure through agricultural land, the expansion of a sphere of influence into important agricultural or sensitive open space areas; and incorporations which include a substantial amount prime agricultural land not planned for urbanization.

3. What types of proposals don't require CEQA review? Proposals that are specifically listed in CEQA, such as emergency repairs, and actions that do not involve the use of discretion or personal judgement. Examples of the latter include filings with the State Board of Equalization, issuing a Certificate of Sufficiency, and adoption of fees or personnel policies (§21080).

4. What is an Exemption? CEQA permits the exemption from environmental review for certain classes of projects which are not expected to damage the environment (§21084). Some projects (statutory) are specified in CEQA as exempt. Some are included in categories that have been listed as exempt in the State CEQA Guidelines. Public agencies can nominate specific classes of projects which they believe are unlikely to cause environmental damage and are therefore candidates for exemption. The State Secretary of Resources reviews

¹Additional definitions are included in LAFCO's CEQA Procedures.

candidate classes and may list them as exempt where appropriate (§21084 (a), §21087).

Some examples of class, or Categorical Exemptions, are: information collection, the establishment of agricultural preserves, renewals of Williamson Act contracts, annexations of areas containing existing structures provided that the facilities only have the capacity to serve those structures, and the consolidation of two or more districts having identical powers. General Rule exemptions are sometimes applied to certain proposals which are not expected to damage the environment and don't fit into a specific class.

Even if a proposal is included in an Exemption class, it will be subject to environmental review if the agency determines that special circumstances exist which could result in environmental damage. An annexation that might be otherwise exempt, for example, could require environmental review if it was determined that extension of facilities to the site destroyed wetlands. Therefore, LAFCO must carefully review a project's characteristics before recommending an exemption from CEQA.

5. What are CEQA procedures? All public agencies are required to adopt specific criteria, objectives and procedures for the evaluation of projects and the preparation of environmental documents (§21082, §15022). Procedures must include a list of the agency's most frequently used Exemptions. The agency must also explain how it makes environmental determinations, processes different types of documents, interacts with other agencies, maintains files, responds to comments upon documents, and discloses actions and issues to the public. Procedures should be amended to reflect changes to State requirements within 120 days of the effective date of such amendments.

Some agencies adopt a version of the State CEQA Guidelines that is tailored to meet their agency's needs. El Dorado LAFCO has adopted its own procedures pursuant to LAFCO Policy 2.23.

6. What is an Initial Study? An Initial Study is a preliminary analysis of a project. Initial Study preparers use an agency's Initial Study guidelines to identify any potential project caused environmental damage, such as loss of important agricultural land or wetlands, and provide a preliminary summary of potential environmental damages in each area. The agency also identifies methods for changing a project with the intent of eliminating or lessening (mitigating) substantial environmental damage. The results of the Initial Study are used to determine what degree of harm may occur and if additional environmental review is required.

7. If a project doesn't have any bad effects, why is it given a Negative Declaration? Receiving a Negative Declaration (ND) after an Initial Study has occurred is similar to receiving negative results on a blood test. It is a positive statement that a project will not create significant environmental harm (ND), or that the expected damage has been mitigated to a less than significant level (Mitigated ND). If a project is approved using an ND or MND, a Notice of Determination will be filed at the El Dorado Recorder-Clerk's Office which states that the project is not expected to cause significant environmental damage.

8. What is an Environmental Impact Report (EIR)? When is one required?

An EIR is an informational document intended to be used by the public and decision makers when deciding whether to approve, modify or disapprove a project. It is only required if an Initial Study indicates that a project could cause substantial environmental damage (significant adverse environmental impacts). An EIR includes a list and description of impacts and describes project alternatives or other methods (mitigation measures) for avoiding or lessening impacts.

9. What if someone believes that LAFCO is incorrectly requiring an EIR?

The LAFCO Executive Officer is available to discuss any environmental determination or issue with any interested party. If the issue cannot be resolved through discussion, any environmental determination (Exemption, ND, MND, EIR) can be appealed to the Commission. Appeals need to be filed within ten days of receipt of the determination notice and will be heard at the next regularly scheduled public hearing for which adequate notice can be given. The applicant will need to pay any fees applicable to the public hearing on the appeal.

10. What is a significant adverse environmental effect or impact? How does LAFCO determine if an impact is significant?

The term "significant adverse environmental impact" means substantial damage to the land, water, air, plants, wildlife, mineral resources, cultural resources or other environmental features. During CEQA review, analysis of the project's characteristics, consultation with local, state and federal experts, use of scientifically derived thresholds of significance, a review of other similar projects and scientific investigation are some of the methods used to independently conclude that a project may or may not have the potential to cause significant adverse environmental impacts.

11. What issues aren't evaluated in a CEQA review? CEQA does not require discussion of impacts that do not cause physical changes to the environment. For example, changes in property values, business conditions, and other economic and social issues are not generally discussed. There may be cases where an economic or other impact could cause a physical change. In those cases, issues would be evaluated as part of the CEQA process. For example, if a proposed boundary change shifts service responsibilities in a manner that

reduces revenue streams and diminishes service levels to the project site or other areas, a physical impact could occur. In such cases, the CEQA document would explore any potential physical changes that could result.

12. What is a mitigation measure? A mitigation measure is a strategy to avoid, lessen or eliminate a project's environmental damages. For example, "Amend the proposed boundaries to exclude the areas subject to Land Conservation Contracts."

13. What is a mitigation monitoring or reporting program? CEQA didn't originally require that an agency verify that mitigation measures were actually implemented. As a result, some projects which should not have damaged the environment did. CEQA now requires that agencies verify completion of mitigation measures. If mitigation measures are adopted, the agency must prepare and adopt a mitigation monitoring program which ensures that a public agency check to make certain that mitigation measures are done and done correctly.

14. Doesn't CEQA stop public agencies from approving projects that cause significant environmental damage? Don't they have to adopt the mitigation measures that have been recommended in the EIR? No. When the State legislature passed CEQA, it was aware that some environmental damage would be caused by the growth of cities and counties. CEQA was intended to ensure that decision makers and the public knew how much damage to expect, and that agencies look for feasible mitigation measures or project alternatives that would minimize or avoid the damage. The State expected that agencies would identify and approve the most environmentally sensitive project alternatives whenever possible. However, they are not required to do so.

If an agency does approve projects which cause significant environmental damage, the agency must explain why it considered recommended mitigation measures to be infeasible. The agency must also adopt findings of fact and a statement of overriding considerations which clearly explain the reasons for approving the project despite its adverse impacts. The statement of overriding considerations must include the reasons why a project's benefits outweigh its environmental costs. The need to provide economic growth, jobs, or housing are the most frequently used reasons for approving projects with substantial adverse environmental impacts.

15. What happens if a project needs local and federal approvals? The federal government does not have to comply with CEQA. However, LAFCO projects may be subject to NEPA. If a project is subject to both laws, the best course of actions is for the federal and local agencies to conduct a joint NEPA/CEQA review as encouraged by CEQA. Separate reviews are permitted. However, it is prudent for LAFCO and the project proponent to encourage concurrent processing.

16. What is the State Clearinghouse? Why does a project take longer to process if it's sent there? The State Clearinghouse, located in the State Office of Planning and Research (OPR), is a distribution center for CEQA reviews. A project is sent to the Clearinghouse if it affects natural resources tracked or managed by a state agency, may cause impacts of statewide or regional significance, or needs review by a Trustee Agency. Projects received by the State Clearinghouse are assigned state tracking numbers, mailed to appropriate state agencies, and subject to longer public review periods. The longer review periods are intended to enable state agencies enough time to comment on projects, and suggest feasible mitigation measures and project alternatives. The State Clearinghouse collects all state agency comments and forwards them to the Lead Agency. In El Dorado County, CEQA reviews of projects located within the Tahoe Basin must be sent to the State Clearinghouse.

17. How can a project that causes minimal environmental damage trigger the need for an EIR? Under CEQA, projects must be viewed from the big picture perspective. This means that the harmful effects of past, present and reasonably foreseeable projects must be evaluated cumulatively. If, for example, a proposed project causes a very small amount of prime agricultural land to be converted to urban uses, its harmful environmental impacts may be considered insignificant. However, if several nearby projects also cause similar losses, the accumulated damages may become significantly adverse. In such cases, the preparation of an EIR may be required because of cumulative adverse project related impacts.

18. How does El Dorado LAFCO determine CEQA review costs? LAFCO may charge applicants for the actual environmental review processing costs as permitted by CEQA and the Cortese-Knox-Hertzberg Act. Typical charges may include hourly rates for staff time and charges for printing and other overhead expenses. LAFCO's Executive Officer will meet with the applicant to discuss costs and provide a reasonable estimate of anticipated charges that must be paid before processing will begin. Actual costs will be determined and must be paid prior to the completion of a LAFCO action. Any fees collected in excess of actual costs will be refunded.

19. Why do I have to pay State Department of Fish and Game (F&G) fees on a LAFCO project? CEQA requires that local agencies collect fees to recover F&G costs for reviewing proposed projects that could harm fish and wildlife resources. If a project is found to be "de minimis" pursuant to CEQA, it is not expected cause damage to such resources and is not subject to F&G fees. If a project is sent to F&G because LAFCO's Environmental Coordinator is concerned that harm to wildlife resources could occur, or the State Clearinghouse sends the project to F&G for the same reasons, F&G fees will be assessed. Pursuant to CEQA, no project is deemed vested or approved until a Notice of Determination is filed which states whether a project will impact wildlife resources, and F&G fees have been paid. F&G fees are forwarded to F&G by the County. Fees are \$875 for F&G review of an EIR, and \$1,275 for F&G review of an Initial Study/Negative Declaration.

CEQA Timelines Chart
(Code Sections from CEQA and CEQA Guidelines)

Trigger Event	Action Required	Time Period	Code Section
Application received.	Notify applicant of additional information requirements.	Within 30 days	§15101
As soon as the application is deemed complete for CEQA review purposes	Lead Agency notifies each Responsible Agency, other affected agencies, anyone who has requested notice, and interested persons.	Starts clock for environmental review processing time requirements.	§15060
After receiving a consultation or scoping request from a Lead Agency.	Responsible Agency provides contact name, consults with Lead Agency, explains reasons for a particular environmental determination, identifies issues, attends meetings.	30 days	§15096 (b)(1)
After scoping meeting is requested.	Convene a meeting/consultation.	30 days	§15104
After receiving a Notice of Preparation from a Lead Agency.	Responsible Agency comments on the scope and content of the review of issues pertinent to its authorities.	As soon as possible but within 30 days	§15096 (b)(2)
Conducting an Initial Study.	Make environmental determination (ND or EIR).	30 days (15 day extension option)	§15102
After application is deemed complete.	Prepare and adopt a Negative Declaration	180 days	§15107
	Prepare and certify an EIR.	1 year (90 day extension option - private projects)	§15108
Hiring a consultant after environmental determination.	Hire the consultant.	45 days (applicant can consent to extension)	§21151.5
After completing a ND or MND.	Begin public review period.	20 days.	§15105, §15106
		30 days if sent to Clearinghouse.*	
After completing a Draft EIR.	File a Notice of Completion.	As soon as the Draft EIR is issued.	§15085

Trigger Event	Action Required	Time Period	Code Section
After completing a Draft EIR.	Begin public review period.	30 days minimum (to 90 days if warranted).	§15105
		45 days if sent to Clearinghouse.**	
Provide public notice of public review period.	Post, publish and/or mail notice of public review period.	At least the public review period.	§15072 §15087
Provide public notices.	Post notice in County Recorder-Clerk's Office.	Within 24 hours of receipt, 20 days (ND), 30 days (EIR)	§21092.3
Receive comments from a public agency.	Respond to Comments on a Draft EIR in writing.	Provide responses to public agency 10 days before Final EIR certified.	§21092.5 (a)(b)
	Notify public agency of hearing on ND for which responses were received.	Satisfied if public hearing notice provided to agency	
After project approval.	File Notice of Determination (NOD) with County Recorder-Clerk.	Within 5 working days of approval, post within 24 hrs.	§15094
After project approval.	File Notice of Exemption with County Recorder-Clerk to change legal challenge period from 180 to 35 days.	After approval.	§15062(3)(d)
NOD filed.	File legal challenges.	30 calendar days from filing date.	§15094

*The State Clearinghouse can shorten the review period to not less than 20 days when requested by a Lead Agency and due to special circumstances (§15106).

**The State Clearinghouse can change the review period to not less than 30 days or more than 90 days when requested by a Lead Agency and due to special circumstances (§15106).

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**POLICIES FOR THE IMPLEMENTATION OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)**

**Prepared for the El Dorado Local Agency Formation Commission
by Barbara Graichen, MPA, Graichen Consulting
Sacramento, California**

2.2. CEQA COMPLIANCE

- 2.21. Within the scope of LAFCO's specific mission and purposes, and as stated in §21001 of the Government Code, LAFCO shall be guided by state policy when considering projects. Those State policies that will be furthered are:
- a. Develop and maintain a high-quality environment now and in the future, and take all actions necessary to protect, rehabilitate, and enhance the environmental quality of the state (§21001 (a));
 - b. Take all actions necessary to provide the people of California with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise;
 - c. Prevent the elimination of fish and wildlife species due to people's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and wildlife communities and examples of major periods of California history;
 - d. Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment, shall be the guiding criterion when making decisions whether to approve or disapprove a proposed project (§21001 (d));
 - e. Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of existing and future generations;
 - f. Develop standards and procedures necessary to protect environmental quality; and
 - g. Consider qualitative factors as well as economic and technical factors, long-term benefits and costs in addition to short-term benefits and costs, and less damaging alternatives to proposed actions affecting the environment.

2.22. LAFCO shall implement CEQA in an effective and efficient manner while maximizing opportunities for public participation and disclosures (§21003) by:

- a. Meeting with applicants early in the process to facilitate processing and encourage modifications to the proposed project, before it is submitted, that may eliminate or avoid potential environmental impacts
- b. Integrating environmental review with other processes to the maximum extent feasible so that such processes may run concurrently;
- c. Preparing documents that are organized, readable and concise;
- d. Omitting unnecessary information and only considering feasible mitigation measures and project alternatives;
- e. Providing new technical data gathered in the CEQA process to local, state and federal agencies to support data base development;
- f. Coordinating document preparation with other agencies possessing discretionary authority over any portion of a proposed project to minimize project related costs.

2.23. LAFCO shall adopt policies and procedures for processing and administering CEQA (§21082, §15022). LAFCO intends through the appropriate use of such procedures to:

- a. Assist with the provision and maintenance of a high quality environment in El Dorado County (§21000, §21001); and
- b. Ensure ongoing CEQA compliance by initiating revisions to reflect amendments to CEQA within 120 days of the effective date of new legislation (§15022 (c)).

2.24. The Executive Officer shall serve as the Environmental Coordinator and have the authority to prepare, or cause to be prepared, the appropriate environmental documentation. The Executive Officer shall be responsible for making an environmental determination pursuant to the requirements of CEQA.

2.25. No application shall be deemed filed for processing purposes until CEQA

documentation has been completed which adequately addresses the requirements of CEQA and El Dorado LAFCO's CEQA procedures.

- 2.26. Applications for annexation to a City shall not be deemed filed until the following is provided: (1) verification of an approved prezone from the annexing City (§56375); and (2) verification of a completed CEQA and NEPA process in which LAFCO assumed the Responsible Agency role (§15042, §15050, §15051, §15096, §15381).
- 2.27. LAFCO shall not act upon any change of organization or reorganization until environmental documentation has been approved which adequately addresses all potential areas of environmental concern.
- 2.28. LAFCO shall use the Environmental Impact Report prepared by the Tahoe Regional Planning Compact when applicable and available (§66081, §21083.5).
- 2.29. Criteria for determining the Lead Agency is contained in §15051. LAFCO will typically act as Lead Agency in reviewing:
 - a. Changes of organization or reorganizations initiated by LAFCO pursuant to §56375 of the Cortese-Knox-Hertzberg Act;
 - b. Spheres of Influence Plans and Amendments;
 - c. Incorporations;
 - d. Consolidations, Detachments, Dissolutions and District Formations;
 - e. City annexations where no rezoning has been undertaken by the city prior to LAFCO approval;
 - f. Annexations which are not a part of a larger project for which a city or county acted as Lead Agency, or for which LAFCO is the first to act; and
 - g. When the Lead Agency is unable to undertake, or has failed to undertake, required CEQA responsibilities pursuant to §15052.
- 2.210. LAFCO shall assume the Responsible Agency role for annexations that include a prezone unless the Lead Agency did not consult with LAFCO pursuant to §15051(c) and §15052 (a)(3), and the environmental document failed to describe, or adequately disclose the impacts of, LAFCO's actions.

- 2.211. Because LAFCO projects in El Dorado County are generally initiated by a land use authority with annexations required as conditions of land use approvals, or processed with prezones, LAFCO is expected to assume the Responsible Agency role for most annexation proposals. In cases, where LAFCO and another public agency qualify for Lead Agency status, the agency with the greatest responsibility for carrying out the project should assume the Lead Agency role.
- 2.212. LAFCO shall assume a Lead Agency role for a project for which it was a Responsible Agency if the Lead Agency failed to conduct an environmental review, a previously prepared environmental review is outdated or substantive new technical data or new information is available, or the Lead Agency failed to consult with LAFCO when it prepared its review (§15052).
- 2.213. When acting as Responsible Agency, LAFCO's Environmental Coordinator shall encourage the Lead Agency to consult with LAFCO early in the environmental review process in order to facilitate and coordinate the evaluation of impacts related to future LAFCO actions. LAFCO shall respond to Notices of Preparation, requests for consultations and other reasonable information requests as soon as feasible (§15103, §15082 (b), §15096 (b)).
- 2.214. LAFCO will comment, consistent with its legislated mandate and adopted mission, upon Notices of Preparation for Environmental Impact Reports for projects that may cause the conversion of important prime agricultural, open space and resource lands, not scheduled for development within five years of project approval, to urban uses (§56301).
- 2.215. When determining the significance of a potential environmental impact, LAFCO shall consult with Responsible and Trustee Agencies and may consult with any agencies that might provide guidance in determining the extent and nature of impacts (§15082, §15086, §15096). Where feasible, LAFCO shall use thresholds of significance established by the state, El Dorado County, the local air quality management district, county agricultural commission, and any other local entity possessing the technical expertise and statutory authority to determine levels of significance.
- 2.216. When evaluating environmental impacts discovered during the Initial Study process, LAFCO will identify such impacts as potentially significant and adverse if:
- Buildout of the proposed project may cause service levels to decline

below established standards, costs of service provision to rise substantially to the detriment of service levels, or cause those currently receiving service to receive reduced or inadequate services especially when such change may cause adverse health and safety or other physical impacts;

- Buildout of the proposed project may cause the infrastructure capacity of a service provider to exceed planned and safe limits especially when such change may cause adverse health and safety or other physical impacts;
- The proposed project includes or plans for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not planned for development, especially those containing prime agricultural land, mineral, sensitive plant and wildlife or other important resources;
- The proposed plan could cause health and safety or other physical impacts because a service provider is incapable of providing service, the proposal has an illogical boundary, or elements needed to provide service (water supply, treatment facilities, equipment, energy) are not available, or stressed beyond capacity.
- The proposed project may result in substantial loss of prime agricultural and important open space or resource land;
- The proposed project may cause premature, ill planned, illogical, or inefficient conversion of prime agricultural, open space, mineral resource or other important resource areas not planned for development in the next five years;
- The proposed project is substantially inconsistent with applicable Sphere of Influence Plans, long range and area service plans, phased land use plans of any city or county, or resource conservation plans of the state or federal government.

In the case of Sphere of Influence and area of service plans, the Environmental Coordinator reviews the appropriate plans and determines whether the level of significance warrants additional review. In the case of public agency land use or resource plans, the affected agency shall provide specific information regarding the nature and substance of the project's potential impacts upon its plans or programs.

- The proposed project may induce substantial growth on important agricultural and open space lands because it would:

- ◆ Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or other public facilities that would permit new development in a substantial area currently constrained from development;
 - ◆ Encourage or foster development by permitting uses that adversely impact adjacent agricultural operations, significantly increase property values of adjacent or proximate resource land, or remove natural or man made buffers between urban and agricultural, mining or other conservation uses.
 - ◆ Be adversely and substantially inconsistent with the agricultural, open space, resource conservation or preservation, growth management, trip reduction, air quality improvement or other plans, policies or Ordinances of the General, Community, Specific or other Plan of the land use jurisdiction responsible for the project site or vicinity.
- The proposed project, when considered in conjunction with other recent, present and reasonably foreseeable projects, may cause significant adverse cumulative impacts;
 - The project would result in substantial noncontiguous development which, in turn, results in adverse physical impacts;
 - There is no need for service and the proposed project adversely affects important public resources or the public health and safety;
 - The project would adversely impact animal or plant species either listed as, or determined to be, endangered, rare, or threatened as provided in §15380; or
 - Project related impacts are identified as potentially significant when completing the Initial Study checklist adopted as Exhibit A of LAFCO's CEQA procedures.
- 2.217. LAFCO shall not charge public agencies having jurisdiction related to the project, or individuals or organizations possessing special expertise and from whom the Environmental Coordinator desires input into an environmental analysis, for environmental document reproduction costs.
- 2.218. Consultants may prepare Initial Studies only if hired and supervised

directly by LAFCO. If consultants are used to prepare an EIR, the Environmental Coordinator shall ensure that the environmental documentation:

- Is completed pursuant to a phased plan developed by the Environmental Coordinator and within the timelines established by CEQA; and
- Contains required environmental analysis and disclosures of issues identified in the Initial Study;
- Reflects the independent judgement of the Lead Agency; and
- Is adequate and complete pursuant to the requirements of CEQA (§21082.1).

- 2.219. In the event that a consultant is unable to produce an adequate environmental document, the Environmental Coordinator shall assume control of document preparation to ensure that CEQA issues are adequately addressed and processing timelines met (§21082.1).
- 2.220. Upon request by a public agency that provides services within El Dorado County but is unable or unwilling to fulfill the function, LAFCO may assume the Lead Agency role at the discretion of the Executive Officer for the purpose of providing environmental review for projects initiated by those governmental agencies. A written agreement will be required.
- 2.221. LAFCO shall use its authority, pursuant to §56375, §56375.5, §56376, §56376.5, §56377 and other applicable sections of the Cortese-Knox-Hertzberg Act, to make a project self mitigating whenever feasible (§15040, §15041, §21002).
- 2.222. Consistent with §21002 of CEQA, it shall be the policy of El Dorado LAFCO that no projects should be approved as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.
- 2.223. LAFCO shall conduct a hearing on a Negative Declaration, Mitigated Negative Declaration and Draft EIR.
- 2.224. A Notice of Intent to adopt or consider a Negative Declaration or Mitigated Negative Declaration shall be provided to the public not less than twenty (20) days in advance of the hearing.

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***EL DORADO COUNTY
LOCAL AGENCY FORMATION COMMISSION***

POLICIES

AND

GUIDELINES

Adopted

November 7, 1988

Revised

September 6, 1990, February 1, 1996,
December 5, 1996, November 5, 1998,
July 1, 1999, July 1, 2001,

December 5, 2002, March 26, 2003, May 28, 2003

EL DORADO COUNTY
LOCAL AGENCY FORMATION COMMISSION

COMMISSIONERS

City Members

Robert Salazar (City of Placerville)
Tom Davis (City of South Lake Tahoe)

County Board of Supervisors Members

Rusty Dupray
Charlie Paine

Public Member

Aldon R. Manard

Special Districts Members

Open

Gary Costamagna (El Dorado Hills County Water District)

ALTERNATE COMMISSIONERS

Kathi Lishman, City
Helen Baumann, County
George Wheeldon, Special Districts
Francesca Loftis, Public

Staff

Roseanne Chamberlain, Executive Officer
Susan Stahmann, Commission Clerk
Corinne Fratini, Policy Analyst
Thomas R. Parker, Counsel

With assistance from **Graichen Consulting**, Barbara Graichen, Principal

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LOCAL AGENCY FORMATION COMMISSION
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1. GENERAL¹

1.1 TITLE

This Commission shall be entitled and known as the El Dorado Local Agency Formation Commission (“El Dorado LAFCO”).

1.2 MISSION

The Local Agency Formation Commission coordinates logical and timely changes in local governmental boundaries (§56001); conducts special studies which review ways to reorganize, simplify and streamline governmental structures (§56031); and prepares spheres of influence for each city and special district within the County (§56425). The Commission promotes provision of efficient and economical services while encouraging protection of agricultural and open space lands (§56001, §56300). Further efforts include discouraging urban sprawl and encouraging orderly formation and development of local agencies based upon local conditions and circumstances (§56301).

Local Agency Formation Commissions are independent commissions that are not a part of county government. Each Commissioner is independent when weighing and reviewing information and when making determinations (Attorney General Opinion 98.802). The mission of the El Dorado County Local Agency Formation Commission is to act by implementing the Cortese-Knox-Hertzberg Act (§56381, §56001) and through the adoption of policies and guidelines (Approved June 5, 1997).

This document contains the policies, procedures and guidelines needed to implement LAFCO’s mission. The provisions of these policies, procedures and guidelines are not intended to preempt state law. In the event of a conflict between these policies and guidelines, and the provisions set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the provisions of the Act

¹Note: All code notations in the Policies and Guidelines refer to California Government Code unless otherwise noted.

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shall prevail.

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1.3 MEMBERSHIP

1.3.1 Membership: El Dorado LAFCO shall be composed of seven regular members and four alternate members (§56325, §56332). All members must be residents of El Dorado County.

- (a) County: Two members and one alternate from the County Board of Supervisors are selected by that Board (§56325).
- (b) City: Two City Council Members and one alternate are designated by the City Selection Committee (§56325).
- (c) Special Districts: Two members from the Special Districts and one alternate are selected by the Special Districts Selection Committee (§56332).
- (d) Public Member: The Public Member and one alternate Public Member are appointed by the other six Commissioners (§56325(d)) in the following manner:

Application Process (Approved 7/24/02)

- (a) The vacancy shall be posted by the Clerk of the LAFCO Commission within 21 days after the vacancy occurs (§54974). At the same time notice shall be published in a newspaper of general circulation and mailed to all cities, the Board of Supervisors, all independent districts, and any member of the public who has requested such notice in writing.
- (b) The application period will run 30 days from the date of posting. Applications with attached resumes shall be submitted to the LAFCO Clerk within 30 days of the date posted.
- (c) All applicants shall be interviewed by the full Commission during the next regularly scheduled LAFCO meeting for which notice can be given. If a large number of applicants submit applications, the interviews may be continued to a subsequent meeting. All applicants are expected to attend interview sessions.

Selection Process

- (2) Selection of the public member and alternate public

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member shall be subject to the affirmative votes of at least one City, County, and District member seated on LAFCO. (§56325(d)).

- (1) A written ballot containing the names of all qualified applicants and the names of each Commissioner will be distributed to all voting members of the Commission. The applicant receiving four (4) or more votes in the correct categories shall be appointed.
- (c) In the event of a tie vote, or if one candidate does not receive a majority vote from the Commission, a runoff vote or votes will be conducted.
- (4) Results of each ballot will be a matter of public record and be available to the public upon request under the Brown Act and Public Records Act. Ballots will be retained for a period of six (6) months.

1.3.2 Alternate Commissioners: Alternate Commissioners are encouraged to take an active role in El Dorado LAFCO business including discussions and deliberations on project proposals, CALAFCO legislative activities and training workshops, interagency coordination and communication, and participation in policy development and other working groups.

Alternate members may vote in place of the regular member who is absent or who disqualifies himself or herself from participating in an action (§56325). However, Alternate Commissioners do not routinely participate in closed sessions (Attorney General Opinion 98-1011; approved March 4, 1999). The Commission, by a motion, may invite the participation of alternates as guests in closed sessions.

1.3.3 Term of Office: The term of each member shall be four years. Commissioners serve until the appointment and qualification of a successor or until removed by the appointing body (§56334). A Commissioner is required to vacate their seat if he or she ceases to hold the originating office (§56337). Terms begin on the first Monday of January (approved 1/24/02).

1.3.4 New Commissioners joining El Dorado LAFCO shall meet with the

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Executive Officer for an orientation to the agency within 45 days of assuming office. New Commissioners are encouraged to attend courses or programs about the functions and responsibilities of LAFCO, particularly CALAFCO sessions, within their first year of service to LAFCO.

1.3.5 Each Commissioner and Alternate shall sign the Code of Ethics adopted by El Dorado LAFCO and adhere to its standards and precepts. The signed code of ethics shall be filed with LAFCO.

1.3.6 Removal of Members: The Commission may recommend to the appointing authority that a member be removed for the following reasons:

- (a) The absence of that member from three consecutive meetings or more than half the meetings in any 12 month period.
- (b) Malfeasance of office or dereliction of duty by that member.
- (c) Refusal to sign and comply with the LAFCO Code of Ethics (Appendix "Y").
- (d) Failure to complete required financial disclosure documents in a timely manner.

1.3.7 All Commission members shall exercise their independent judgement on behalf of the interests of residents, property owners, and the public as a whole. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority (§56325.1).

1.4 OTHER

1.4.1 With the exception of County Board of Supervisors representatives, Commission members and alternates receive a meeting stipend as set by the Commission and are reimbursed for reasonable and necessary expenses incurred in performing the duties of their office (§56334).

1.4.2 It is the policy of El Dorado County LAFCO to be a member of CALAFCO and to support and actively participate in the State association.

1.5 DOCUMENTS

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- 1.5.1 Subject to the discretion of the Executive Officer, printed material relevant to the business of LAFCO, including proposed or anticipated LAFCO actions, may be included in the meeting packet on an informational basis. Printed items submitted to staff by a Commissioner will be distributed to the Commission if the Commissioner clearly directs staff to do so. Commissioners are urged to consider copying and distribution costs for such materials at the time of their request.
- 1.5.2 No staff member will distribute campaign related documents or items unrelated to the business of LAFCO (Government Code §54964, Penal Code 424).
- 1.5.3 Documents provided by staff to individual Commissioners, other than public LAFCO records, will be distributed to the entire Commission. Commissioners are urged to consider copying and distribution costs for such materials when requesting such materials.
- 1.5.4 All persons are invited to submit written comments for any matters set for hearing before LAFCO. Members of the public are strongly urged to submit their comments sufficiently in advance of meetings to allow Commissioners to review and absorb the information.
 - (1) Written comments will be included in the meeting packet if received by staff prior to the distribution of the packet.
 - (2) Written comments received up to 24 hours prior to the LAFCO meeting will be duplicated by staff for distribution at the meeting.
 - (3) Persons submitting written comments less than 24 hours before a LAFCO meeting must provide 15 copies for distribution, or may also directly distribute their written comments and materials to the Commission anytime prior to the close of the public hearing.

1.6 OFFICERS

- 1.6.1 Elections: The Chair (§56334) and Vice Chair shall be elected by a majority vote of the Commission. Elections shall be held annually at the first regular Commission meeting of the calendar year.
- 1.6.2 Terms of Office: The offices of Chair and Vice Chair are one year terms. No Commission member shall serve more than two consecutive one year

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terms in the same office.

- 1.6.3 Duties of Chair: The Chair, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by these rules. The Chair shall preserve order and decorum, set time limits for speakers, and shall decide all questions of order subject to the action of a majority of the Commission.

The Chair may also, from time to time, appoint Commission members to subcommittees and may call special meetings as necessary and as provided by law (§54956). All documents involving official acts of the Commission shall be signed in accordance with appropriate statutes relating to such acts. In the absence of specific regulations, the signature of the presiding officer shall be deemed sufficient.

- 1.6.4 Duties of Vice-Chair: In the absence of the Chair or if for any reason the Chair is unable to act as Chair, the Vice Chair shall act as Chair and exercise all the powers and duties of the Chair.

- 1.6.5 Chair Pro Tem: In the absence of the Chair or Vice Chair or if the Chair or Vice Chair is unable to participate in the proceedings, the members of the Commission present shall, by an order entered in the minutes, select one of their members to act as Chair Pro Tem with all the powers and duties of the Chair (Robert's Rules of Order).

- 1.6.6 Spokesperson: The Commission may, from time to time, designate a spokesperson to represent the Commission for a particular matter.

- 1.6.7 Speaking in Public: All Commissioners, when speaking in public forums of any kind, must clearly state that they are expressing their own views, unless they have been designated to be the spokesperson on that matter and to represent the Commission.

1.7 MEETINGS

- 1.7.1 Time and Place: Regular meetings are conducted monthly (§54954) and are usually held in the Meeting Room in Building C of the County Government Center located at 2850 Fairlane Court, Placerville, California. A meeting schedule is adopted annually, The Commission may change the meeting schedule or location, add or cancel hearings.

- 1.7.2 Special Meetings: The Chair, Executive Officer or a majority of the

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Commission may call a special meeting at any time, pursuant to the provisions of Government Code 54956. "For the majority to act, there is implied authority for them to communicate to determine if they want to call a special meeting" (Open & Public III: A user's guide to the Ralph M. Brown Act).

- 1.7.3 Notice: Public notice of meetings will be provided in accordance with the provisions of the Cortese-Knox-Hertzberg Act, the Brown Act, and the California Environmental Quality Act, as applicable. The Executive Officer may provide public notice, above that required by law, when appropriate. The meeting agenda will be provided to LAFCO's established agenda mailing list, including appropriate media, project proponents, and interested parties requesting notice for a specific hearing.

1.8 AGENDAS

- 1.8.1 Items are placed on the meeting agenda by any member of the Commission, the Executive Officer, or by the Commission's direction or consensus.
- 1.8.2 Meeting agendas will be provided to LAFCO's established agenda mailing list, including appropriate media, project proponents, and interested parties requesting notice for a specific hearing.
- 1.8.3 In accordance with the Ralph M. Brown Act, the Commission may not take action on any items that do not appear on the El Dorado LAFCO agenda posted 72 hours prior to the meeting unless an exception is made as permitted under Government Code Section 54954.2 (immediate action required, etc).

1.9 QUORUM, VOTING AND CONDUCT OF MEETINGS

- 1.9.1 Quorum: Four members of the Commission constitute a quorum for the transaction of business. In the absence of a quorum, the members present shall adjourn the hearing to a stated time and place (Robert's Rules of Order).
- 1.9.2 Voting: Roll call shall be conducted in random order, with the Chair voting last. No act of the Commission shall be valid or binding unless four or more members concur. A tie vote, or any failure to act by at least four affirmative votes, shall constitute a denial.
- 1.9.3 Conduct of Meetings:

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- (a) *Robert's Rules of Order* is the general guide for conducting meetings and will be used to resolve points of order.
- (b) The usual order of business is as follows:
 - (i) Call to Order
 - (ii) Roll Call
 - (iii) Adoption of Agenda
 - (iv) Consent Items
 - (v) Public Comment/Public Forum
 - (vi) Contested Matters/Public Hearings
 - (vii) Executive Officer's Report
 - (viii) Commissioner's Reports
 - (ix) Adjournment

1.9.4 Consent items are voted on in a group with one motion.

- (a) If any member of the Commission desires that a separate vote be taken on any individual matter listed with the consent items, then that matter may be removed from the consent agenda and voted on separately.
- (2) Discussion and public comment on all matters listed with the consent items may occur without removing it from the consent agenda for a separate vote.
- (c) A Commissioner may record an abstention on one or more matters listed on the consent by so stating at the time the vote is taken.

1.9.5 Public Comment/Public Forum: Any person wishing to address the Commission on any item within LAFCO's jurisdiction but **not** appearing on the agenda may do so during this section of the agenda (Section 54954.3). The Commission cannot take action on an item that is not listed on the agenda. The time limit is three minutes per speaker, subject to the discretion of the chair.

1.9.6 Contested Matters/Public Hearings: The usual order of the public hearing for each agenda items is as follows: The item is announced and the staff report and recommendation is presented. The Commission may discuss the item, asking questions and/or making comments. The public hearing is opened and each person requesting to speak on the agenda item is called to testify. The public hearing is then closed and the Commission discusses the item and/or takes action on the matter.

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1.9.7 The Executive Officer shall provide periodic reports to the Commission on agency activities, pending projects, and the budget.

1.9.8 Commissioners' reports may include individual or committee activities, intergovernmental items, announcements and other relevant matters.

1.9.9 Speakers:

(1) All communications from the floor are addressed to the Commission.

(2) Members of the public are requested to identify themselves and to sign in with the Clerk (Section 54953.3).

(3) No person is allowed to speak from the audience.

(4) Each speaker is allowed to speak once on agenda items.

1.9.10 Time Limits: The Chairman may limit the time for speakers or may limit the total time allotted for any individual item. The usual time limit is three minutes for speakers.

(a) The main proponent of an item and spokespersons representing groups will be allowed five minutes. Speakers are allowed to speak once on any agenda item.

(b) The principal proponent of a contested item will be allowed a three minute rebuttal. The Commission may ask follow-up questions of any speaker. Time limits are subject to the discretion of the Chair.

2. LAFCO OPERATIONS

2.1 LAFCO BUDGET

As stated in Section 1.1, under the law and LAFCO's Policies and Guidelines, LAFCO is an independent Commission that adopts and administers its own budget and controls its expenditures. Government Code §56381, et. seq., and the following

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policies will control the LAFCO budget process:

- 2.1.1 Adoption of Budget: The Commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15 in the manner prescribed by §56381.
- 2.1.2 Open, collaborative process: LAFCO will encourage an open, collaborative process in the development and approval of its budget. LAFCO will encourage efforts to equitably apportion or reapportion the cost of its budget. In addition, LAFCO will encourage cooperation and collaborative efforts among agencies in order to reduce the costs of special projects, studies and state mandates.
- 2.1.3 Adoption of Work Plan: LAFCO will annually review and adopt a work plan to fulfill the purposes and programs of state law and local policy. The work plan will guide the development of the budget.
- 2.1.4 Resources: The budget will identify the resources available for LAFCO's use under the law and those resources necessary for the purpose of carrying out state law and the Commission's goals and policies.
- 2.1.5 Budget Administrator: The LAFCO Executive Officer shall serve as budget administrator to prepare, present, transmit, review, execute and maintain the LAFCO budget.
- 2.1.6 Fees: Fees charged by LAFCO are set at the maximum justifiable level to recover the costs of processing applications.
- 2.1.7 Reserve: The annual budget will include an operating contingency set at 10% of total operating expense.
- 2.1.8 Expense Claims: Claims for expenses, other than usual employee costs (salaries and benefits) fixed intra-county service charges, are reviewed and approved by Commission action.
- 2.1.9 Payments: If the county, a city, or an independent special district does not remit its required payment within 60 days, the Auditor shall collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the city, county, or special district (§56381 (c)).
- 2.1.10 Advance: At the first of each fiscal year, the Board of Supervisors shall transmit an advance equal to 1/6 of the final LAFCO budget to cover the first two months expenses of each fiscal year (§56381 (c)).

2.2 LAFCO FEES

2.2.1 Application of Fees

- (a) The Commission shall annually review fees and adopt a fee schedule for the purpose of recovering the costs pursuant to the Cortese-Knox-Hertzberg Act (§56383(a),§56384, §66016). See Section 7.2, Fee Schedule.
- (b) The schedule of fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged and shall be

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imposed pursuant to §66016 and §56383).

- (c) No petition shall be deemed filed until the fee has been deposited (§56383(c)).
- (d) Any individual or entity that requests a LAFCO initiated study or service review of special district changes of organization or reorganization shall be responsible for required fees. Fees are due immediately after LAFCO acts to initiate the study. LAFCO will encourage cooperatively developed fee sharing agreements for LAFCO initiated multi-agency service reviews.

2.2.2 De Minimis² Project Fee Waivers (Approved September 4, 1997)

- (a) Proposed projects which include requests for minor administrative or corrective actions shall be “De Minimis” for application processing and fee collection purposes if staff determines that the project:
 - is consistent with Section 56668, factors to be considered, and LAFCO policies and procedures;
 - will not cause significant adverse impacts upon any agency or individual;
 - does not involve any new extension of service;
 - is proceeding with the consent of all affected landowners; and
 - is defined as ministerial under, or qualifies for an Exemption from, the requirements of the California Environmental Quality Act.
- (b) De Minimis projects may be approved without notice or public hearing (§56662 and §56663).

2.2.3 Appeal of Fees

- (1) LAFCO fees may be appealed before the Commission.
- (b) Appeals shall be submitted in writing with the application and contain specific justifications for the request. The appeal will be considered at the next LAFCO hearing.
- (c) Project processing will not begin until a fee determination is rendered by LAFCO.
- (d) The Commission may waive, defer or reduce fees based

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on the determination that the payment of such fee will result in undue and extra hardship to the applicant that is not caused by the applicant's own action, and where it can be demonstrated that the project is necessary for the public health, safety and welfare (§56383 (d) & (f)).

- (e) The Commission will consider the budget impacts of any fee waivers or reductions.

2.2.4 Refunds

- (a) If an application is withdrawn, LAFCO will refund fifty percent of the submitted fee, or a sum equal to the original fee minus processing costs to date, whichever ensures that LAFCO recovers its actual costs.
- (b) No refunds will be provided after a public hearing has been scheduled and LAFCO's scheduling procedure has been concluded. (Scheduling procedure includes mailed notices, legal ads, other agency notification.)
- (c) Projects which change substantially and require major revisions of previously completed work may be subject to the collection of additional fees (Adopted March 6, 1997).

2.2.5 Legal Defense Fees

- (a) The direct costs for legal defense of a LAFCO approval are considered application processing costs and are the responsibility of the applicant.
- (b) As a condition of approval for any action, the Commission will impose a condition which requires, in the event of legal challenges, that the applicant assume the full legal defense costs because they are a liability incurred by LAFCO after, and as a result of, project approval (§56886(f), §56383).
- (c) The Commission reserves the right to waive payment if it finds that payment of such fee will result in extraordinary hardship to the applicant, and where it can be demonstrated that the project is necessary

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for the public health, safety and welfare.

- (d) The Commission may include, within its resolution of approval, a condition which requires the applicant to defend, indemnify, and hold the Commission harmless, in the event that legal action is taken against LAFCO as a direct result of a project's approval.
- (e) The Executive Officer shall notify an applicant of any legal action brought challenging the Commission's action, and the Commission, its agents, and employees shall cooperate fully in the defense of that action.
- (f) The applicant may provide his or her own counsel in the defense of the action taken, under the supervision of LAFCO Counsel, or the applicant may elect to use the services of LAFCO Counsel in that defense. In either case, the Executive Officer may require a deposit of funds sufficient to cover estimated expenses of the litigation (§56383(c)).

2.3 PERSONNEL POLICIES

The Commission intends to use the services available to county departments insofar as such services support the goals and mission of LAFCO. This shall not be construed to restrict or limit in any way the statutory authority of LAFCO as an independent local agency. LAFCO will comply with all applicable laws related to its operations and administration; the provisions of these policies are not intended to preempt state or federal laws.

2.3.1 Employee Status: The Executive Officer serves at the pleasure of the Commission. The Executive Officer shall conduct and perform the day-to-day business of the

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Commission (§56384), including the management and supervision of its staff. Policy and technical questions and suggestions for staff from Commissioners are routed through the Executive Officer.

2.3.2 Number/Classification of Positions: LAFCO shall specify the number and classification of all positions. A salary scale and position description specifying duties and responsibilities for each classification/position will be approved by LAFCO; each LAFCO position will be linked by the Commission to a comparable or similar classification within the El Dorado County classification plan.

2.3.3 Employee Benefits: All changes approved by the Board of Supervisors for county employees in comparable positions will be reviewed and considered by LAFCO for its employees. Unless otherwise specified by LAFCO policy, employees of LAFCO shall receive benefits available to employees of El Dorado County in comparable classifications.

2.3.4 Types of Employee Benefits: It is the intent of LAFCO to participate in the group insurance plans and pension plans of El Dorado County, including:

- medical/dental plans, life insurance and long term disability, vision, state disability, temporary disability, retiree health contribution, annual medical exam, employee assistance program
- optional benefits plans including but not limited to unreimbursed health care, dependent care, supplemental life insurance, health care accounts and deferred compensation contribution

2.3.5 Employee Policies and Regulations: Unless otherwise specified by LAFCO, policies and regulations in the County Salary and Benefits resolution and related ordinances will apply to El Dorado LAFCO employees, including:

- hours of work, overtime, compensatory time off, rest periods and meals periods.
- vacation, holidays, accruals, use, scheduling, donations, etc.
- sick leave, accruals, use, eligibility, integration

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with other benefits, payment for unused sick leave, administration of sick leave, and medical leaves of absence

- payroll, pay periods and pay days
- promotion, reclassification, demotion, restoration/revision of anniversary date, reemployment
- supervisory and management leave, accruals, and payment for unused leave use
- leave of absence, military leave, jury duty, court appearances
- use of facilities, county building closures, parking, smoking
- tuition reimbursement and employer-required training
- travel, expense reimbursement, vehicle use
- Equal Employment Opportunity and Affirmative Action plans as applicable.
- Injury and illness prevention, safety expectations, substance abuse, work place violence prevention as applicable

2.3.6 Exceptions

- Longevity Pay is not provided by LAFCO.
- Retiree Health Insurance Benefits for LAFCO employees will be the same as those of El Dorado County, although LAFCO does not participate in the County's pre-funding program and will independently fund such benefit.

2.3.7 Discrimination/Harassment Policy: The Commission adopts by this reference the County Discrimination and Harassment Policy, as currently set forth and as may be amended from time to time by the County. The Executive Officer of LAFCO is designated as the Equal Employment Opportunity (EEO) Officer for LAFCO, responsible for conducting appropriate investigations including those rising from the California Department of Fair Employment and Housing (DFEH), Equal Employment Opportunity Commission (EEOC) or other employment related complaints. Complaints which cannot be resolved by the Executive Officer or which involve the Executive Officer will be referred to the LAFCO Commission for appropriate investigation and resolution. Personnel matters shall be heard by the Commission pursuant to the Brown Act and any other applicable state laws.

2.3.8 Grievance Procedure: All grievances, excluding discrimination and harassment allegations, shall be brought to the attention of the Executive Officer within five (5) working days of the incident or occurrence giving rise to the complaint. The Executive Officer will review and/or investigate the

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complaint and provide an answer in writing within thirty (30) days of the referral of the grievance to him or her, or as promptly as possible if a written answer cannot be provided within that thirty (30) day period. Grievances which involve the Executive Officer or cannot be resolved by the Executive Officer, will be referred to the Commission at the next regularly scheduled Commission meeting for which notice can be given. Personnel matters shall be heard by the Commission pursuant to the Brown Act and any other applicable state laws and the Commission decision shall be final and binding on all parties.

3. GENERAL POLICIES, REQUIREMENTS AND CRITERIA

This section includes general policies, requirements and criteria that apply to all LAFCO actions. There may be cases when the Commission must use its discretion in the application of these policies so that potential or real conflicts among policies are balanced and resolved based on project specifics and so that these policies remain consistent with the requirements of the Cortese-Knox-Hertzberg Act of 2000.

3.1. APPLICATION PROCESS

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- 3.1.1 All applications for consideration by the Commission are to be submitted on LAFCO application forms (§56652). See Appendix E, Application Forms.
- 3.1.2 Applications shall be processed in an efficient and orderly manner that reduces hardship upon the applicant while ensuring consistency with the Cortese-Knox-Hertzberg Act of 2000. To that end, the applicant or applicant's representative shall be required to attend a pre-application submittal meeting to receive direction and advice regarding the processing needs and requirements of the specific action to be considered.
- 3.1.3 Any application submitted to LAFCO is considered a preliminary submittal and will not be deemed filed until such time as all required information, fees and materials are received. Preliminary processing may occur during the preliminary submittal phase.
- 3.1.4 Applicants will be required to provide information adequate to permit LAFCO to fully consider all factors required by law including, but not limited to the following (§56668, §56375):
 - a. Population; population density; land area and land use; per capita assessed evaluation; topography; natural boundaries and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and_unincorporated areas, during the next ten years.
 - b. Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.
 - c. Effect of the proposed action and of alternate actions, on adjacent areas, on mutual economic or social interests, and on the local governmental structure of the county.
 - d. Conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the open space conservation policies and priorities set forth in Section 56377.
 - e. Effect of the proposal on maintaining the physical and economic integrity of agricultural lands as defined by Section 56016.
 - f. The definiteness and certainty of the boundaries of the territory, the

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nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

- g. Consistency with city or county general and specific plans.
 - h. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
 - i. The comments of any affected local agency.
10. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
11. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
12. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.
13. Any information or comments from the landowner or owners.
14. Any information relating to existing land use designations.

3.1.5 No application shall be deemed filed until resolutions providing for an agreement for redistribution of property tax are received (§56810, §56815.) Once property tax exchange negotiations have been initiated by transmittal of the schedules prepared by the County Auditor/Controller, six months will be allowed for completion of negotiations (Revenue and Taxation Code §99 (b)(6), §99.01 (4)).

3.1.6 No application shall be deemed filed for processing purposes until the Executive Officer makes an environmental determination pursuant to the requirements of the California Environmental Quality Act (Policy 3.2.4) and environmental documentation has been

completed that adequately addresses the requirements of CEQA and El Dorado LAFCO's CEQA Procedures (Policy 3.2.5).

- 3.1.6 Additional application requirements including maps, fees, signed application forms, etc. must be completed within six months following the property tax redistribution agreement. If the application remains incomplete after six months the project will be closed and the proposal will be terminated.
- 3.1.7 Immediately after receiving an application and before issuing a certificate of filing, LAFCO shall notify the appropriate agencies pursuant to §56658(b), provide relevant application related information, and request review and comment on the proposal.
- 3.1.8 LAFCO encourages consolidated applications when related changes of organization are expected for adjacent territories. Applicants are strongly encouraged to include the adjacent territory and combine applications where possible.
 - a. If the applicants choose to proceed with separate proposals, each applicant will provide a map that indicates the location, size and boundaries of adjacent applications.
 - b. LAFCO shall consider related applications at the same hearing when feasible, and may modify boundaries, including the addition of adjacent parcels, to encourage the orderly formation and development of local agencies based upon local conditions and circumstances (§56001, §56300, §56301).
- 3.1.9 If a project site can be anticipated to require one or more additional changes of organization that are timely and not part of the submitted application, LAFCO shall require that the application be filed as a reorganization.
- 3.1.10 Agencies shall comply fully with the Commission's requests for information necessary to prepare studies or process an application (§56378, §56386).

3.2 **CEQA COMPLIANCE**

3.2.1 Within the scope of LAFCO's specific mission and purposes, and as stated in §21001 of the Government Code, LAFCO shall be guided by state policy when considering projects. Those State policies that will be furthered are:

- a. Develop and maintain a high-quality environment now and in the future, and take all actions necessary to protect, rehabilitate, and enhance the environmental quality of the state (§21001 (a));
- b. Take all actions necessary to provide the people of California with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise;
- c. Prevent the elimination of fish and wildlife species due to people's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and wildlife communities and examples of major periods of California history;
- d. Ensure that the long term protection of the environment, consistent with the provision of a decent home and suitable living environment, shall be the guiding criterion when making decisions whether to approve or disapprove a proposed project (§21001 (d));
- e. Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of existing and future generations;
- f. Develop standards and procedures necessary to protect environmental quality; and
- g. Consider qualitative factors as well as economic and technical factors, long term benefits and costs in addition to short term benefits and costs, and less damaging alternatives to proposed actions affecting the environment.

3.2.2 LAFCO shall implement CEQA in an effective and efficient manner while maximizing opportunities for public participation and disclosures (§21003) by:

1. Meeting with applicants early in the process to facilitate processing and encourage modifications to the proposed project, before it is submitted, that may eliminate or avoid potential environmental impacts.
- b. Integrating environmental review with other processes to the maximum extent feasible so that such processes may run concurrently;
- c. Preparing documents that are organized, readable and

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concise;

- d. Omitting unnecessary information and only considering feasible mitigation measures and project alternatives;
- 5. Providing new technical data gathered in the CEQA process to local, state and federal agencies to support data base development;
- f. Coordinating document preparation with other agencies possessing discretionary authority over any portion of a proposed project to minimize project related costs.

3.2.3 LAFCO shall adopt policies and procedures for processing and administering CEQA (§21082, §15022). LAFCO intends through the appropriate use of such procedures to:

- a. Assist with the provision and maintenance of a high quality environment in El Dorado County (§21000, §21001); and
- b. Ensure ongoing CEQA compliance by initiating revisions to reflect amendments to CEQA within 120 days of the effective date of new legislation (§15022 (c)).

3.2.4 The Executive Officer shall serve as the Environmental Coordinator and have the authority to prepare, or cause to be prepared, the appropriate environmental documentation. The Executive Officer shall be responsible for making an environmental determination pursuant to the requirements of CEQA.

3.2.5 No application shall be deemed filed for processing purposes until CEQA documentation has been completed which adequately addresses the requirements of CEQA and El Dorado LAFCO's CEQA procedures.

3.2.6 Applications for annexation to a City shall not be deemed filed until the following is provided: (1) verification of an approved prezone from the annexing City (§56375); and (2) verification of a completed CEQA and NEPA process in which LAFCO assumed the Responsible Agency role (§15042, §15050, §15051, §15096, §15381).

3.2.7 LAFCO shall not act upon any change of organization or reorganization until environmental documentation has been approved which adequately addresses all potential areas of environmental concern.

3.2.8 LAFCO shall use the Environmental Impact Report prepared by the Tahoe Regional Planning Compact when applicable and available (§66081, §21083.5).

3.2.9 Criteria for determining the Lead Agency is contained in §15051. LAFCO will

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typically act as Lead Agency in reviewing:

2. Changes of organization or reorganizations initiated by LAFCO pursuant to §56375 of the Cortese-Knox-Hertzberg Act;
 3. Spheres of Influence Plans and Amendments;
 4. Incorporations;
 5. Consolidations, Detachments, Dissolutions and District Formations;
 6. City annexations where no rezoning has been undertaken by the city prior to LAFCO approval;
 7. Annexations which are not a part of a larger project for which a city or county acted as Lead Agency, or for which LAFCO is the first to act; and
 8. When the Lead Agency is unable to undertake, or has failed to undertake, required CEQA responsibilities pursuant to §15052.
- 3.2.10 LAFCO shall assume the Responsible Agency role for annexations that include a rezone unless the Lead Agency did not consult with LAFCO pursuant to §15051(c) and §15052 (a)(3), and the environmental document failed to describe, or adequately disclose the impacts of, LAFCO's actions.
- 3.2.11 Because LAFCO projects in El Dorado County are generally initiated by a land use authority with annexations required as conditions of land use approvals, or processed with rezones, LAFCO is expected to assume the Responsible Agency role for most annexation proposals. In cases, where LAFCO and another public agency qualify for Lead Agency status, the agency with the greatest responsibility for carrying out the project should assume the Lead Agency role.
- 3.2.12 LAFCO shall assume a Lead Agency role for a project for which it was a Responsible Agency if the Lead Agency failed to conduct an environmental review, a previously prepared environmental review is outdated or substantive new technical data or new information is available, or the Lead Agency failed to consult with LAFCO when it prepared its review (§15052).
- 3.2.13 When acting as Responsible Agency, LAFCO's Environmental Coordinator shall encourage the Lead Agency to consult with LAFCO early in the environmental review process in order to facilitate and coordinate the evaluation of impacts related to future LAFCO actions. LAFCO shall respond to Notices of

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Preparation, requests for consultations and other reasonable information requests as soon as feasible (§15103, §15082 (b), §15096 (b)).

3.2.14 LAFCO will comment, consistent with its legislated mandate and adopted mission, upon Notices of Preparation for Environmental Impact Reports for projects that may cause the conversion of important prime agricultural, open space and resource lands, not scheduled for development within five years of project approval, to urban uses (§56301).

3.2.15 When determining the significance of a potential environmental impact, LAFCO shall consult with Responsible and Trustee Agencies and may consult with any agencies that might provide guidance in determining the extent and nature of impacts (§15082, §15086, §15096). Where feasible, LAFCO shall use thresholds of significance established by the state, El Dorado County, the local air quality management district, county agricultural commission, and any other local entity possessing the technical expertise and statutory authority to determine levels of significance.

3.2.16 When evaluating environmental impacts discovered during the Initial Study process, LAFCO will identify such impacts as potentially significant and adverse if:

- Buildout of the proposed project may cause service levels to decline below established standards, costs of service provision to rise substantially to the detriment of service levels, or cause those currently receiving service to receive reduced or inadequate services especially when such change may cause adverse health and safety or other physical impacts;
- Buildout of the proposed project may cause the infrastructure capacity of a service provider to exceed planned and safe limits especially when such change may cause adverse health and safety or other physical impacts;
- The proposed project includes or plans for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not planned for development, especially those containing prime agricultural land, mineral, sensitive plant and wildlife or other important resources;
- The proposed plan could cause health and safety or other physical impacts because a service provider is incapable of providing service, the proposal has an illogical boundary, or elements needed to provide service (water supply, treatment facilities, equipment, energy) are not available, or stressed beyond capacity.

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- The proposed project may result in substantial loss of prime agricultural and important open space or resource land;
- The proposed project may cause premature, ill planned, illogical, or inefficient conversion of prime agricultural, open space, mineral resource or other important resource areas not planned for development in the next five years;
- The proposed project is substantially inconsistent with applicable Sphere of Influence Plans, long range and area service plans, phased land use plans of any city or county, or resource conservation plans of the state or federal government.

In the case of Sphere of Influence and area of service plans, the Environmental Coordinator reviews the appropriate plans and determines whether the level of significance warrants additional review. In the case of public agency land use or resource plans, the affected agency shall provide specific information regarding the nature and substance of the project's potential impacts upon its plans or programs.

- The proposed project may induce substantial growth on important agricultural and open space lands because it would:
 - Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or other public facilities that would permit new development in a substantial area currently constrained from development;
 - Encourage or foster development by permitting uses that adversely impact adjacent agricultural operations, significantly increase property values of adjacent or proximate resource land, or remove natural or man made buffers between urban and agricultural, mining or other conservation uses.
 - Be adversely and substantially inconsistent with the agricultural, open space, resource conservation or preservation, growth management, trip reduction, air quality improvement or other plans, policies or Ordinances of the General, Community, Specific or other Plan of the land use jurisdiction responsible for the project site or vicinity.
- The proposed project, when considered in conjunction with other recent, present and reasonably foreseeable projects, may cause significant adverse cumulative impacts;
- The project would result in substantial noncontiguous development which, in

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turn, results in adverse physical impacts;

- There is no need for service and the proposed project adversely affects important public resources or the public health and safety;
- The project would adversely impact animal or plant species either listed as, or determined to be, endangered, rare, or threatened as provided in §15380; or
- Project related impacts are identified as potentially significant when completing the Initial Study checklist adopted as Exhibit A of LAFCO's CEQA procedures.

3.2.17 LAFCO shall not charge public agencies having jurisdiction related to the project, or individuals or organizations possessing special expertise and from whom the Environmental Coordinator desires input into an environmental analysis, for environmental document reproduction costs.

3.2.18 Consultants may prepare Initial Studies only if hired and supervised directly by LAFCO. If consultants are used to prepare an EIR, the Environmental Coordinator shall ensure that the environmental documentation:

- Is completed pursuant to a phased plan developed by the Environmental Coordinator and within the timelines established by CEQA; and
- Contains required environmental analysis and disclosures of issues identified in the Initial Study;
- Reflects the independent judgement of the Lead Agency; and
- Is adequate and complete pursuant to the requirements of CEQA (§21082.1).

3.2.19 In the event that a consultant is unable to produce an adequate environmental document, the Environmental Coordinator shall assume control of document preparation to ensure that CEQA issues are adequately addressed and processing timelines met (§21082.1).

3.2.20 Upon request by a public agency that provides services within El Dorado County but is unable or unwilling to fulfill the function, LAFCO may assume the Lead Agency role at the discretion of the Executive Officer for the purpose of providing environmental review for projects initiated by those governmental agencies. A written agreement will be required.

3.2.21 LAFCO shall use its authority, pursuant to §56375, §56375.5, §56376, §56376.5, §56377 and other applicable sections of the Cortese-Knox-Hertzberg Act, to make a project self mitigating whenever feasible (§15040, §15041, §21002).

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- 3.2.22 Consistent with §21002 of CEQA, it shall be the policy of El Dorado LAFCO that no projects should be approved as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.
- 3.2.23 LAFCO shall conduct a hearing on a Negative Declaration, Mitigated Negative Declaration and Draft EIR.
- 3.2.24 A Notice of Intent to adopt or consider a Negative Declaration or Mitigated Negative Declaration shall be provided to the public not less than twenty (20) days in advance of the hearing.

3.3. PLANS OF SERVICE

LAFCO requires that applicants and service providers document their ability to provide service to areas proposed for annexations.

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An evaluation of a local agency's plan of service is necessary to the proper consideration of any change of organization or reorganization (§56375) which expands or diminishes a service provider's responsibilities. The intent of plans of service evaluations is to ensure that the capacity, cost and adequacy of services within the district or City are not adversely impacted by the proposed LAFCO action (§56668).

3.3.1 General

- a. Applications shall include a plan to provide services (§56653) which includes information needed to render an informed decision on the proposed project.
- b. Plan of Service submittals are required to contain, but are not limited to, the following information: (1) an enumeration and description of the service to be extended to the affected territory; (2) the level and range of those services; (3) the estimated time frame for service delivery; and (4) a statement of any capital improvements, or other conditions, which the local agency would impose or require within the affected territory if the requested action is approved (§56653).
- c. No application shall be deemed filed until plan of service information is received and accepted as complete by the Executive Officer.

3.3.2 Plan of Service Information Requirements

The following information requirements will enable the applicant and LAFCO to obtain information necessary to render a fair and informed decision. During the required pre-application conference, LAFCO staff will assist the applicant with determination of required project specific plan of service information. (For example, a City annexation plan of service might not be required to include service unit analyses for every proposed service).

3.3.2.1 All applicants must provide the following:

- a. A capacity analysis which states: (1) number of service units available (units can be described as parcels, meters, equivalent dwelling units or other project specific units of measure as approved by the Executive Officer); (2) the number of service units currently allocated; (3) the total number of service units within agency boundaries, including assessment districts which may cross district boundaries, that are entitled to receive service; (4) the number of service units proposed to be added as a result of the annexation; (5) the total number of service units entitled to receive services as a result of the proposed project. In the event that the applicant or annexing agency finds that there are not enough service units available to provide for number 5, the applicant shall provide a plan for obtaining the capacity necessary to provide service pursuant to 2.32.2 below.
- b. A description of the size, location and capacity of existing infrastructure.
- c. A statement from the annexing agency disclosing its disposition regarding

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responsibility to reserve capacity for unserved property within agency boundaries and current estimates of unserved property within its current boundaries.

- d. A list of the conditions that the applicant must meet in order to receive services from the annexing agency, such as annexation costs, facility plan report, fire flow requirements, on and off site construction requirements, or easements, and a statement regarding who is responsible to fund required items.
- e. A statement of intent to provide services by the annexing agency, including a description of the applicant's requirements to fund infrastructure so that areas within the district can be served, or will continue to be served, at the same or higher level of service, and proposed service areas will be accommodated at the same or a higher level of service. If the annexing agency cannot provide the latter guarantees, then the applicant or annexing agency shall provide a written justification for project approval despite anticipated negative impacts.

3.3.2.2 If service cannot be provided without expanding service capacity or constructing infrastructure (other than at parcel connections to service), then the following information shall be provided:

- a. A description of any required facility or infrastructure expansions or other necessary capital improvements;
- b. The likely schedule for completion of the expanded capacity project, the viability of the needed project, and the relation of the subject project to the overall project and project time line;
- c. A list of required administrative and legislated processes, such as CEQA review or State Water Resources Board allocation permits, including assessment of likelihood of approval of any permits and existence of pending or threatened legal or administrative challenges if known;
- d. The planned total additional capacity;
- e. The size and location of needed capital improvements;
- f. The proposed project cost, financing plan and financing mechanisms including a description of the persons or properties who will be expected to bear project costs; and
- g. Any proposed alternative projects if the preferred project cannot be completed (include information in letters a through f for each proposed alternative).

3.3.3 Service Assurances

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No application to annex to a special district or city shall be deemed complete until the following information is provided in writing from the annexing special district or city:

- a. A statement that the annexing agency has reviewed the Plan of Service and will be capable of providing adequate services within the time frame anticipated in the Plan of Service for the area being annexed; and
- b. A statement that the furnishing of adequate services within the time frame anticipated in the Plan of Service will not result in a significant negative fiscal, service level or other impacts (within the special district or city).
- c. In the event that the annexing agency will provide service by expanding its service capabilities in the future, the Commission will consider plans for such expansion and the agency's progress toward implementation of such plans in its review of the proposal. LAFCO may require a full description of any such plan. The Commission will evaluate such documentation and may make determinations pursuant to §56668. The Commission may also impose conditions related to progress toward completion of any such plans.

3.4 CONSISTENCY WITH LOCAL LAND USE PLANS AND POLICIES

The Commission shall view unfavorably projects that are inconsistent with the General or Specific Plans for the project area unless the following conditions are met:

- a. The site is located in an existing developed area where if it can be clearly found that public health, safety, and welfare interests would best be served, or clear or present health or safety hazards could be mitigated, by the requested change of organization.
- b. The site is located in an existing developed area where district facilities are present

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and sufficient for service and where the Commission determines that the annexation does not represent a growth inducing factor for the area.

- c. The site is located in an existing undeveloped area and disapproval would cause the loss of service to existing service users.

3.4.1 Consistency with General and Specific Plans: For the purposes of this policy, a project is consistent if the type and level of services to be provided are consistent with and appropriate to the applicable General or Specific Plan land use designations and document text, and the applicable General or Specific Plan is legally adequate and internally consistent. The Commission will not approve projects that are inconsistent with the applicable General or Specific Plan unless the following circumstances are shown to exist:

- a. The site is fully developed and located in an existing developed area where district or city facilities are present and found by LAFCO to be sufficient for service and where the Commission determines that the change of organization or reorganization will not induce growth in the area.

- 2. The site is fully developed and located in an existing developed area where LAFCO finds that the public interests of health, safety, and welfare would best be served, or that clear and present health or safety hazards could be mitigated, by the proposal.

- c. The site is located in an undeveloped area where disapproval would cause a loss of service to existing service users.

3.4.2 Consistency with ordinances requiring voter approval: For jurisdictions that have enacted ordinances requiring voter approval for the extension of any service, the Commission shall not approve a proposal unless it is consistent with such ordinances and voter approval has first been granted.

3.4.3 Planning and rezoning: All territory proposed for annexation must be specifically planned and/or rezoned by the appropriate planning agency. The planning or rezoning of the territory must be consistent with the applicable General or Specific Plan and sufficiently specific to determine the likely intended use of the property.

3.4.4 For city proposals, no subsequent change may be made to the applicable General Plan or zoning for the annexed territory that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body of the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitates a

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departure from the rezoning (§56375(e)).

- 3.4.5 Pending changes to applicable land use designations, zoning, or rezoning must be completed before review of the proposal.

3.5 JURISDICTION

The Commission shall not impose any conditions that would:

- a. Directly regulate land use (§56375, §56886);
- b. Cause LAFCO to assume control over all or part of the operation of, or set policy for, any agency (§56376);
- c. Set standards or frequency of maintenance of any existing street or road, or cause an agency to improve public facilities not owned by the agency (§56376.5);
- d. Require service provision to areas outside of an agency's sphere of influence unless that condition mitigates effects that are a direct result of the annexation

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(§56376); or

- e. Regulate property development or subdivision requirements (§56886).

3.6 SPECIAL STUDIES

Among the purposes of a commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objectives of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies so as to advantageously provide for the present and future needs of each county and its communities (§56301).

3.6.1 The Commission shall initiate and make studies of existing governmental agencies (§56378).

3.6.2 Special studies shall include, but shall not be limited to, inventorying those agencies and determining their maximum service capabilities. In conducting those studies, the Commission may ask for land use information, studies, plans of cities, counties, districts, including school districts, community college districts, regional agencies, and state agencies and departments (§56378).

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- 3.6.3 A special study may include analysis of any issues considered during service reviews, including but not limited to:
- Potential benefits to the stakeholder(s) such as reduced cost, better or new service, expanded service area;
 - Boundary locations and issues including elimination of overlapping or confusing boundaries, relationship to geography, topography and planned urbanization, and which agencies and services are affected;
 - Functions, classes or types of services, single or multi-purpose service provider and opportunities for expanded services;
 - District's purpose and objectives and assessment of status, justifications for consolidations;
 - Management, operations, budget processes and infrastructure;
 - Costs of providing a service in terms of labor, overhead, indirect costs, retirement funding, debt service, insurance and other expenses;
 - Personnel issues and considerations such as integration of employees, layoffs or attrition, retirement funding, claims, wages, training and fringe benefits;
 - Short and long term revenue forecasts related to type and source of funding (grants, enterprise or non-enterprise funds, user fees, property tax allocations);
 - Technical and infrastructure characteristics and needs (geography or topography, specialized equipment, technology, condition of infrastructure, condition and use of facilities, land and easements, buildings, equipment or rolling stock.
- 3.6.4 LAFCO will conduct SOI updates, service review studies, or other special studies needed to support LAFCO initiated proposals, if requested by public agencies, groups or individuals, or when such study is found by LAFCO to be needed.
- 3.6.5 LAFCO shall conduct a special study or service review prior to initiation of a district consolidation (§56378, §56430, §56837, §56853).
- 3.6.6 LAFCO will consider proposals recommended in service review, SOI, or reorganization committee studies. However, it is preferred that proposals be initiated by petition or proposal of affected citizens or agencies.
- 3.6.7 LAFCO initiated proposals are subject to all other LAFCO policies including those

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pertaining to SOIs and changes of organization and reorganization.

- 3.6.8 LAFCO will consider consolidations when the conclusions or determinations of special studies or service reviews indicate that consolidation would result in improved service provision at the same or lower cost. **[citation]**
- 3.6.9 LAFCO will consider dissolutions whenever the determinations or recommendations of a service review (§56430) or special study indicate that dissolution is needed in the short term, or there is substantial public support for the proposal and adequate technical evidence is provided. **[citation]**
- 3.6.10 Prior to the Commission meeting to consider LAFCO initiation of a proposal, the Executive Officer will call a meeting with affected agency managers for the purpose of determining whether or not agencies included in the proposal wish to prepare an application package including a preliminary assessment on proposal feasibility. The assessment would contain data, analysis and recommendations; include an identification of core issues; positive and negative service delivery and cost impacts; problems to be solved; and other possible alternative reorganization options, if any. The determinations of an up-to-date service review may if they adequately address all identified issues.
- 3.6.11 No LAFCO initiated proposal shall be approved unless the Commission finds that:
- Service costs are likely to be less than or substantially equal to the costs of equivalent alternative means of providing the service (§56668);
 - The proposal promotes public access and accountability for community needs and financial resources (§56881);
 - The proposal furthers service provision that most effectively provides citizens with programs and services that they need and desire; and
 - The proposal is consistent with the determinations of related service reviews.

3.7 RECONSIDERATION PROCESS

- 3.7.1 LAFCO provides for reconsideration of Commission decisions in a manner that is consistent with state law and that does not unduly delay the processing of applications for changes of organization or reorganization.
- 3.7.1 Requests for reconsideration of a Commission resolution are to be submitted in writing and accompanied by the reconsideration request fee (§56383(a)(4)).
- 3.7.3 Reconsideration requests shall be filed within 30 days of a resolution making determinations or prior to the adoption of a resolution by the conducting authority (§57075 et seq.), whichever is earlier (§56895(b)).
- 3.7.4 Reconsideration requests shall specifically describe the basis for the request. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration (§56895(a)).
- 3.7.5 The reconsideration request shall be heard at the next regularly scheduled LAFCO meeting for which notice can be given, at which time the Commission shall consider the request and receive oral and written testimony. The Commission shall act upon the item no later than 35 days after the first noticed public hearing (§56895 (e)(f)).
- 3.7.6 Reconsideration is a two-step process. The Commission will first consider the request and may vote to reconsider the matter if any of the following findings can

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be made based on substantial evidence in the record.

- a. Compelling new evidence exists or new or different facts, including significant and previously unavailable evidence or facts that might alter the LAFCO's decision; or
- b. Circumstances related to the project have substantially changed, such as the repeal of an applicable law that might alter LAFCO's decision; or
- c. LAFCO's procedures were not substantially followed in the previous hearing(s).

3.7.7 If the Commission approves, the request, the Commission shall adopt a resolution making determinations that shall supersede the resolution previously issued (§56895-(g)).

3.7.8 Any Commissioner or alternate seated at a given meeting can vote on reconsideration of an action taken at a prior meeting regardless of their vote or lack of vote at a prior meeting as long as they review meeting reports, tapes and minutes prior to the meeting at which they vote.

3.7.9 The Commission's determination is final. No person shall make any further request for the same change or substantially similar change as determined by the Commission (§56895(h)).

3.7.10 Clerical errors or mistakes in any action or resolution adopted pursuant to a reconsideration action may be corrected pursuant to §56883 (§56895 (l)).

3.8 PREFERRED SERVICE PROVIDERS

The legislature has found that a single government agency, rather than several limited purpose agencies, is in many cases better able to assess and be accountable for community service needs and financial resources and is the best mechanism for establishing community service priorities (§56001). In the review of proposals, the Cortese Knox-Hertzberg Act of 2000 requires LAFCO to consider the costs, adequacy and efficiency of service provision (§56668) and the total organization of local government services.

3.8.1 LAFCO shall consider, and approve, where appropriate and feasible, the provision of new or consolidated services in the following order of preference.

- a. Annexation to an existing city.
- b. Annexation to an existing multiple purpose special district.
- c. Annexation to an existing single purpose district.
- d. Consolidation of existing districts.
- e. Annexation to a subsidiary district or County Service Area
- f. Incorporation of a new city.
- g. Formation of a new multiple purpose district.
- h. Formation of a new county service area.
- i. Formation of a new single purpose district.

3.9 BOUNDARY LINES

- 3.9.1 Every determination made by the Commission shall be consistent with the Spheres of Influence of the local agencies affected by that determination (§56375.5).
- 3.9.2 LAFCO shall modify, condition or disapprove proposals creating boundaries that are not definite and certain or do not conform to lines of assessment or ownership (§56668).
- 3.9.3 Lands to be annexed which are within an adopted Sphere of Influence shall be physically contiguous to the boundaries of the annexing agency except under one of the following circumstances (§56119):
- a. Existing developed areas where LAFCO determines that interests of public health, safety, and welfare would best be served by the extension of the service, or which represent clear or present health or safety hazards that could be mitigated by the proposal and city or district facilities are present and sufficient for service.
 - b. Existing developed areas where city or district facilities are present and sufficient for service, and where the Commission determines that the annexation will not induce growth.
- 3.9.4 Islands, peninsulas, flags, “pin point contiguity,” “cherry stems,” and other irregular boundary lines are inconsistent with the formation of orderly and logical boundaries and may be amended, modified or disapproved by LAFCO. (§56744, §56741, §56742).
- 3.9.5 Natural boundary lines, which may be irregular, may be appropriate boundaries for LAFCO action and will not be discouraged.
- 3.9.6 Proposals that create irregular boundaries may be approved when LAFCO

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determines that the boundary is appropriate due to topography, is in the interest of public health, safety and welfare or is in the best interest of the total organization of government services in the area and needed city or district facilities are present and sufficient for service.

- 3.9.7 The resulting boundary configuration shall not produce areas that are difficult to serve (§56668, §56001).
- 3.9.8 The Commission may order the inclusion of additional territory to any proposal to amend an otherwise unacceptable boundary and to accomplish its goal of creating orderly boundaries (§56668, §56001).

3.10 AGRICULTURE

- 3.10.1 LAFCO's decisions will reflect its legislated responsibility to work to maximize the retention of prime agricultural land while facilitating the logical and orderly expansion of urban areas (Adopted 11/5/98).
- 3.10.2 Agricultural land shall be determined to be prime based on soil characteristics or on productivity (§56064).
- 3.10.3 Development or use of land for other than open space uses shall be guided away from existing prime agricultural lands in open space use toward areas containing non prime agricultural lands unless that action undermines adopted County or City land use plans (§56377).
- 3.10.4 Development of existing vacant or prime agricultural lands for urban uses within the jurisdiction or sphere of influence of a local agency shall be encouraged before any proposal is approved which would allow for or lead to the development of prime agricultural or open space lands outside the jurisdiction or sphere of influence of any local agency (§56377).
- 3.10.5 Land specifically identified as Agricultural, or Timber, generally should not be approved for annexation to any city or special district for the extension of services to or through such areas if the landowner requests exclusion.
- 3.10.6 Development of existing vacant lots for urban uses should be encouraged before any proposal is approved which would allow for or lead to the development of existing agricultural lands for nonagricultural uses. Spheres of influence should reflect consideration for existing and/or potential agricultural uses (§56668).

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4. SPHERE OF INFLUENCE (Adopted 11/5/98)

4.1 GENERAL

Government Code, beginning with §56425, requires the Local Agency Formation Commission to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” (§56076). Every determination made by a commission shall be consistent with the spheres of influence of the local agencies affected by that determination (§56375.5). A sphere of influence is primarily a planning tool that will:

- Serve as a master plan for the future organization of local government within the County by providing long range guidelines for the efficient provision of services to the public;
- Discourage duplication of services by two or more local governmental agencies;
- Guide the Commission when considering individual proposals for changes of organization;
- Identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.

4.1.1 LAFCO shall establish the nature, location, and extent of any functions or classes of service provided by existing districts as part of SOI update and service review processes (§56425, §56430). LAFCO may classify service types, where appropriate, pursuant to §56820.5.

4.2. PERIODIC REVIEW AND MAINTENANCE

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The adequacy of each adopted SOI will be reviewed every 5 years following the initial sphere determination or initial review of an original sphere. At approximately 5 year intervals, a preliminary sphere evaluation will be conducted by staff. The evaluation will include a recommendation by the Executive Officer to either: (1) proceed with a sphere update study or; (2) affirm the existing sphere.

Each subject agency will be notified of the pending review of its SOI and will be requested to participate actively in any restudy efforts deemed necessary by the Commission. Each agency will complete a SOI questionnaire relating to its services and plans. Failure to respond will be regarded as concurrence with the Executive Officer's recommendation.

Changes in land use, planning policy, demographics, demand for public services, or service capabilities may justify the need to restudy and amend spheres of influence. The commission is responsible for the cost of LAFCO initiated review and revision of spheres. LAFCO will seek cooperative cost sharing agreements with the agencies involved.

LAFCO will, at any time, receive requests for amendments to spheres. If an agency, the County, or other party requests a review, study and/or amendment to a sphere, LAFCO will undertake the review as required by statute. Where possible within the scope of the budget, LAFCO will assist a requesting agency with the costs associated with the sphere study in the initial review of an original sphere. Fees to cover the actual costs associated with a sphere review and amendment may be charged to the party requesting the review.

4.3 LIMITED SERVICE SPHERE OF INFLUENCE

Territory proposed for inclusion within the SOI of a multi-service provider agency which is also contained within the boundary of another limited purpose district (providing some but not all of the services which may be needed), may be included within the SOI of the multi-service agency and designated as a limited service sphere of influence area. Territory designated as limited service sphere may be considered for annexation to the multi-service agency, without concurrent detachment from the limited purpose district, when the following determinations are made by the Commission:

- No feasible or logical alternative arrangement exists for the provision of service in the territory proposed for inclusion within the SOI.
- The existing multi-service agency is the most orderly and logical provider of some of the services which will be needed in the future.
- Existing services provided by the limited purpose district are found to be adequate, cost effective and efficient.
- Inclusion of the territory in the SOI is in the best interests of local government organization and structure in the area.

4.4 CRITERIA FOR REVIEW OF SPHERE OF INFLUENCE AMENDMENTS (§56425)

In determining the sphere of influence for each local agency the commission shall prepare a written statement of determinations with respect to each of the following:

- 4.4.1 The present and planned land uses in the area, including agricultural and open-space lands.
- 4.4.2 The present and probable need for public facilities and services in the area.
- 4.4.3 The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.
- 4.4.4 The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Before making these determinations, the Commission will review the following:

- The service capacity, level and types of services currently provided by the agency and the areas where these services are provided, topographic factors, financial capabilities, costs of service, and social and economic interdependencies;
- Existing and planned land uses, land use plans and policies; consistency with county and city general plans; projected growth in the affected area , and potential effects on agricultural and open space lands;
- A description of the services that will be provided to any areas which may be added to the sphere, the timing and method for funding expansion of facilities or services;
- An analysis of the effects a proposed sphere of influence on other agencies and their service capabilities;

4.4.5 A substantial SOI amendment is an amendment that causes the SOI to be internally inconsistent, is inconsistent with provisions of the CKH Act, has the potential to cause significant adverse social, economic, environmental or other consequences, or has substantial adverse regional planning implications. Substantial SOI amendments shall not be processed until service reviews are completed (§56430) and the subject SOI is updated consistent with §56425.

4.4.6 A substantial SOI amendment may be processed concurrently with a service review and incorporated into an SOI update. However, LAFCOS will make service review determinations prior to considering a substantial SOI amendment (§56425, §56430).

4.4.7 A service review of all municipal services pertaining to the subject SOI will be

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prepared prior to, or in conjunction with, each SOI update (§56430) or substantial amendment unless the Commission determines that a prior service review is still adequate.

- 4.4.8 When determining which local agency should provide services, considerable weight will be given to an agency's ability and willingness to provide services. When more than one agency can serve an area, LAFCO shall also consider the conclusions of service reviews, each agency's service capacity, financial capabilities and costs of service, social and economic interdependencies, topographic, historic and environmental factors, input from affected communities and agencies, and pertinent LAFCO policies (§56668, §56430).
- 4.4.9 LAFCO shall prioritize pending or anticipated SOI actions and related services review, and consider preliminary work plans as part of its annual work plan and budget hearing processes. The Commission may also initiate related service reviews. If an SOI is not considered during budget hearings, LAFCO may consider it at a later meeting. The Commission may also need to review or approve final SOI work plans and other processing recommendations.
- 4.4.10 Agencies will be asked to participate in an SOI scoping session and complete SOI/service review questionnaires relating to its services and plans. The Agency will be required to complete and submit questionnaires within 90 days. Failure to respond within 90 days will be regarded as concurrence with Executive Officer recommendations.
- 4.4.11 LAFCO shall hear and consider the SOI, and related service reviews if any, at a noticed public hearing.

4.5. OTHER RELATED POLICIES

- 4.5.1 When more than one agency can serve an area, LAFCO shall consider each agency's service capacity, financial capabilities, costs of service, social and economic interdependencies, topographic factors, LAFCO policies and input from the affected communities and agencies.
- 4.5.2 LAFCO will make every attempt to bring about amicable Spheres of Influence but ultimately, if a conflict should arise, LAFCO is the final determinant of that Sphere of Influence.
- 4.5.3 Inclusion within an agency's sphere of influence does not assure annexation to that agency.
- 4.5.4 In order to encourage orderly growth of urban areas, the Commission promotes infill development of incorporated vacant lands located adjacent to already developed areas.
- 4.5.5 Developed lands which benefit from municipal services and are contiguous to a city boundary should be annexed to the city that provides service.
- 4.5.6 Spheres of influence for cities and districts will promote the long term preservation and protection of the County's agricultural and open space resources.
- 4.5.7 When an application for a new sphere of influence involves a City, the City and County are required to meet prior to submitting the application to LAFCO, to attempt to reach a mutual agreement regarding the boundaries, development standards, and zoning requirements for the proposed sphere. These agreements are required to carry great weight in any LAFCO decision (§56425) **[CKH change]**

5. *SERVICE REVIEWS*

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LAFCOS are required to comprehensively review all municipal services provided by agencies with SOIs. Service reviews are conducted before, or in conjunction with, but no later than the time LAFCO establishes or updates SOIs. Service reviews are not intended to be agency specific. Rather, they focus on all public and private service providers within an identified geographic area that provide the service under review. A service review process must include adoption of written evaluations of service related issues (§56430).

- 5.1 LAFCO shall conduct a service review of all municipal services provided in the county or other appropriate designated area. LAFCO shall include in the area designated for service review the county, the region, the sub-region, or other geographic area that makes sense from a public service provision standpoint (§56430).
- 5.2 LAFCO shall comprehensively review all of the agencies and private entities that provide the identified service or services within the designated area (§56430).
- 5.3 LAFCO shall complete service reviews for all municipal services provided by agencies with SOIs by January 1, 2006. After that date, service reviews shall be completed as necessary prior to, or concurrent with, SOI formations, updates, or substantial amendments (§56430).
- 5.4 LAFCO shall utilize service reviews to:
 - Promote orderly growth and development in appropriate areas with consideration of service feasibility, service costs that affect housing affordability, environmental justice, and preservation of open space, important agricultural land and finite natural resources;
 - Encourage infill development and direct growth to areas planned for growth in General Plans;
 - Learn about service issues and needs and update service provider records;
 - Provide tools to support perspectives or planning efforts that address regional, cross county or statewide issues and processes;
 - Develop a structure for dialogue among agencies that provide services and a support network for smaller or ill-funded districts that provide valuable services;
 - Develop strategies to avoid unnecessary costs, eliminate waste, and improve public service provision while planning for provision of the infrastructure needed to support healthy growth; and
 - Provide ideas about opportunities to streamline service provision through use of shared facilities, approval of different or modified government structures, joint service agreements, shared resource acquisition, joint funding requests or strategies, or integrated land use planning and service delivery programs.

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- 5.5 Service reviews do not replace designations or updates of SOIs, but should be conducted in the establishment or amendment of any SOIs.
- 5.6 LAFCO will attempt to minimize the number of required service reviews by clustering services or agencies as feasible and appropriate.
- 5.7 LAFCO shall work to streamline service review processes by (1) integrating SOI proposal processing and related CEQA processes with service reviews where appropriate; (2) placing high priority on reviews of services affected by pending or anticipated proposals where feasible and fair; (3) working with city and county planners to identify areas where the short-term conduct of service reviews is needed to support orderly growth and development; and (4) requesting that technical information needed for service reviews be included in the General, Specific and Master Service Plans of land use agencies and special districts.
- 5.8 LAFCO shall use existing information resources, technical support from the county, cities and special districts when available and adequate, staging or tiering of reviews, and similar strategies to reduce service review processing costs and timelines. The intent is to avoid unnecessary processing costs and processing time while producing high quality technical reviews.
- 5.9 LAFCO shall encourage collaboration, cooperation and information sharing among service review stakeholders including participation in project scoping, designing the service review, negotiating funding strategies, developing information needs assessment and collection strategies, sharing Best Practices, identifying applicable industry standards, selecting consultants if appropriate, and evaluating technical drafts.
- 5.10 Service reviews shall include evaluations of issues related to activated and latent powers (§56430).
- 5.11 LAFCO shall encourage private service providers to fully participate in service review processes (§56430).
- 5.12 Service review boundaries may need to cross county lines in order to provide the best analysis of multi-agency service structures. LAFCO will work with affected LAFCOS to create a joint decision-making process including consideration of formal inter-LAFCO agreements for conducting service reviews.
- 5.13 To augment technical capabilities of agencies involved in service reviews, LAFCO should utilize mentor LAFCO resources as feasible and encourage cities, special districts and the county to develop methods for providing technical assistance to smaller districts that need to be reviewed.
- 5.14 LAFCO shall independently review and verify service review information compiled by

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other agencies. Appropriate local, state, federal and industry standards, identified during the scoping process, will be used to support analysis of technical data and conditions.

- 5.15 Service reviews shall contain conclusions and recommendations for SOI or other government structure changes needed to implement positive service changes.
- 5.16 LAFCO shall prioritize service reviews, provide preliminary work plans including stakeholder lists and identify funding resources as part of its annual work plan and budget hearing processes. If a service review is not considered during budget hearings, LAFCO will review and approve its preparation at a later meeting.
- 5.17 The Executive Officer will conduct scoping meetings, prepare a mailing list, develop and implement final work plans consistent with LAFCO's recommendations, and prepare, or cause to be prepared, and issue each required draft service review.
- 5.18 The Commission may need to consider final service review work plans and other processing recommendations if necessary and at regularly scheduled meetings. The Commission may also be asked to initiate service review related SOI updates as appropriate.
- 5.19 Collaborative scoping and information sharing meetings, and informational workshops for agencies being reviewed, will be conducted as needed.
- 5.20 An administrative draft of technical data, and related analysis, may be circulated to encourage the highest quality service review possible within fiscal or other constraints.
- 5.21 The Executive Officer shall issue a draft service review report, which includes service review conclusions and recommendations, and may include draft recommendations for required written determinations.
- 5.22 Written or electronic notice shall be provided to any party on the service review mailing list. A 21-day public review period shall be provided for a draft service review.
- 5.23 The Executive Officer shall prepare a staff report with general recommendations as well as recommendations for written determinations.
- 5.24 LAFCO shall hear and consider the draft service review report and recommendations at a noticed public hearing. At the hearing, the Commission may (1) find that the draft service review report is adequate and final, approve appropriate recommendations and adopt written determinations; (2) direct staff to address comments and concerns and prepare a final service review report; or (3) continue the hearing.
- 5.25 For each service review, LAFCO shall adopt a written statement of its determinations with respect to each of the following:
 - Infrastructure needs or deficiencies;
 - Growth and population projections for the affected area;

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- Financing constraints and opportunities;
- Opportunities for rate restructuring;
- Opportunities for shared facilities;
- Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers;
- Evaluation of management efficiencies; and
- Local accountability and governance.

- 5.26 A draft service review will be considered final if no substantive comments are received prior to the end of the hearing and LAFCO determines it satisfactory.
- 5.27 LAFCO may consider SOI actions that are based on an approved service review immediately after adoption of written determinations. Such action should be delayed if imminent requests for reconsideration are expected or oral or written requests for delay are received prior to the end of the service review hearing.
- 5.28 A request for reconsideration may be filed pursuant to policies and procedures contained in Section 2.7.

6. CHANGES OF ORGANIZATION

6.1 GENERAL

This section includes general policies, requirements and criteria that apply to all changes of organization. There may be cases where the Commission must use its discretion in the application of these policies so that potential or real conflicts among policies are balanced and resolved based on project specifics and consistent with the requirements of the Cortese-Knox-Hertzberg Act.

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- 6.1.1 An annexation shall not be approved if it represents an attempt to annex only revenue-producing property (§56668).
- 6.1.2 An annexation shall not be approved unless the annexing agency is willing to accept the annexation.
- 6.1.3 Where another agency is currently providing service or objects to the annexation, LAFCO will compare the proposed plan of service with alternative service plans and adopted determinations from any service reviews to determine whether the proposal is the best alternative for service provision.
- 6.1.4 It is the policy of the Commission to approve changes of organization that encourage and provide planned, well ordered, efficient development patterns, that include the appropriate preservation and conservation of open space and prime agricultural lands within and around developed areas, and contribute to the orderly formation and development of local agencies based upon local circumstances and conditions (§56300, §56301).
- 6.1.5 The Commission shall consider existing zoning and prezones, general plans, and other land use plans, interests and plans of unincorporated communities, SOIs and master service plans of neighboring governmental entities and recommendations and determinations from related service reviews (§56375, §56668).
- 6.1.6 LAFCO will only approve changes of organization that are consistent with policies and criteria contained in Sections II and III as interpreted by the Commission and do not worsen conditions or undermine recommendations disclosed in a service review.
- 6.1.7 Prior to annexation to a city or special district, the petitioners shall demonstrate that the need for governmental services exists, the annexing agency is capable of providing service, that a plan for service exists, and that the annexation is the best alternative to provide service (§56700, §56668).
- 6.1.8 LAFCO will discourage projects that shift the costs of services and infrastructure benefits received to others or other service areas.
- 6.1.9 The proposed annexation shall be a logical and reasonable expansion to the annexing district (§56001, §56119, §56668).
- 6.1.10 LAFCO shall not approve proposals involving agencies with SOIs that are more than five years old until a service review has been conducted unless the proposal's impacts are insignificant as determined by LAFCO.
- 6.1.11 LAFCO actions shall further service review recommendations when feasible.

6.1.12 LAFCO will consider and approve consolidations when the conclusions of special studies or service reviews indicate that reorganization would result in improved service provision at the same or lower cost. **[citation]**

6.2. ANNEXATION TO A SPECIAL DISTRICT

- 6.21. The annexation must provide for the most efficient delivery of services. The most efficient services are those provided at the lowest cost and highest service level. In the case of similar providers with the same level of service, the one that delivers the same service at the lowest cost will be considered to be most efficient.
- 6.22. The annexation shall be modified, conditioned or disapproved if it permits the more efficient delivery of one or more services to the detriment of other services.
- 6.23. The annexing agency must demonstrate that no parcel located within district boundaries will be deprived of its right to receive services if the annexation is approved (§56841).
- 6.24. The annexing agency must demonstrate that levels of service for existing and

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potential customers within its service boundaries will not be lowered, or costs of service increased, if the annexation is approved (§56841). If any adverse impacts may occur, the applicant or annexing agency must provide, for LAFCO consideration, a written justification for project approval despite the negative impacts.

6.3. ANNEXATION TO A CITY

Planned urban development contributes to the orderly growth of urban areas. Therefore, promotion of planned development is a primary goal of the El Dorado County Local Agency Formation Commission.

6.3.1 The fundamental policy of the Commission in considering the development status of land, located in or adjacent to an established city sphere of influence boundary and contiguous to a city boundary, shall be that such development is preferred in cities. This policy is based on the fact that cities exist to provide a broader range of services than do special districts (§56001, §56425, §56076).

6.3.2 Developed lands which benefit from municipal services and are contiguous to a city boundary, should be annexed to that city providing such services.

6.3.3 Urban development and utility expansion plans should be coordinated among cities, special districts, and the County, in cooperation with the El Dorado County

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- 6.3.4 Land may not be annexed to a city unless it is contiguous to the city at the time the proposal is initiated, is owned by the city, is being used for municipal purposes at the time Commission proceedings are initiated, and does not exceed 300 acres in area (§56741, §56742).
- 6.3.5 Petitions shall demonstrate the need for municipal services and the city to which the territory is being annexed shall be capable of meeting these municipal needs (§56700).
- 6.3.6 A city shall prezone undeveloped property to be annexed before the Commission takes action on the annexation. No subsequent change may be made to the general plan or zoning of the annexed territory that is not in conformance with the pre zoning designations for a period of two years after the completion of the annexation unless the legislative body for the city makes a finding at a public hearing that a substantial change in circumstances has occurred that necessitate a departure from the pre zoning in the application to the Commission. (§15051; §56375).
- 6.3.7 The city shall be the Lead Agency and LAFCO shall be the Responsible Agency, for environmental review of any prezone and related change of organization. The City shall consult with LAFCO during the CEQA process, provide a written response to LAFCO's input, and submit environmental documentation to LAFCO pursuant to §15050, §15381, §15096, §15051).
- 6.3.8 Detachment from districts providing services to areas being annexed to the city are to be processed simultaneously as a reorganization in compliance with government codes (§ 56826, §56073) and consistent with applicable SOI policies and any service review recommendations adopted by LAFCO.

6.4. DETACHMENT FROM A SPECIAL DISTRICT

- 6.4.1 The petitioner shall demonstrate that there is no longer a need for service(s) provided by the affected district/agency, and that detachment is the best alternative (§56700).
- 6.4.2 The proposal for detachment shall not be an attempt by the petitioner to avoid paying district revenues while still receiving district service.
- 6.4.3 If the detachment is proposed principally to allow for some other means of providing the same service, the applicant must demonstrate that the proposal will result in an improved level of service (§56668).
- 6.4.4 Detachments shall not be approved if resultant boundaries are inconsistent with the affected agencies' SOIs or adopted service review recommendations unless special circumstances exist. Spheres of Influence amendments and service reviews for districts from which land will be detached shall be processed prior to, or concurrent with, any LAFCO approval of the detachment.

6.5 FORMATION OF A SPECIAL DISTRICT

- 6.5.1 The proposed formation of a special district shall demonstrate that a need exists for a service or control which can best be provided by a special district and that there are no other alternatives that would provide the service or control in a more efficient manner (§56841, §56001, §56301).
- 6.5.2 The proposed entity shall be able to provide sufficient revenue to provide the requested service (§56841, §56001).
- 6.5.3 The petitioner will provide and the Commission shall consider a cost versus benefits study showing the fiscal and levels of service gains and/or losses resulting from the formation (§56001). The project will not be approved if the costs are demonstrated to outweigh the benefits.
- 6.5.4 The proposal for the formation of a special district shall describe the relationship of the newly formed district to existing agencies (§56001). The proposed formation shall not undermine the logical expansion of adjacent or other governmental agencies or districts (§56301).
- 6.5.5 The proposed formation shall not give to any special interest group the status of a governmental agency.
- 6.5.6 If LAFCO determines that approval of a the formation will necessitate adoption of

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any new regulations or the amendment or repeal of any regulations adopted by the county, LAFCO may condition approval of the application upon the adoption, amendment or repeal of the regulations (§56452).

6.6 DISTRICT DISSOLUTION (§56885.5)

6.6.1 With respect to any Commission determination to approve the disincorporation of a city, the dissolution of a district, or the reorganization or consolidation of agencies which results in the dissolution of one or more districts or the disincorporation of one or more cities, a condition prohibiting an agency being dissolved from taking any of the following actions (unless it first finds that an emergency situation exists as defined in Section 54956.5):

1. Approving any increase in compensation or benefits for members of the governing board, its officers, or the executive officer of the agency.
2. Appropriating, encumbering, expending, or otherwise obligating, any revenue of the agency beyond that provided in the current budget at the time the dissolution is approved by the Commission.

6.7 INCORPORATIONS

Incorporation policies are published separately.

6.8 SERVICE OUTSIDE OF AGENCY BOUNDARIES (Adopted January 6, 2000)

- 6.8.1 A city or district may provide new or extended services outside its jurisdictional boundaries only if it requests and receives written approval by LAFCO (§56133). Such service is permitted on parcels within the sphere of influence of an agency in anticipation of annexation.
- 6.8.2 Service may be permitted outside the sphere of influence of the agency if the agency provides documentation of a threat to the health and safety of the public or the affected residents and notice is given to corporate service providers as specified in §56133(c)(2) (chaptered Oct.10,1999).
- 6.8.3 Contracts or agreements solely involving two or more public agencies are not subject to LAFCO review.
- 6.8.4 Contracts or agreements for the transfer of nonpotable or nontreated water and for provision of surplus water to agricultural lands for projects that serve conservation purposes or that directly support agricultural industries are not subject to LAFCO review.
- 6.8.5 Service extensions providing surplus water to any project that will support or induce development require written approval from the Commission.
- 6.8.6 Extra-territorial services provided by agencies prior to January 1, 1994 are not subject to LAFCO review.
- 6.8.7 The agency requesting LAFCO approval shall submit an *Application for Contractual Agreement Approval*, other information as needed, maps, a copy of the Agreement or Contract, fees and the appropriate environmental document (Notice of Determination or Notice of Exemption).
- 6.8.8 As a condition of approval the Commission may require the completion of the

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annexation within a specified time frame.

- 6.8.9 Written approval for emergency connections may be authorized by the Executive Officer and service may be provided prior to review by the Commission only under all of the following circumstances.
- a) the agency or landowners provides documentation of a threat to the health and safety of the public or the affected residents, such as a failing well or septic system; and
 - b) El Dorado County Environmental Management Department reviews health and safety documentation; and
 - c) The territory is within the Sphere of Influence of the agency; and
 - d) an application to annex the territory has been previously or is concurrently submitted.
- 6.8.10 Emergency connections authorized by the Executive Officer will be reviewed by the Commission at the next regularly scheduled LAFCO meeting.

7. DEFINITIONS

Pages two to thirteen of Chapter 2 of the Cortese-Knox-Hertzberg Act, Sections 56010-56081, contain a list of definitions most commonly referenced therein. This document does not reproduce that list. However, interested parties may obtain a copy of the list by contacting the Commission office. The following definitions are specific to local circumstances and operations.

AGRICULTURAL AREAS OR LANDS

Those lands defined as agricultural lands in §56016 and §56064 (Approved April 2, 1998). In El Dorado County, agricultural lands are generally identified with one of the following designations:

- | | |
|--------------------------|----------------------------------|
| a. Exclusive Agriculture | e. Residential-Ag |
| b. Planned Agriculture | f. Rural Residential |
| c. Timber Preserve Zone | g. Natural Resource |
| d. Rural Estates-Ag | h. Agricultural District Overlay |

AGRICULTURAL PRESERVE

An area devoted to either agricultural, recreational, or open space and compatible uses as defined in the Williamson Act, and established and made subject to a land conservation contract by resolution of a city or county after a public hearing (§51201(d)).

COST AVOIDANCE [Proposed Service Review definition]

Actions to eliminate unnecessary costs derived from, but not limited to, duplication of service efforts, higher than necessary administration/operation cost ratios, use of outdated or deteriorating infrastructure and equipment, underutilized equipment or buildings or facilities, overlapping/inefficient service boundaries, inefficient purchasing or budgeting practices, and lack of economies of scale.

DEEMED FILED

A term referring to the time at which an application is determined by the Executive Officer

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to include all required elements, including fees and completed CEQA documentation, is accepted as complete, and begins to be subject to processing time lines contained in the Cortese/Knox-Hertzberg and California Environmental Quality Acts.

DE MINIMIS PROJECT (approved September 4, 1997)

The term refers to projects which include requests for minor administrative or corrective actions. Projects are found “De Minimis” for application processing and fee collection purposes if staff determines that the project (a) is consistent with Section 56668, factors to be considered, and LAFCO policies and procedures; (b) will not cause significant adverse impacts upon any agency or individual; (c) does not involve any new extension of service; (d) is proceeding with the consent of all affected landowners; and (e) is defined as ministerial under, or qualifies for an Exemption from, the requirements of the California Environmental Quality Act.

DIRECT COSTS

Those costs incurred as an immediate result of an action or a proposal before LAFCO.

INFRASTRUCTURE NEEDS AND DEFICIENCIES [Proposed Service Review definition]

The term, “infrastructure” is defined as public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads (General Plan Guidelines). Any area needing or planned for service must have the infrastructure necessary to support the provision of those services. The term, “infrastructure needs and deficiencies,” refer to the status of existing and planned infrastructure and its relationship to the quality and levels of service that can or need to be provided.

ISLAND

An area of land that is not contiguous according to §56301 or according to the standards for contiguity of the State Board of Equalization (Approved April, 2, 1998).

LIMITED SERVICE SPHERE OF INFLUENCE

Territory included within the boundaries of a limited purpose district that LAFCO has included within the Sphere of Influence of a multi-service district (Approved November 5, 1998).

LOCAL ACCOUNTABILITY AND GOVERNANCE [Proposed Service Review definition]

The term, “local accountability and governance,” refers to public agency decision making, operational and management styles that include an accessible staff, elected or appointed decision-making body and decision making process, advertisement of, and public participation in, elections, publicly disclosed budgets, programs, and plans, solicited public participation in the consideration of work and infrastructure plans; and regularly evaluated or measured outcomes of plans, programs or operations and disclosure of results to the public.

MANAGEMENT EFFICIENCY [Proposed Service Review definition]

LOCAL AGENCY FORMATION COMMISSION
POLICIES, GUIDELINES AND PROCEDURES

The term, “management efficiency,” refers to the organized provision of the highest quality public services with the lowest necessary expenditure of public funds. An efficiently managed entity (1) promotes and demonstrates implementation of continuous improvement plans and strategies for budgeting, managing costs, training and utilizing personnel, and customer service and involvement, (2) has the ability to provide service over the short and long term, (3) has the resources (fiscal, manpower, equipment, adopted service or work plans) to provide adequate service, (4) meets or exceeds environmental and industry service standards, as feasible considering local conditions or circumstances, (5) and maintains adequate contingency reserves.

MUNICIPAL SERVICES [Proposed Service Review definition]

The full range of services that a public agency provides, or is authorized to provide, except general county government functions such as courts, special services and tax collection. Municipal service reviews are triggered by requirements to create or update SOIs for public agencies. Therefore, a LAFCO will review services that are provided by public agencies that have, or are required to have, SOIs with review and consideration of the operations of other providers that service the same region.

PENINSULA

A area of land with a relatively small line of boundary contiguity, surrounded on three or more sides by lands that are outside that boundary (Approved April 2, 1998).

PRESUBMITTAL

An application provided to LAFCO for initial review purposes but not yet deemed filed.

RATE RESTRUCTURING [Proposed Service Review definition]

Rate restructuring does not refer to the setting or development of specific rates or rate structures. During a service review, LAFCO may compile and review certain rate related data, and other information that may affect rates, as that data applies to the intent of the CKH Act (§56000, §56001, §56301), factors to be considered (§56668), SOI determinations (§56425) and all required service review determinations (§56430). The objective is to identify opportunities to positively impact rates without adversely affecting service quality or other factors to be considered.

RESPONSIBLE AGENCY

A public agency which proposes to carry out or approve a project for which a Lead Agency is preparing or has prepared an Environmental Impact Report or Negative Declaration. For the purpose of CEQA, the term refers to any public agency other than the Lead Agency which has discretionary authority over a project.

SERVICE UNIT

A measure used to calculate the exact service status, or capacity to provide services, of a service provider such as number of households, parcels, meters, equivalent dwelling units, or residential, commercial, agricultural or industrial units that are, can, will be or are proposed to be served.

SUBSTANTIAL SOI AMENDMENT [Proposed Service Review definition]

An amendment to an SOI which causes the SOI to be internally inconsistent, is inconsistent with provisions of the CKH Act, has the potential to cause significant adverse social, economic, environmental or other consequences, or has substantial adverse regional planning implications. A substantial amendment to an SOI prior to a service review is inconsistent with §56430.

URBAN AREAS OR LANDS

Lands within an incorporated city, and those lands in community regions which are developed, or planned for development within the next ten years, for industrial, commercial, medium density residential or more intensive uses (Approved April 2, 1998).

8. APPENDICES

- 8.1 RULES FOR CONDUCT OF A MEETING
- 8.2 FEE SCHEDULE
- 8.3 SAMPLE PETITION FORM
- 8.4 APPLICATION FORMS

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TO: **FROM:** El Dorado Local Agency
Formation Commission (LAFCO)
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5322

CONTACT: Roseanne Chamberlain
Environmental Coordinator

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

LAFCO will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of interested persons and agencies as to the scope and content of the environmental information to be included in the EIR. Agencies should comment on the scope and content of the environmental information which is germane to the agencies' statutory responsibilities in connection with the proposed project. We will need the name of a contact person in responding agencies.

The project description, location, an Initial Study, and description of probable environmental effects are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice. Please send your response to Roseanne Chamberlain, Environmental Coordinator at the address shown above. Questions may be directed to Barbara Graichen at 916-991-2177 or Ms. Chamberlain.

PROJECT TITLE/NUMBER: Silver Springs et al Reorganization
LAFCO Nos. 00-02, 00-03, 00-12

PROJECT LOCATION: Rescue/Cameron Park El Dorado
City/Community (Nearest) County

PROJECT APPLICANT: Bass Lake Joint Venture, Jeffrey K. Hansen, James N. Nangle, Kaye E. Furbotten, V. Fay Glenn

DATE: 11-26-02

SIGNATURE: Roseanne Chamberlain

cc: State Clearinghouse

Silver Springs et al Reorganization

(LAFCO Nos: 00-02; 00-06; 0012)

Initial Study

November 2002

**Prepared for the El Dorado Local Agency Formation Commission
By Graichen Consulting, Sacramento, California**

**Silver Springs et al Reorganization Initial Study
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¹
Prepared by Barbara Graichen, MPA, Graichen Consulting, 5010 Sorento Road, Sac. Ca., 916-991-2177. Contributions by Roseanne Chamberlain, Susan Vamer, and Susan Stahmann.

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Initial Study Discussion

Project Description: The project under consideration is a local government reorganization pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The proposal includes modifications to boundaries of four special districts in western El Dorado County. Specifically, LAFCO may consider the following actions:

Spheres of Influence (SOI) Amendments, related Service Review Determinations: (1) Render parks, recreation and open space service review determinations; (2) Amend Cameron Park Community Services District (CSD) Limited SOI to add approximately 326 acres; (3) Amend El Dorado Hills CSD SOI to add approximately 56.99 acres; and (4) Amend El Dorado Hills County Water District (EDHCWD) SOI to add approximately 0.37 acres. (See Exhibits 1 and 2)

District Boundary Modifications: (1) Annex approximately 380.86 acres into the El Dorado Irrigation District (EID) for the purpose of receiving water, sewer and landscaping services; (2) Annex approximately 326 acres into the Cameron Park CSD and approximately 56.99 acres into the El Dorado Hills CSD for the purpose of receiving garbage, parks, recreation, street lighting and landscaping, and CC&R enforcement services; and (3) Annex approximately 0.37 acres into the EDHCWD for the purpose of receiving fire protection and emergency services.

In this proposal, LAFCO would exercise its authority to regulate the functions and classes of services provided by the subject CSDs by determining that powers to provide fire protection and emergency services shall be latent, and those services shall continue to be provided by the Rescue Fire Protection District. (See Exhibits 2, 3 and 4)

Approximately 298.6 acres of the project site are included in three private-initiated proposals: Furbotten/Verde Vista (No. 00-02); Hansen/Oak View Estates (No. 00-06); and Silver Springs (No. 00-12). The remaining acres are included in the subject CEQA review because of service conditions and relationships among existing and proposed district boundaries and LAFCO policies. Analysis of these issues disclosed a potential need to consider boundary modifications if LAFCO desires to approve the private-initiated proposals and further its policies.

A portion of the area under consideration was added because it has contracted with EID for services but not yet annexed. On March 18, 2000, the El Dorado Union High and Rescue Union School Districts entered into contracts with EID for water and sewer services to the Pleasant Grove Middle School and high school #5 sites. The contracts apply to approximately 69.7 +/- acres of the project site. Approximately 29 of those acres are located on the northwestern portion of the Silver Springs site and the remainder to the west along Green Valley Road. These areas will receive water and sewer service with, or without, LAFCO action. However, LAFCO may wish to consider formalizing relationships through an annexation action.

Table 1 summarizes the subject reorganizations with, and without, potential boundary modifications. Table 2 contains related project data. Exhibits 1-4 are maps indicating existing and proposed service boundaries.

EID's American River Basin Service Area: To complete annexation, EID must obtain US Bureau of Reclamation approval to expand its American River Basin Service Area to include the site.

Table 1 - Reorganization Summary

Proposals submitted by private applicants*	Annex to EID	Add to EDHCWD SOI	Annex to EDHCWD	Add to CPCSD SOI +	Annex to CPCSD	Add to EDHCSD SOI	Annex to EDHCSD
Silver Springs** (LAFCO #00-12)	244.5	0	0	244.50	244.50	0	0
Furbotten (Verde Vista, LAFCO #00-02)	29.85	0	0	34.80	34.80	0	0
Hansen (Oak View Estates, LAFCO #00-06)	24.27	0	0	0.00	0.00	24.27	24.27
Total	298.6	0	0	279.30	279.30	24.27	24.27
Proposed project*							
1. Educational Joint Venture (High School Site #5)	41.7	0	0	41.70	41.70	0	0
2. Rescue SD (Pleasant Grove Middle)	5.50	0	0	5.50	5.50	0	0
3. Silver Springs	239	0	0	239.00	239.00	0	0
4. McGavock	17.9	0	0	0.00	0.00	17.9	17.9
5. Hill	14.06	0	0	0.00	0.00	14.06	14.06
6. ED County	0.37	0.37	0.37	0.00	0.00	0	0
7. Hansen (Oak View Estates)	24.27	0	0	0.00	0.00	24.27	24.27
8. McCaughern	0.76	0	0	0.00	0.00	0.76	0.76
9. Bass Lake Estates	7.45	0	0	0.00	0.00	0	0
10. Shawhan	0	0	0	5.00	5.00	0	0
11. Furbotten (Verde Vista)	29.85	0	0	34.80	34.80	0	0
Total	380.9	0.37	0.37	326.00	326.00	56.99	56.99

* Acreage figures are approximate. **Includes Rescue School District site.

+Limited SOI; fire/emergency services continue to be provided by Rescue Fire Protection District.

Table 2 - Project Data

Project/Parcel Name	Assessor's Parcel #	Acres*	LAFCO #	Development Project Nos.
1. Educational Joint Venture (EJT)/El Dorado Union HSD's High School #5, Rescue SD's Pleasant Grove Middle School	115-010-27 (20.5); 115-010-28 (20.5); (103-010-02; 103-020-01; 103-030-05 in EIR/EIR considered a 69.7 +/- acre site including 28.7 acres also considered in Silver Springs EIR.)	41.70	N/A	State Clearinghouse No. 92102007
2. Rescue School District	115-010-31, in Silver Springs and EJT, EIRs	5.50	00-12	State Clearinghouse Nos. 92102007/N/A; 970720221
3. Silver Springs (tentative map until 6/03, lower densities proposed in draft General Plan)	115-010-032 (47.21+/-), 115-020-10 (63.261), 115-020-09 (128.531) [(EIR) 103-010-021; 103-020-0101; 103-020-091]	239.00	00-12	Z96-03; TMP97-1330; TMP97-1330E; State Clearinghouse Nos.970720221; 90021120.
4. McGavock	115-030-04	17.90	00-12 (withdrawn)	Z99-02; P99-02 (withdrawn); IS/ND
5. Hill	115-030-03	14.06	00-12 (withdrawn)	N/A
6. El Dorado County	115-010-09	0.37	N/A	N/A
7. Hansen (Oak View Estates) (tentative map expired, lower densities proposed in draft General Plan)	115-030-02 (12.92); 115-030-12 (11.35)	24.27	00-06	TMP89-1157/ TMP89-1157E; IS/ND?
8. McCaughern	115-030-14	0.76	00-12 (withdrawn)	N/A
9. Bass Lake Estates	115-030-06	7.45	00-12 (withdrawn)	Z96-11; TM96-1320; TM96-1320E; IS/ND
10. Shawhan	115-020-06	5.00	N/A	N/A
11. Furbotten/(Verde Vista) (tentative map expired, lower densities proposed in draft General Plan)	115-020-02 (9.95); 115-020-03 (9.95); 115-020-04 (9.95); 115-020-07 (4.95)	34.80	00-02	Z97-21; TM97-1342/TM97-1342E; IS/ND
Total Acres		390.81		

*Acreage figures are approximate.

Project Location: The project site is located in the Rescue and Cameron Park Areas of western El Dorado County (See Exhibit 5). El Dorado Hills is located to the west of the site, and Cameron Park to the east. The site is generally bounded by Green Valley Road on the north, and Bass Lake Road on the east and southeast (See Exhibit 6, Project Site/Location).

Environmental Setting: The 390+/- acre project site is located in the western foothills of the central Sierra Nevada mountains in the western slope area of El Dorado County. The project area's Mediterranean climate is characterized by long, essentially rainless summers, and wet, cool winters. Site elevations range from approximately 1,100 to 1,350 feet. Oak woodland, oak savannah, oak-shrub, chaparral, annual grassland and riparian plant communities are prevalent.

The project site is predominantly undeveloped with fewer than ten single family dwellings located along the south and southeastern boundary. Green Springs Creek crosses the site. A pioneer era cemetery is located near Green Valley Road. The majority of the project area was historically ranched or farmed. A large portion of the site was used for grazing purposes until approximately two years ago. Small-scale agricultural uses, such as small animal husbandry, gardening and commercial beekeeping continue.

The El Dorado Irrigation District has constructed sewer lines and the Pioneer Lift Station on the Silver Springs site. In April 1993, El Dorado County approved construction of the north-south Bass Lake Road Realignment, which will cross the project site.

Agricultural, open space, rural residential, and park uses exist to the west, southwest and north of the project site (See Exhibit 6). Specifically:

- North of Green Valley Road - The historic Pleasant Grove House, grassland, chaparral, oak woodlands, with some development occurring to the northeast, and agricultural uses to the northwest.
- Northeast (south of Green Valley Road) - The Pioneer Place (Sierra Crossing) large lot subdivision is under construction.
- West/southwest - The landscape is characterized by grasslands, chaparral and some steep terrain. Some single family residences have been constructed in the Green Springs Ranch rural residential subdivision.
- East/southeast - Bass Lake Road forms the east and southeast site boundaries (with the exception of the 7.5+/- acre Bass Lake Estates site). Small lot subdivisions, including Bass Lake Village, are located east of the road in Cameron Park.
- South/southwest - Open space uses, including a County park and Bass Lake are located to the southwest. Small lot residential uses are located to the south across Bass Lake Road.

See Exhibit 7, Land Use Zones, for an illustration of project site and area zoning.

Project Justification: Project proponents justify the project by indicating that approved land use projects cannot be constructed until urban services are available to the sites.

Applicants:

Bass Lake Joint Venture, 14401 Blue Ravine Road, Folsom, Ca. 95630; John Sedar, Contact.
Kaye E. Furbotten and V. Fay Glenn, 2580 Bass Lake Road, Rescue, Ca. 95672
Jeffrey K. Hansen and James J. Nangle, 2840 Bass Lake Road, Rescue, Ca. 95672

Background, Issues and Impacts Summary².

Background. Between 1989 and 1998, development projects were proposed or approved for seven of eleven areas listed in Table 2. Environmental reviews pursuant to the California Environmental Quality Act (CEQA) were also completed. Most approvals, and related CEQA analyses, were based on assumptions, technical data, and analysis, prepared for the 1996 County General Plan and General Plan EIR. The Oak View Estates project was based on the superseded Rescue General Plan.

On February 5, 1999, the Superior Court, County of Sacramento, in the matter of the *El Dorado County Taxpayers for Quality Growth, et al. v. El Dorado County Board of Supervisors and El Dorado County* ruled that in certain respects the County failed to comply with CEQA in the adoption of its 1996 General Plan. Consequently, certification of the General Plan and the adoption of the General Plan were set aside. The Court also issued a Writ of Mandate listing projects that could proceed prior to adoption of a new General Plan. Development projects enabled by the proposed LAFCO action are not listed in the Writ of Mandate (see land use discussion).

An El Dorado County Draft General Plan and Notice of Preparation (NOP) of an Environmental Impact Report (EIR) have been prepared and released to the public. The NOP response period has ended and a Draft EIR is being prepared. The land use plan for the site as described in the NOP is attached as Exhibit 9. Ten other General Plan alternatives are being evaluated in the DEIR. Land use maps are not yet available for most alternatives. The County plans to complete the Draft General Plan EIR in spring 2003 and adopt a General Plan in December 2003.

Water supply. In 1998, Silver Springs' EIR preparers concluded that water supply impacts were insignificant because existing water resources could be used. Water supply impacts from four tentative subdivision maps approved on the subject site were mitigated by requiring proof of water meters or annexation to EID before maps could be recorded. Water supply is now uncertain and the courts have determined that such mitigations are deficient when an adequate water supply cannot be identified.

Site uses require approximately 520 equivalent dwelling units (edus) of water, and there are 1,999 parcels within the district that are currently unserved and may need service. EID has reported that it has 682 edus³ of water remaining to serve the entire project area and cannot serve the site until a new water supply is available. EID does not have enough available water to serve other parcels already in the district, and project approval will exacerbate this problem.

In September 1999, LAFCO considered a similar EID annexation proposal (Bass Lake Hills) in the project area and found that additional CEQA documentation was needed for proposed water sources, and that impacts of water supply acquisition, uses and infrastructure construction had not been evaluated, and might have significant adverse impacts including adverse impacts on agricultural operations in the eastern county.⁴

²See Exhibit 10, Initial Study Checklist, for additional data and analysis. CEQA reviews discussed in this section are incorporated by reference into the Initial Study.

³In August 2002 including deduction of 113 edus set aside by EID for Bell Ranch.

⁴LAFCO Resolution Number 97-02.

Potential significant adverse effects on agriculture are derived from competition for finite water resources, increased water costs to pay for new water supply and transmission projects, and the introduction of urban infrastructure on agricultural lands. Some adverse effects on agricultural resources may occur with, or without, project approval. However, project approval may increase the severity of adverse effects.

The proposed project may indirectly cause significant adverse biological resource, recreation, and agricultural impacts in the American River Basin derived from new water supply acquisition, and expansion of Folsom Lake pumping facilities (See EID annexation discussion).

Completion of annexation requires discretionary action by the US Bureau of Reclamation (USBR) to expand EID's American River Basin water service area. The USBR has indicated that projects in areas with special status species are subject to National Environmental Policy Act (NEPA) review. Special status plant and wildlife species are found on the site. Potential related impacts need to be evaluated in consultation with the USBR and US Fish and Wildlife Service.

Land Use. The Project Description General Plan (Exhibit 9) includes Low Density Residential (LDR) land use designations (5-20 acre minimum parcel size) for much of the project site. Proposed densities are lower than those in the vacated 1996 General Plan. The County does not require urban water and sewer service provision to residences constructed on 5-20 acre parcels so annexation to EID may not be necessary if lower densities are ultimately approved. It is uncertain, however, whether rural residential densities will be retained.

Although cities and counties generally avoid lowering densities on approved development projects, unique circumstances in El Dorado County provide a setting in which adoption of lower densities could occur. The 1996 General Plan has been set aside. Traffic congestion and air quality problems have worsened considerably since 1996. Lower densities may also further County efforts to comply with Measure Y, a voter adopted initiative requiring traffic congestion mitigation, and to promote orderly growth and development as currently proposed.

County planning staff has indicated that projects not authorized to proceed under the Writ of Mandate or with expired maps are more likely to have land use densities changed. In fact, the County has notified owners of properties with expired tentative subdivision maps that land use entitlements may need to be adjusted to achieve compliance with Measure Y and new General Plan requirements.

Approved tentative subdivision maps for the subject site have, or will, expire prior to General Plan approval. Expired map densities appear to conflict with the Project Description General Plan which meets the definition of a possible project to be considered in a CEQA review.

Previous EIRs for two approved land uses (Silver Springs and the school sites) disclosed that development would cause significant adverse unavoidable land use/agriculture, biological resource and air quality impacts (from traffic congestion) and other impacts. Levels of impact were determined using 1996 General Plan EIR information later found deficient by the courts, and may, therefore, be understated. Potential adverse related impacts need to be further evaluated using new and more accurate data currently being generated by the County, and with consideration of recent, probable and reasonably foreseeable projects.

In the proposed General Plan Draft EIR, the County will correct prior deficiencies, assess and update project-specific and cumulative impacts, and include mitigation for project-related land

use, traffic, air quality, biological resource, water supply and other impacts of General Plan buildout. LAFCO action prior to adoption of a valid General Plan and General Plan EIR certification may affect the County's ability to adopt land uses and mitigations that reduce environmental damages thus increasing the severity of previously identified impacts. Extension of urban water and sewer services may undermine orderly growth and development as currently envisioned by the County and is inconsistent with the process, timing and adoption of an adequate General Plan.

The status of land use is a key consideration in evaluation of the subject project. The subject project is proposed to ensure that urban services can be provided to the sites if developed consistent with expired or expiring tentative subdivision maps. Without such services, and with expired map densities, adverse health and safety impacts could be expected. If LAFCO acts prior to County General Plan adoption, it is possible that the attainment of the short-term goal of obtaining adequate and safe water and sewer service for these sites may conflict with the County's long-term environmental goals of reducing traffic congestion, avoiding air quality degradation, and complying with Measure Y which sets environmental goals.

Cumulative Impacts. Conditions in El Dorado County have changed considerably since 1996 when the vacated General Plan was adopted. The cumulative impact analysis is based on a range of recent, probable and reasonably foreseeable projects, including recently approved, pending and expected annexation requests, land use projects approved after the subject tentative subdivision maps were approved including updated General and Community Plans for surrounding jurisdictions (Placer, Sacramento, Amador and Alpine Counties), the Project Description for the Draft El Dorado County General Plan, City of Folsom Sphere of Influence Expansion, issuance of Writ of Mandate based on development of sites with approved Development Agreements, Measure Y changes to the General Plan, and various water supply and wastewater treatment projects. Cumulative land use, agriculture, wildlife, air quality, traffic, water quality and water supply-related impacts have the potential to be significantly adverse.

Summary of Impacts. The act of annexation may increase pressures on EID to obtain water, and on the County to maintain higher land use densities without which service is not needed. The maintenance of higher densities has the potential to cause significant adverse traffic, air quality, agriculture, water quality and biological resource impacts and cannot be mitigated to a less than significant level.

The proposed project, by itself, has the potential to cause significant adverse project-specific and cumulatively considerable water supply impacts by competing for water with territory already annexed, entitled, and paying water assessments, intensifying pressures to utilize existing water supplies that may be needed for agriculture uses on lands within district boundaries, or to construct water supply projects that may be damaging. Adverse health and safety impacts relating to water supply may be expected if properties are annexed into a water district that is currently unable to serve them. Water quality impacts may be significantly adverse if EID is unable to secure expected permits for the DCWWTP.

If the project site builds out consistent with approved maps, indirect water supply, agriculture, recreation and biological resource impacts related to water provision may be significantly adverse and unavoidable.

Pursuant to LAFCO's adopted CEQA policies (2.216), the following conditions have the potential to cause significant adverse environmental impacts and are applicable to the subject project.

Buildout of the proposed project may cause service levels to decline below established standards, costs of service provision to rise substantially to the detriment of service levels, or cause those currently receiving service to receive reduced or inadequate services when such changes may cause adverse health and safety or other physical impacts (applies).

Buildout of the proposed project may cause the infrastructure capacity of a service provider to exceed planned and safe limits when such changes may cause adverse health and safety or other physical impacts (applies).

The proposed project includes or plans for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not planned for development especially those containing prime agricultural land, mineral, sensitive plant or wildlife or other important resources (may apply).

The proposed plan could cause health and safety or other physical impacts because a service provider is incapable of providing service, the proposal has an illogical boundary, or elements needed to provide service (water supply, treatment facilities, equipment, energy) are not available, or stressed beyond capacity (applies).

The proposed project, when considered in conjunction with other recent, present and reasonably foreseeable projects, may cause significant adverse cumulative impacts (applies);

There is no need for service and the proposed project adversely affects important public resources or the public health and safety (may apply);

The project would adversely impact animal or plant species either listed as, or determined to be, endangered, rare, or threatened as provided in §15380 (applies).

Sphere of Influence Amendments. SOIs are defined as a "plan for the probable physical boundary and service area of a local government as determined by the commission (CKH Act Section 56076)." LAFCO approval would expand the EDHCWD, the CPCSD and the EDHCSD SOIs and enable requested annexations. Prior to SOI amendment actions, LAFCO will need to adopt service review determinations pursuant to Section 56430 of the CKH Act.

The three districts have indicated a willingness to serve the project site. The CPCSD has asked that the Pioneer Place property (Sierra Crossing), to the northeast of the project site, also be included in its SOI (McBride 8/19/02). The EDHCSD has requested that the entire site (an additional 326 acres) be included in its SOI and annexed into the EDHCSD (Hillyer, 8/22/02).

EDHCWD - Approval of the subject project would add 0.37 +/- acres of County owned land to the EDHCWD's SOI. The EDHCWD provides fire and emergency services in the project area. Its northern boundary surrounds the triangular parcel on two sides. The area is not part of any pending LAFCO proposal and is not included in any district. The triangular parcel (115-010-11) is bordered on two sides by Bass Lake Road (BLR) and the BLR realignment. The parcel is too small to be developed as zoned (low density residential) and is likely to be included in road improvements for the Bass Lake Road realignment project.

The last valid General Plan for the area (Rescue Area Plan) recognized EDHCWD as the main service provider for the site is (p. 2). The Plan's 1984 CEQA review recommended expansion of facilities for that district as a mitigation measure and required that "areas not currently within a fire district should be annexed prior to development (p. 70)."

Approval of the SOI amendment, and subsequent annexation, may further LAFCO's policies to

"coordinate logical and timely changes in local government boundaries (LAFCO policy 1.1)" and "order the inclusion of additional territory to any proposal to correct an otherwise unacceptable boundary and to accomplish its goal of creating orderly boundaries (LAFCO policy 2.98)." The acreage was included to enable LAFCO to consider the SOI amendment as part of deliberations on the larger project. The SOI amendment does not appear to have any environmental consequences.

CPCSD - The CPCSD Limited SOI is proposed to be expanded by 326+/- acres. Within its Limited SOI, the CSD provides weed abatement, public parks, recreation programs, street lighting, landscape maintenance, and CC&R enforcement in the Cameron Park area. The County Parks Department currently provides park services to the area proposed to be included in the CSD SOI including county trail planning. However, the only park it operates is at Bass Lake. The county has not planned to provide substantive local park and recreation services to this area.

Two hundred seventy-nine (279) of the acres proposed to be added to the CPCSD SOI are included in the Silver Springs and Furbotten (Verde Vista) proposals. After review of the boundaries created if LAFCO approved the project as proposed, it was determined that additional acreage should be included in the CEQA review to enable the Commission to consider potential boundary adjustments that might further implementation of LAFCO Policies 1.1 and 2.98.

Additions include the 5-acre Shawhan site (115-020-06), which is completely surrounded by parcels included in the Silver Springs and Furbotten proposals, and 41.7+/- acres of El Dorado Union High School District's High School #5 site (115-010-27; 115-010-28) located adjacent to, and west of, Silver Springs.

When the County approved land use entitlements for the Silver Springs and Furbotten sites, it required parkland dedications or in-lieu fees but did not specify the recipient of those fees. The Silver Springs property owner was required to submit CC&Rs to the CSDs for review. Properties were not required to be annexed to any park or CC&R service provider. Planning documents indicated, for the most part, that the choice of providers should be left to LAFCO if annexations occurred. The exception was the Findings of Fact for the Silver Springs project which assumed that EDHCSD was the ultimate service provider. Both park providers expressed concerns that residents of developed areas would use parks and recreation services without paying fees assessed to residents of the district.

In its February 20, 2001, Silver Springs Subdivision Service Plan, the CPCSD reported that the inclusion of "Silver Springs in the CSD's physical boundaries and service area, to benefit from all CSD services, is needed to (a) ensure that adequate revenues flow to the agency that is primarily responsible for service delivery, (b) allow those receiving services to participate in selecting a democratically accountable board of directors and (c) promote governmental boundaries that reflect Cameron Park's community identity and interest."

Inclusion of Shawhan allows LAFCO to avoid creating an island within the SOI and ultimately the district boundaries if it approves the requested SOI amendments. Inclusion of the school site permits LAFCO to place all 69+/- acres of the middle and high school sites in the CPCSD SOI rather than the portion within the Silver Springs application.

Proposed amendments to the CPCSD SOI do not appear to cause any potential adverse environmental impacts because street lighting and park services will be provided with, or without, project approval. The subject SOI amendment and annexation simply ensure that future

residents of the project site are assessed for the park services that they receive. It also ensures that CPCSD residents are not required to effectively subsidize services to future project site residents to the potential detriment of service cost and adequacy. Project approval has the potential to produce some environmental benefits derived from proper maintenance of open space and park land, provision of public safety services such as improved street lighting, and avoidance of service reductions caused by service to nonresidents.

EDHCSD - The EDHCSD SOI is proposed to be expanded by 56.99+/- acres. Within its SOI, the CSD provides public parks, recreation programs, street lighting, landscape maintenance, CC&R enforcement, and solid waste collection in the El Dorado Hills area.

Approximately 24 of the acres proposed to be added to the SOI are included in the Hansen and Nangle (Oak View Estates) proposal. The County required annexation to the EDHCSD as a condition (#27) of the land use approval and is not planning to provide substantive local park and recreation services to the area. Annexation cannot occur unless the territory to be annexed is included in the SOI. Approval of the SOI amendments permits the EDHCSD to collect fees for services it will ultimately provide to the properties.

In a letter dated August 22, 2002, the EDHCSD commented that "The District has the capacity, ability and experience to deliver the solid waste collection services, parks and recreation facilities and programs, street lighting and landscaping services, CC&R enforcement, and cable television for the additional proposed 56.99 acres at a level that meets existing service levels and which will not diminish service to the current population. It is likely that the majority of the annexed residents will participate in the plethora of youth, adult and family recreation programs in El Dorado Hills, including the community center, gymnasium and aquatics facilities. It is appropriate that the county property tax increment for services, if annexed, be kept with the EDH CSD.

The proposed annexation is a logical and reasonable expansion to the District. Providing facilities and services to future customers can be accommodated, without any negative impact on service to existing customers of the District. The other 325.30 acres currently proposed for Cameron Park makes better geographic sense to be annexed to El Dorado Hills. Then the proposed project would continue EDH north to Green Valley, with the existing Bass Lake Road marking the eastern boundary limit. Green Springs Ranch, west of the proposed project, is already in the EDH Sphere of Influence (Hillyer, 8/22/02)."

After review of the boundaries that would be created if LAFCo approved the project as proposed, it was determined that additional acreage should be included in the CEQA review to enable the Commission to consider potential boundary adjustments that might further implementation of LAFCO Policies 1.1 and 2.98.

Additions to the proposed SOI amendment include the 0.76 acre McCaugherm parcel (115-030-014), the 17.90 acre Hill parcel (115-030-03) and the 17.09 acre McGavock property (115-030-04). Approval of the SOI amendments enables LAFCO to avoid creating islands within service areas.

Proposed amendments to the CSD do not appear to cause any potential adverse environmental impacts because most services will be provided with, or without, project approval. The subject SOI amendment and annexation simply ensure that future residents of the project site are assessed for services they receive. It also ensures that CSD residents are not required to effectively subsidize services to future project site residents to the potential detriment of service

cost and adequacy. Project approval has the potential to produce some environmental benefits derived from proper maintenance of open space and park land, provision of public safety services such as improved street lighting, and avoidance of service reductions caused by subsidized service to nonresidents.

The June 1998, EDHCSD SOI Report includes recommendations for including areas in the EDHCSD SOI that generally coincide with the El Dorado Hills Community Region as defined by the County General Plan. Silver Springs is identified as a site that should be included.

The project files and LAFCO's June 8, 1998 Issues and Alternatives in Updating Spheres of Influence of Special Districts in the Cameron Park Area indicate that EDHCSD or CPCSD would be suitable service providers for the entire site. The Silver Springs applicant formally requested annexation to the CPCSD but indicated that service by either provider did not affect cost and adequacy of service. The Furbotten applicant requests annexation to CPCSD. Hansen and Nangle request annexation to EDHCSD as required by the County. Proposed boundaries appear to be logical and don't appear to adversely affect cost or adequacy of services to existing or proposed customers.

There does not appear to be any potential for adverse environmental impact related to the EDHCWD, EDHCSD, and CPCSD SOI amendments. If LAFCO modifies boundaries to logically redistribute acreage among the two park service providers or add the Pioneer Place site to park service provider boundaries, no additional effects are anticipated.

Annexations.

EDHCWD. The proposed project includes annexation of 0.37 acres into the EDHCWD. No adverse environmental impacts are anticipated. (See SOI amendment discussion.)

CPCSD. The proposed project includes annexation of 326+/- acres into the CPCSD. No adverse environmental impacts are anticipated. (See SOI amendment discussion.)

EDHCSD. The proposed project includes annexation of 56.99+/- acres into the EDHCSD. No adverse environmental impacts are anticipated. (See SOI amendment discussion.)

EID.

General. The proposed project includes annexation of approximately 380.86+/- acres into EID for the purpose of receiving water, sewer and landscaping services. The Verde Vista [condition #6, a mitigation measure] and Oak View Estates (Condition #24) sites must be annexed to EID prior to submittal or recordation of a final map. Silver Springs (Condition #28) and Bass Lake Estates (Condition #13) property owners must obtain water meters prior to final map recordation. EID requires annexation prior to issuance of water meters. Therefore, all three sites are effectively required to be annexed prior to final map recordation, and receiving water or sewer services.⁵

The project site is proposed to be served from EID's western region service area and supplied from EID's eastern conveyance system and distribution facilities in Cameron Park.

⁵ The County did approve a large lot Final Map for Silver Springs in spring 2002 without annexation to enable construction of the Bass Lake Road Realignment project.

For Silver Springs, water line stubouts are available to the northeast in Pioneer Place and the south in Magnolia Hills Drive. The Pioneer sewage lift station is located on-site and sewer lines and force mains are available to the site. For Oak View Estates, water and sewer lines are available in Bass Lake Village to the south.

For Verde Vista, water and sewer lines are available in Bass Lake Village to the south, Gateway Drive to the east, Woodleigh Drive to the south, and Pioneer Place to the north. For Bass Lake Estates, water lines are available at Woodleigh Lane to the east and Bass Lake Road to the west, but sewer connections are not yet available (Powell, 6/26/96). Bass Lake Estates was approved prior to construction of the Pioneer Lift Station. The property owner will need to obtain a more recent Facility Improvement letter prior to receiving service (Cooper 8/24/02).

The project site is located within EID's adopted ultimate water service area as identified in the 2002 Water Supply Master Plan. The EID Board of Directors has authorized annexation and tax sharing distributions for Verde Vista (3/19/01), Silver Springs (11/5/01), and Oak View Estates (3/19/01). The EID Board has already contracted with the school districts for the school uses (3/18/01) although the USBR has not yet approved inclusion of school sites in EID's service area.

EID has requested that LAFCO remove the Hill, McGavock, McCaugherm and Bass Lake Estates properties from the subject proposal. Removal of these properties could create islands within the EID district. Because EID has already oversized infrastructure, it is unlikely that these exclusions will cause any adverse environmental impacts.

The applicants (for Silver Springs, Verde Vista, Oak View Estates) have been advised by EID that service is contingent upon approval of the County's environmental document by the District, if requested, approval of various facility plans and applications, construction of facilities and connection fee payments.

EID has reported that service to the site depends on the acquisition of new water resources and the agency is unable to serve the project site at this time. The EID Board authorized annexation of the Silver Springs site subject to a condition that "final recording of the annexation will not be accomplished until an adequate new water supply is secured (Resolution 01-164, 11/5/01)." The same condition was placed on the Oak View Estates annexation (Resolution 01-177, 11/19/01), but not on Verde Vista which was authorized the previous spring (Resolution 01-31, 3/19/01). These actions reflect a growing awareness of the uncertainty of water availability in the project area based on substantial new information and changed circumstances.

Water and sewer services cannot be provided without construction of on-site infrastructure. To the extent that such infrastructure is placed within roads, construction impacts have been identified and mitigations required as part of land use approvals. Other impacts have not been identified and could be significant considered the site sensitivity including creeks, drainages and woodlands that possess important habitat and natural features.

EID commented upon the EIRs for the school sites and Silver Springs and reported that potential environmental impacts could occur during expansion or upgrade of existing off-site facilities, and construction of on-site facilities. EID requested analysis of potential environmental impacts.

The County deferred analysis until a Facility Improvement Plan was submitted and stated that "environmental review should be addressed in conjunction with the analyses included in the DEIR for Silver Springs (September 1998, FEIR, p. 23.)" There is no record indicating that this review

was completed. The school site FEIR preparers responded that environmental analysis of the extensions was best undertaken in an analysis of the entire EID infrastructure master plan and noted that one sewer line would already be extended as a result of the Pioneer Place project. No additional analysis occurred.

No analysis of the impacts of on-site infrastructure construction, or off-site where applicable, was undertaken for the Bass Lake Estates, Verde Vista, or Oak View Estates. Further review is required to ensure that all project related impacts have been disclosed and evaluated especially impacts upon wetlands and special status wildlife species.

Water supply. Available water supply and distribution capacity has changed substantially since 1998. EID currently has 682 equivalent dwelling units (edus) of water available to serve the entire western region. If developed at this time, site uses would consume at least 520 edus or 76% of the remaining capacity. LAFCO has received proposals to annex other sites in the western region to EID. In addition, other Bass Lake Hills property owners with parcels along the water lines for the Bass Lake tanks are preparing applications and working with EID to prepare agreements for pipeline easements.

EID has identified 1,999 unserved parcels within its boundaries and the western region indicating an existing water supply deficit. An additional 1,740 developed residential and commercial parcels within the district are served by wells. Table 3 is a summary of potential water demand.

Table 3 - Potential Water Demand

Land Use Category	# unserved parcels	# developed parcels with wells
Single Family	1,663*	1,638
Multi-family	37	0
Multi-family (less than .35 acres)	20	0
Commercial/Industrial	279	102
Total	1,999	1,740

*368 of the parcels are larger than 5 acres and may, or may not, ultimately need urban services.

The amount of water or sewer capacity needed for undeveloped parcels depends on the ultimate site uses. It is difficult to predict requirements for future unknown commercial and industrial uses because the size and nature of facilities and operations can vary considerably (i.e. cannery, warehouse, shopping center, office). It is clear, however, that EID cannot serve the project site without jeopardizing service to parcels already located within the district.

EID plans to manage this challenge by withholding service to Silver Springs and Oak View Estates until new water supplies become available (service to Verde Vista is not withheld). The County required evidence of water meters or annexation prior to final map recordings. In 2000, the courts found that such requirements, standing alone, inadequately mitigate significantly adverse water availability impacts.⁶

⁶ United Water Conservation District vs. County of Los Angeles (Newhall Ranch), 5/31/00

Table 4 - Wastewater Discharge*

Proposals submitted by private applicants**	# acres			
Silver Springs***	244.5	LAFCO No. 00-12		
Verde Vista/Furbotten	29.85	LAFCO No. 00-02		
Oak View Estates/Hansen & Nangle	24.27	LAFCO No. 00-06		
Total	298.6			
Project evaluated in LAFCO CEQA review*		Land Use Entitlements	edus	gallons/day
1. Educational Joint Venture (School Site)	41	High School #5	75	18,000
2. Rescue School District	5.5	Pleasant Grove Middle School	38	9,120
3. Silver Springs	239	244 sf units	245	58,800
		1 church (4.9 acres)	10	2,400
		1-1.5 acre park, open space lot	1	240
		Lot M (52.3 acres/10 du/low density resid.)	10	2,400
4. McGavock	17.9	4 du	4	960
5. Hill	14.06	4 du	4	960
6. El Dorado County	0.37	Not likely to need service	0	0
7. Hansen (Oak View Estates)	24.27	24 du	24	5,760
8. McCaughern	0.76	1du	1	240
9. Furbotten (Verde Vista)	29.85	69 du	69	16,560
10. Bass Lake Estates	7.45	20du	20	4,800
Total+	380.16		501	120,240

* Calculations based on 240 gallons/day average dry weather flow per edu. Figures were provided by EID (8/24/02) and based on existing land use entitlements and applicants' requests. Figures may change as actual land uses are determined (actual size of church for example).

**Acreage figures are approximate.

***Includes Rescue School District site and portion of high school site.

+ Totals may increase as landscaping needs are determined.

Table 5 - Water Requirements

Proposals submitted by private applicants*	# acres to annex to EID			
Silver Springs**	244.5	LAFCO No. 00-12		
Verde Vista	29.85	LAFCO No. 00-02		
Oak View Estates	24.27	LAFCO No. 00-06		
Total	298.6			
Project under review*		Entitlements		EDUs++
1. Educational Joint Venture (School Site)	41.7	1 high school (High School #5)	75	386
2. Rescue School District	5.5	Middle school (Pleasant Grove)	38	
3. Silver Springs	239	244 sf units	244	
		Landscaping	16	
		1 church (4.9 acres)	13	
		1-1.5 acre park	2-3	
		Lot M (52.3 acres/10 du/low density residential)	10	10
4. McGavock+	17.9	3-4 du		4
5. Hill	14.06	3 du		3
6. El Dorado County	0.37	No service expected		0
7. Hansen (Oak View Estates)	24.27	24 du		24
8. McCaughern	0.76	1du		1
9. Furbotten (Verde Vista)	29.85	69 du		69
10. Bass Lake Estates	7.45	20 du		20
Total	380.86			520

* Figures provided by EID (8/25 & 8/27/02) and based on existing land use entitlements and applicants' requests to EID as of 2001. Figures may change as actual land uses are determined (actual size of church for example) and actual requests for meters are approved. Project areas 4, 5, 6, and 9 do not need service at this time.

**Acreage figures are approximate.

***Includes Rescue School District site and portion of high school site.

+In 1999, property owner submitted a Rezone request and Tentative Parcel Map to the County to enable creation of 3 lots. Septic systems and wells were proposed. The request has been withdrawn.

++An edu equals 0.54 acre feet of water.

Finally, water shortages force construction of major new water supply infrastructure, and place a strain on existing resources and land uses including agriculture in the eastern county (see agricultural discussions). The subject project exacerbates these conditions and related impacts.

The two water supplies most likely to be used for the project site are PL 101-514 (Fazio) water, and new Project 184 water. Currently, the County Water Agency and USBR are preparing an EIR/EIS¹ for the PL 101-514 water. Approval of the Fazio water supply is being delayed pending County General Plan adoption. CEQA documents for Project 184 are currently being challenged in the courts, and EID has filed a legal challenge against a State Water Board condition (Term 91) intended to protect the Sacramento-San Joaquin River Delta during drought conditions.

Folsom Lake pumping station expansion is necessary to supply adequate water to the project site and area (Powell, 10/22/02). Federal sources have indicated that potential biological resource or other impacts from the pumping plant expansion project may be substantial and adverse. Related issues and impacts need to be further researched, clarified and evaluated.

The USBR will need to expand EID's contracted service area boundaries before water service can be provided to the site. The USBR is particularly concerned with impacts upon special status species, and has indicated that their action is subject to NEPA review and consultation with the US Fish and Wildlife Service. Potential adverse biological resource and recreation effects may be mitigated to a less than significant level, if LAFCO conditions the project to require USBR review, mitigation if required, and contract amendments prior to Filing a Certificate of Completion, which finalizes LAFCO's actions. Alternatively, concurrent CEQA/NEPA review could occur.

The County and school district undertook substantial reviews of biological resources when considering the Silver Springs, high school and middle schools' projects. Some evaluation also occurred with the Oak View Estates, Bass Lake Estates, and Verde Vista projects. In some cases, mitigation measures were required which reduced the severity of impacts to less than significant. In other cases, impacts were found to be significantly adverse and unavoidable (See Biological Resources section of Initial Study Checklist for additional discussion).

The Hill, McCaughern, and Shawhan sites have not been evaluated, and may contain special status species. Additional evaluation of environmental damages using new data and considering recent, probable and reasonably foreseeable projects will be required to determine the level of project specific and cumulative biological resource impacts.

Mitigation Measure: A Certificate of Completion shall not be issued or recorded until the US Bureau of Reclamation reviews the project, adopts mitigation, if applicable, and adds the subject territory to EID's contracted right of use area for water.

Wastewater. Several sewer lines and the Pioneer Lift Station have been constructed on the project site. Trunk sewers are available through Bridlewood Canyon to the southeast. Trunk lines "are oversized due to anticipation of higher density projects despite the designations shown on the County General Plan."²

¹Environmental Impact Statement pursuant to National Environmental Policy Act.

²Silver Springs Subdivision EIR.

Site uses as evaluated by EID are expected to discharge 501 edus (120,240 gallons/day dry weather flow) of effluent. Amounts could vary depending on the type and size of the future church and other factors. Effluent is proposed to be treated at the Deer Creek Wastewater Treatment Plant (DCWWTP). Discharges from the plant flow into Deer Creek.

The state issues permits for discharges from wastewater treatment plants based on average dry weather flows. The State Water Quality Control Board issued a permit/order for the DCWWTP, which allows an average dry weather discharge of 2.5 million gallons per day (mgd). In 2001, the average dry weather effluent flow from the plant was 2.27 mgd. Discharge from the project site would add 0.12 mgd to total 2.39 mgd or 96% of permitted capacity.

Capacity is currently available for the site. However, there are 1,999 unserved parcels within the district, and LAFCO has received proposals to annex other sites in the area that are authorized to develop under the Writ of Mandate. As of 12/31/01, 11,438 edus (2.75+/- mgd) have been sold but are not being used. It is unclear what capacity needs to be retained to accommodate unserved or underserved parcels. To avoid unnecessary costs, it is EID's policy to wait to construct infrastructure until need is imminent (Eden 11/4/02).

EID has determined that it needs additional permitted capacity at the DCWWTP to serve its short term wastewater treatment needs. The district has applied to the State for an National Pollutant Discharge Elimination System (NPDES) permit to expand DCWWTP's permitted capacity to 3.6 mgd. The permit request is currently undergoing public review and will be considered by the Central Valley Regional Board in early December 2002.

As a condition of approval, EID must install new filters at the plant to enhance tertiary treatment before utilizing additional permitted capacity. Filter installation is planned and funded, and is expected to be completed in the summer 2003. It appears that the DCWWTP will have the permitted capacity to serve the project area over the short term if the State approves its permit, and EID completes compliance with conditions of approval. The exact status of long term needs is unclear and may need further review and evaluation. Project related water quality impacts may be significantly adverse if permits are not approved and/or latent service is activated. The status of permits needs to be further evaluated.

Land Use Discussion. Evaluation of the proposed project's land use issues and impacts is problematic. There is no applicable valid General Plan. The most recent valid General Plan designated most of the site for rural residential and agricultural uses (see Exhibit 7a), and the County's Draft General Plan Land Use Map (Project Description) shows rural residential (LDR, 5-20 acre minimum parcel size) land use designations for all parcels west of Bass Lake Road (see Exhibit 9). Proposed designations conflict with previously approved maps which have, or will, expire prior to adoption of a valid General Plan.

This situation is especially problematic for LAFCO because the County does not require provision of public sewer and water for rural residential and agricultural land uses. As a result, it is unclear whether LAFCO action is needed. If needed, the action provides certain health and safety benefits. If not needed, it may be growth inducing and may conflict with County land use plans.

Pursuant to the superseded 1993 Rescue Area General Plan Land Use Map, 94% of the site could be developed without public sewer and water. The exception is Oak View Estates along the southern site boundary which was designated residential (4 du/acre) in 1989, zoned R1A (1 du/acre) and approved for subdivision into 24 one-acre lots.

The 1996 General Plan land use designations (See Exhibit 8), though now set aside, are essentially consistent with approved zoning and subdivision entitlements, which created the need for public services. The 2001 Project Description County General Plan, includes designations more similar to the Rescue Area Plan than the 1996 General Plan. Although adoption of lower densities is not certain, County planning staff has indicated that sites with expired maps are more likely to be redesignated (Maurer 11/4/02).

The Silver Springs Tentative Subdivision Map will expire in June 2003 (Maurer, 11/1/00) before a valid General Plan is adopted. The Verde Vista, Oak View Estates, and Bass Lake Estates Tentative Subdivision Maps have expired and owners have filed map extension requests. The County Planning Department notified the latter three that map extensions cannot be processed until a general plan is adopted (Maurer, 5/9/00, 7/11/01, Postlewait, 2/16/99). Specifically,

"the general plan adoption process could change some land use designations....If changes are made to the general plan during this time period, including changes required by the passage of the Control Traffic Congestion Initiative last November (Measure Y), your project will be required to be consistent with those changes. Therefore, processing of your application now would certainly require re-circulation to agencies, at additional costs, once the general plan is adopted (Maurer 5/9/00)."

If lower General Plan densities are approved, the County will be able to consider adjusting maps to achieve consistency with the new General Plan as part of the map extension process, or a new application. If lower densities are approved, previously identified significantly adverse impacts upon the site's biological resources including special status plant species, such as Layne's Butterwort and Red Hills Soaproot, endangered species such as the Elderberry Longhorn Beetle, special status raptors, oak and riparian woodland, and wetlands and grasslands providing habitat and forage for the Cooper's Hawk and other special status species may be reduced substantially.

LAFCO's approval of water and sewer district annexation proposals would enable acquisition of water meters, and sewer service, based on land use entitlements denser than those contained in the 1993 and proposed (2001) General Plans. Lower densities may facilitate county and voter-approved land use, air quality improvement and traffic flow objectives intended to lessen air quality degradation and relieve traffic congestion, and reduce other project related land use and biological resource impacts. Annexation, and the subsequent acquisition of water meters and sewer service, represents a step forward in developing a substantial portion of the project site to densities that keep the County from meeting those objectives.

It is unclear whether LAFCO's action will adversely affect the County's ability to mitigate substantial environmental damages identified by the Courts, reinforced by recently published County traffic and other analyses, and updated and reassessed in the proposed General Plan EIR. If LAFCO's action promotes retention of higher densities, and higher densities are retained, the County may be forced to lower densities on other sites less conducive to orderly growth and development, and LAFCO may ultimately be asked to annex less logical areas to EID. In that case, indirect adverse land use impacts could occur, and would be difficult to quantify.

In sum, project approval appears to conflict with the process, timing and adoption of a valid General Plan, may be premature, and may conflict with County land use and environmental goals. Project approval could undermine the County's ability to mitigate land use impacts with General Plan and zoning actions. LAFCO is not empowered to adopt land use conditions which might

remedy land use conflicts until the County puts valid plans in place. Therefore, project approval has the potential to cause significant adverse project specific and cumulatively considerable land use impacts and related biological resource, traffic and air quality impacts.

Agricultural Resources. Site soils generally consist of Rescue and Serpentine series. Soils are classified as ReB, Sandy Loam (2-9% slope), RgE2, extremely stony, sandy loam, 3 to 50% slopes, eroded, ReC, Sandy Loam, 9-15 % slope, SaF, Serpentine Rock Land, RK, clay, RfC, very stony sandy loam (Soil Survey of El Dorado Area, California, USDA Soil Conservation Service, April 1974). A substantial portion of the project site is designated as Farmland of Local Importance by the State Department of Conservation (El Dorado Important Farmland Map, 1998). Most of the remaining area is designated as Grazing Land.

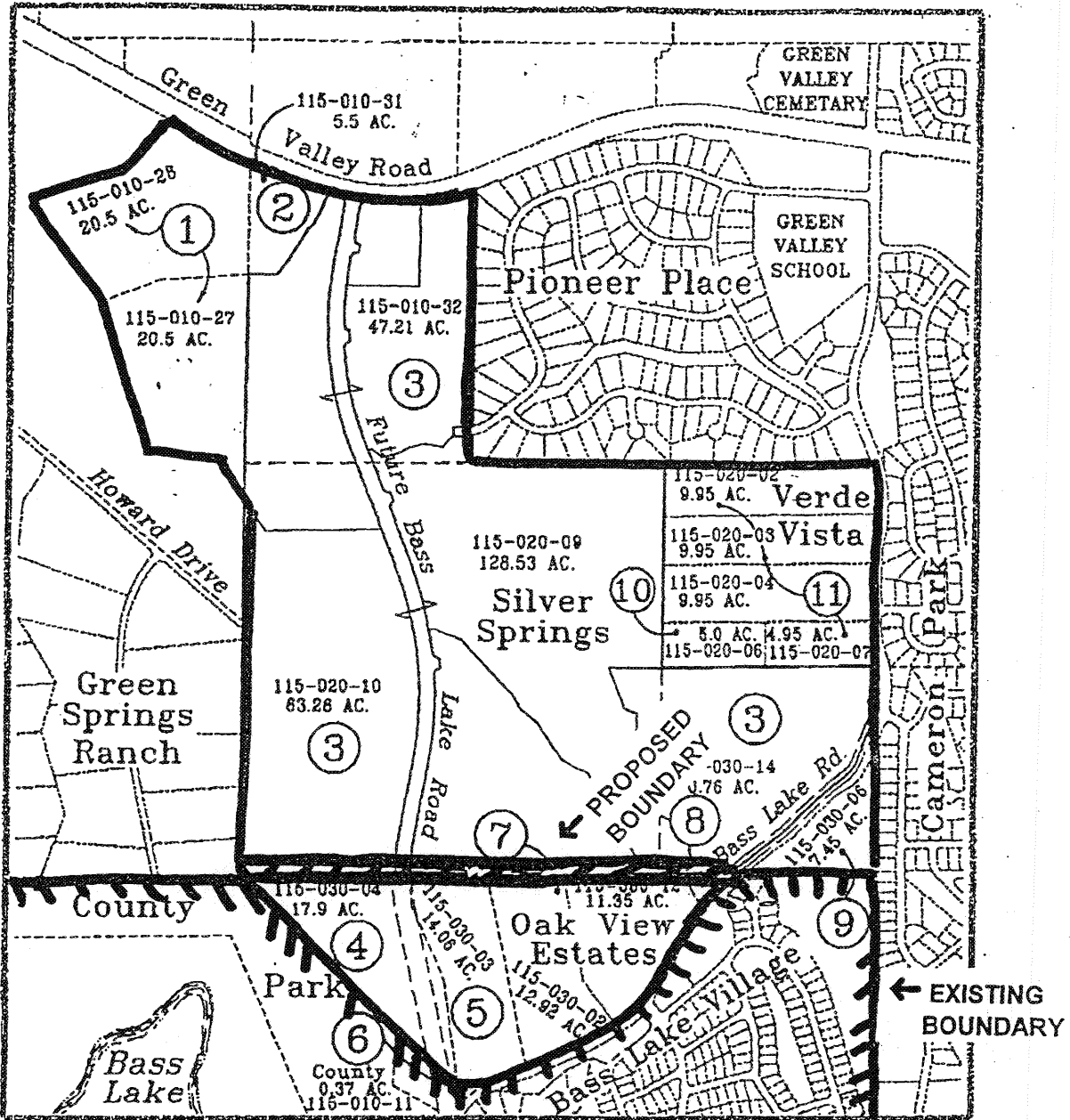
Agricultural uses have historically occurred on-site and in the project vicinity. The project site does not include parcels encumbered by Williamson Act Land Conservation contracts although 52 acres on the northern portion of the site were rolled out in 1996. Portions of the site may be considered prime agricultural land if evaluation is based on agricultural productivity. The Silver Springs EIR identified agriculture impacts as significant and the County Board of Supervisors adopted Findings of Fact to that effect in 1998.

Annexation to EID increases demand on existing and future water supplies. Increased demand has the potential to adversely impact the physical and economic integrity of agricultural land in the county due to increased competition for scarce resources, increased costs caused by construction of infrastructure needed to increase water supply, and introduction of water infrastructure into agricultural lands. Site development under the proposed General Plan would enable some small scale agricultural activities to continue thus reducing previously identified adverse impacts. Project related and cumulative agriculture impacts may be significantly adverse.

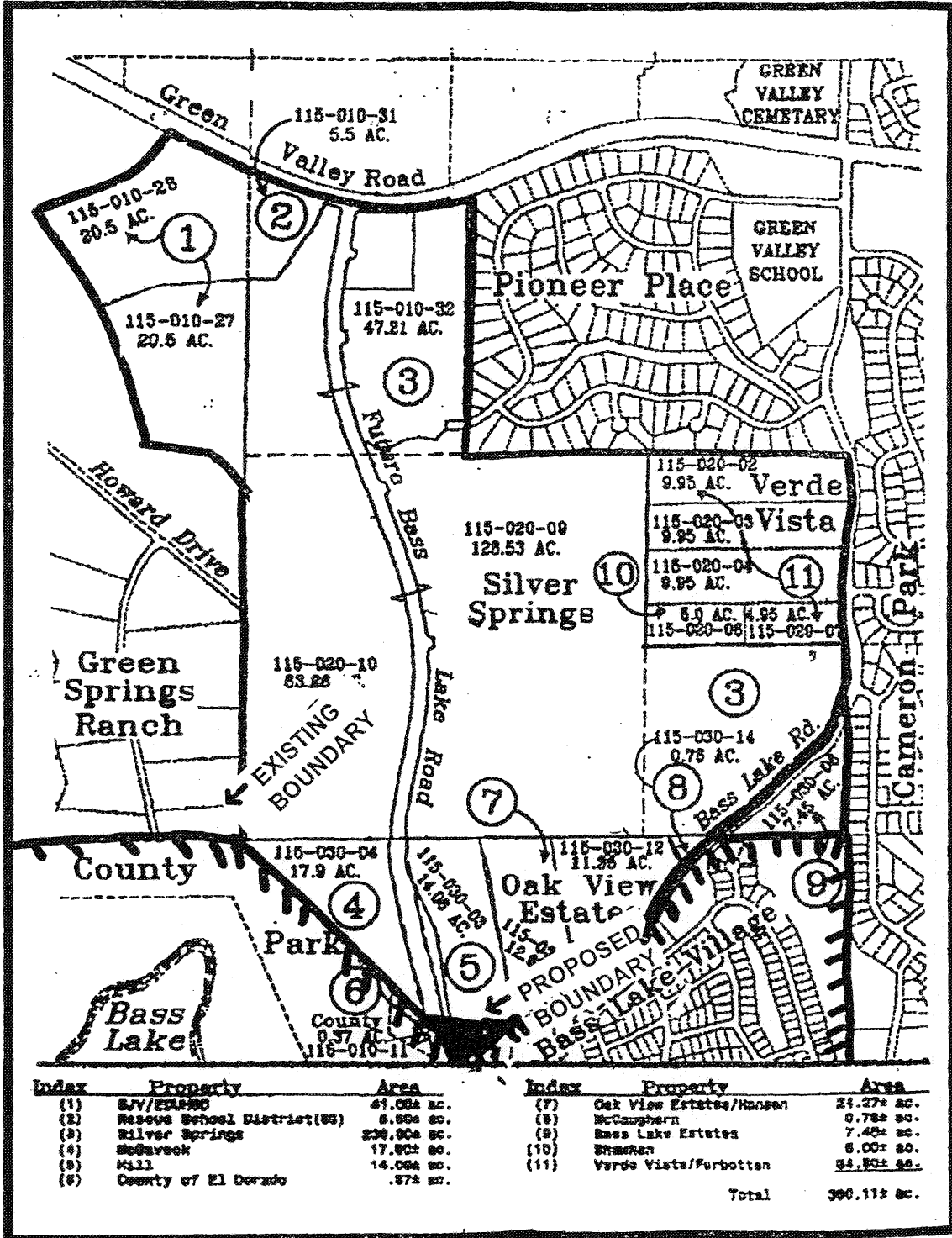
Growth Inducement. EID has constructed some sewer and water infrastructure on the Silver Springs, McGavock and Hill sites, including the Pioneer lift station, without requiring annexation. Infrastructure is already located in Green Valley Road on the north, and along Bass Lake Road on the east. The El Dorado Union High and Rescue School Districts have already contracted with EID for water and sewer services although the USBR has not yet approved necessary service area expansions. Existing infrastructure has been oversized and can already service denser development on and off the project site. Park, fire and emergency services are available to the project site with, or without, project approval.

Project approval could facilitate on-site development at densities higher than those proposed by the County. Green Valley Road lies between higher density areas on-site and agricultural areas most likely to be affected. Only two smaller lots and a church would be placed on the Silver Springs site adjacent to Green Valley Road. School projects will be constructed and served with, or without, LAFCO approval. Therefore, from a practical perspective, the project's off-site growth inducing impacts in the project area do not appear to be significant unless the USBR identifies additional impacts or does not approve a service area amendment. There may be indirect growth inducement on agricultural lands in the eastern and south county caused by water supply projects and increased service costs to EID. (See agriculture and water supply discussions.)

The County is expected to make findings regarding affected services pursuant to the Court's Writ of Mandate (1996 General Plan litigation) particularly as it relates to growth inducement impacts. Such findings are not yet available. Therefore, the nature and extent of growth inducing impacts of LAFCO's actions may not be fully understood.

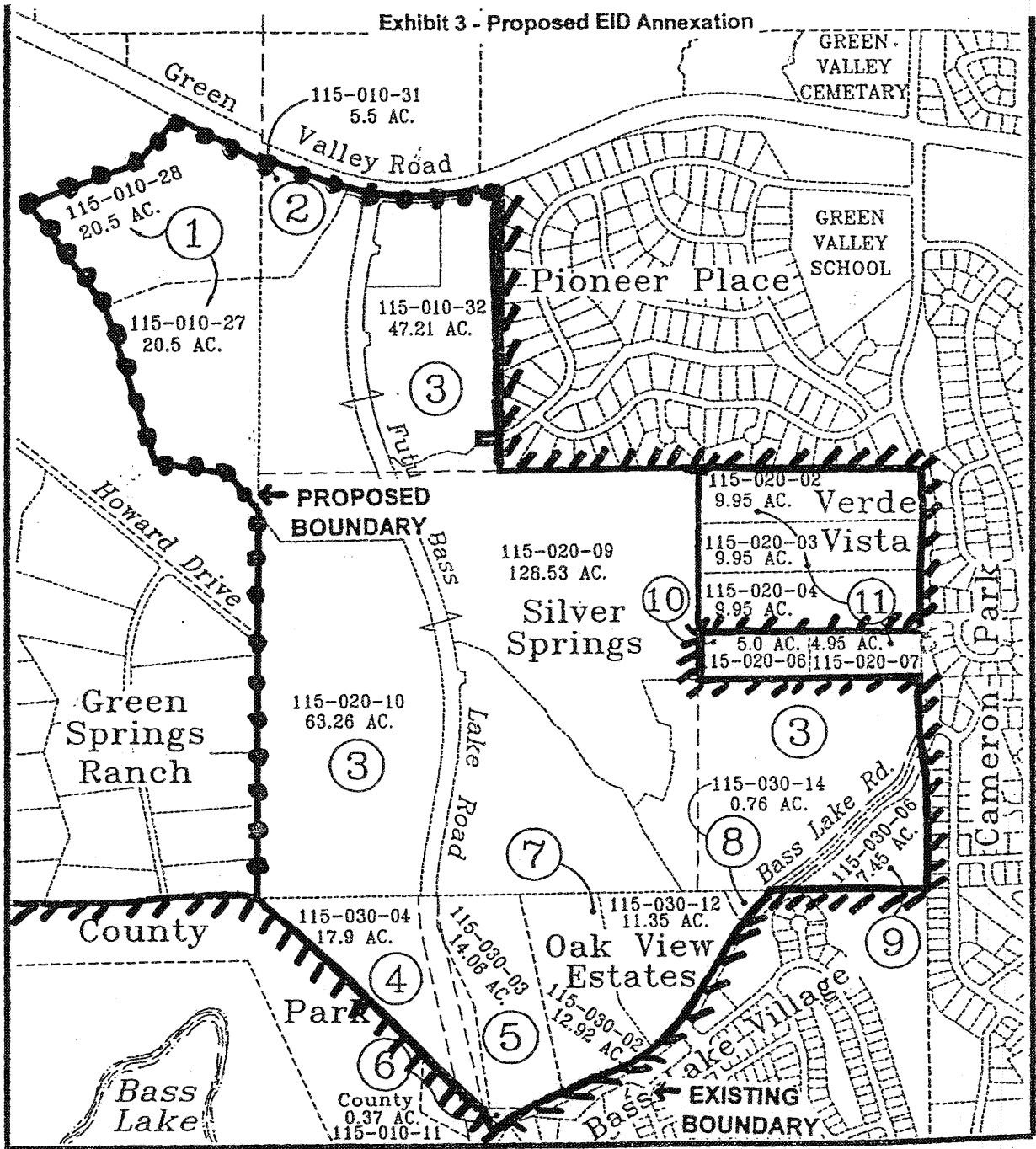


Index	Property	Area	Index	Property	Area
(1)	EJV/EDUHSO	41.00± ac.	(7)	Oak View Estates/Hansen	24.27± ac.
(2)	Rescue School District(SS)	6.60± ac.	(8)	McCaughern	0.76± ac.
(3)	Silver Springs	239.00± ac.	(9)	Bass Lake Estates	7.45± ac.
(4)	McGavock	17.80± ac.	(10)	Shawhan	6.00± ac.
(5)	Hill	14.06± ac.	(11)	Verde Vista/Furbotten	34.80± ac.
(6)	County of El Dorado	.87± ac.			
				Total	390.11± ac.



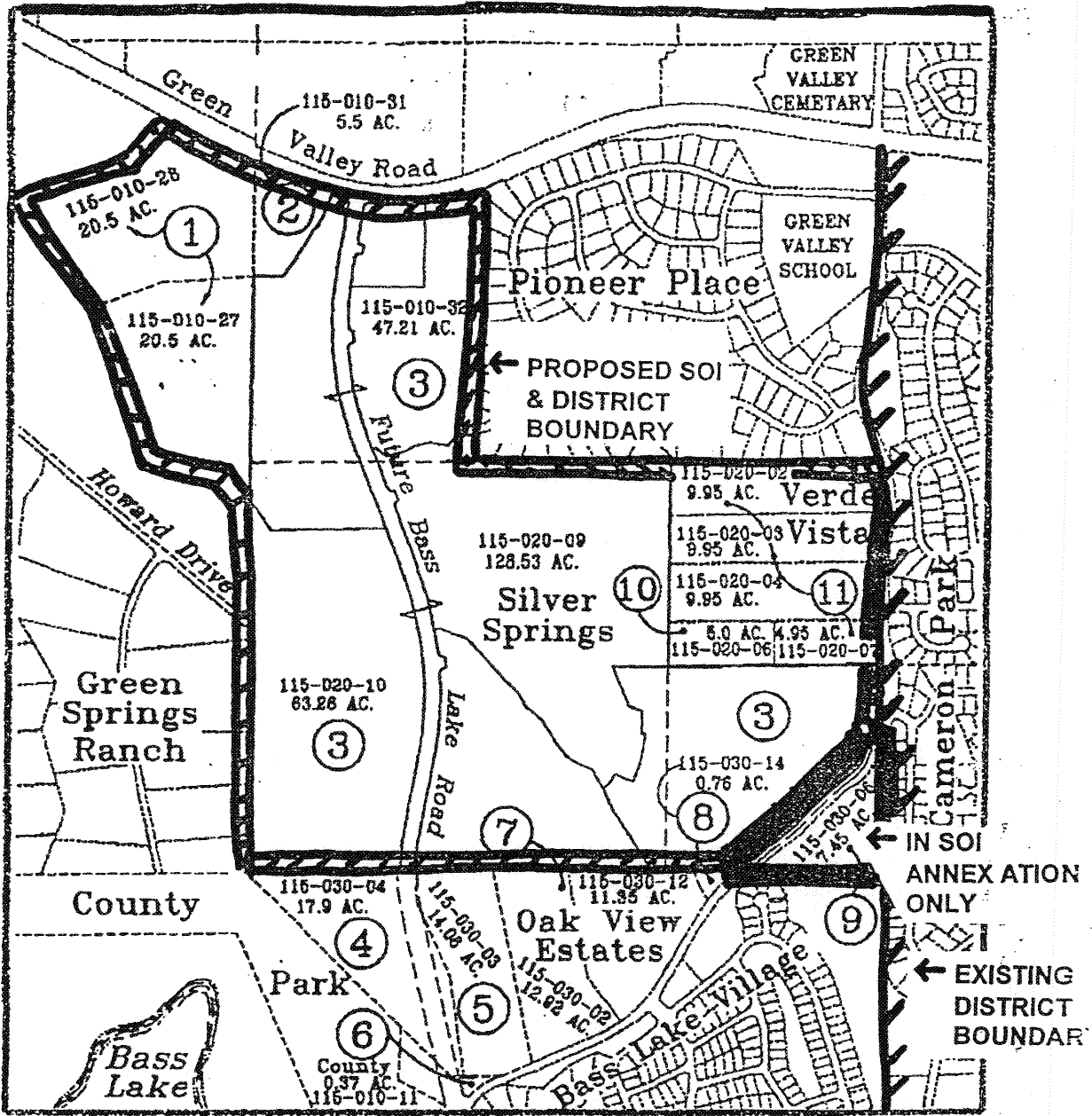
Index	Property	Area	Index	Property	Area
(1)	BJ/EDMCO	41.02± ac.	(7)	Oak View Estates/Hansen	24.27± ac.
(2)	Reserve School District(82)	6.80± ac.	(8)	McCaugher	0.78± ac.
(3)	Silver Springs	230.00± ac.	(9)	Bass Lake Estates	7.40± ac.
(4)	McSveck	17.80± ac.	(10)	Shuman	6.00± ac.
(5)	Hill	14.00± ac.	(11)	Verde Vista/Furbotten	34.80± ac.
(6)	County of El Dorado	.87± ac.			
				Total	390.11± ac.

Exhibit 3 - Proposed EID Annexation



Index	Property	Area	Index	Property	Area
(1)	EJV/EDUHSD	41.00± ac.	(7)	Oak View Estates/Hansen	24.27± ac.
(2)	Rescue School District(SS)	5.50± ac.	(8)	McCaughern	0.76± ac.
(3)	Silver Springs	239.00± ac.	(9)	Bass Lake Estates	7.45± ac.
(4)	McGavock	17.90± ac.	(10)	Shawhan	5.00± ac.
(5)	Hill	14.06± ac.	(11)	Verde Vista/Furbotten	34.80± ac.
(6)	County of El Dorado	.37± ac.			
				Total	390.11± ac.

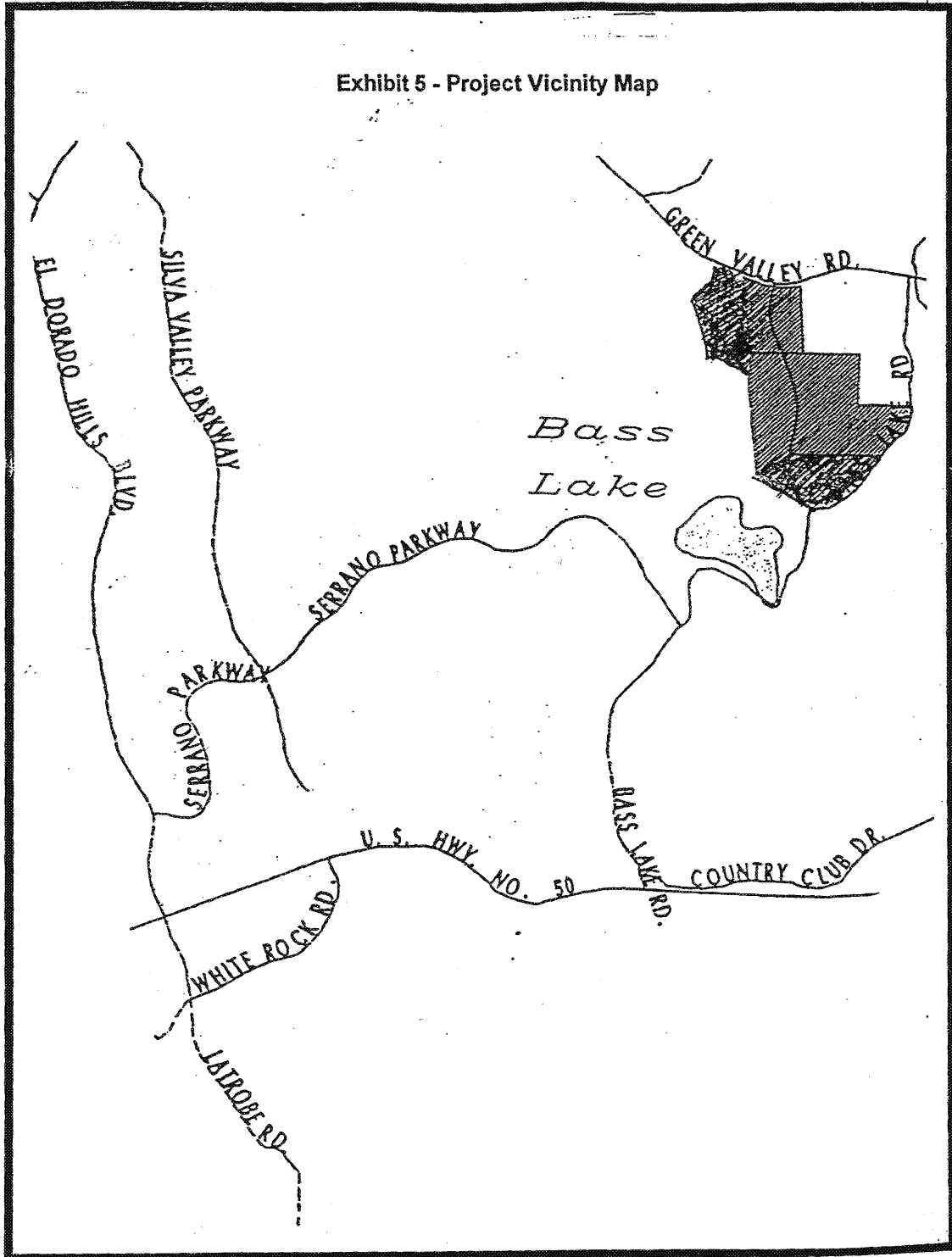
EXHIBIT 4 - Proposed SOI

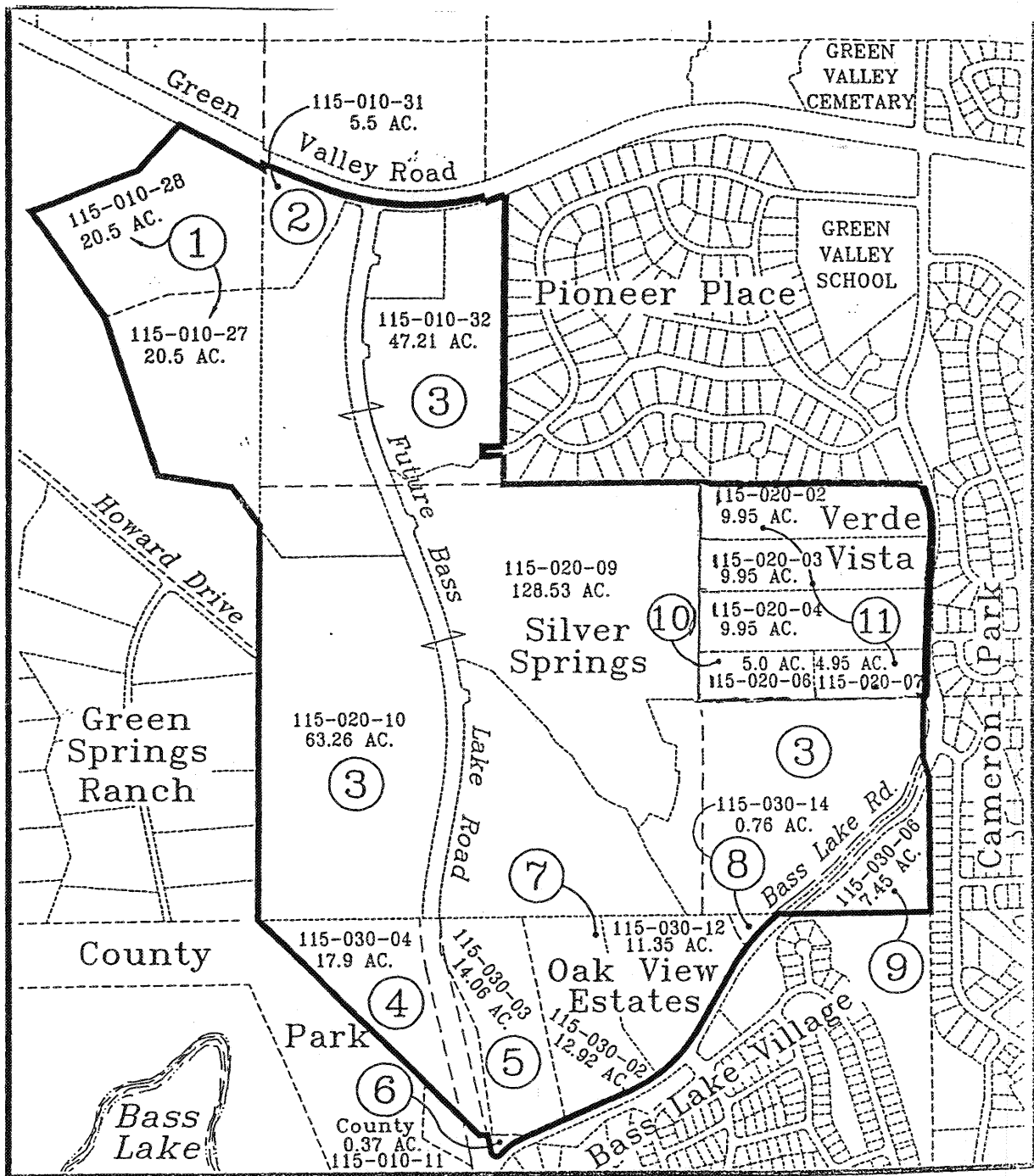


Index	Property	Area
(1)	EJY/EDL80	41.00± ac.
(2)	Rescue School District(88)	5.50± ac.
(3)	Silver Springs	239.00± ac.
(4)	McGavock	17.80± ac.
(5)	Hill	14.08± ac.
(6)	County of El Dorado	.87± ac.

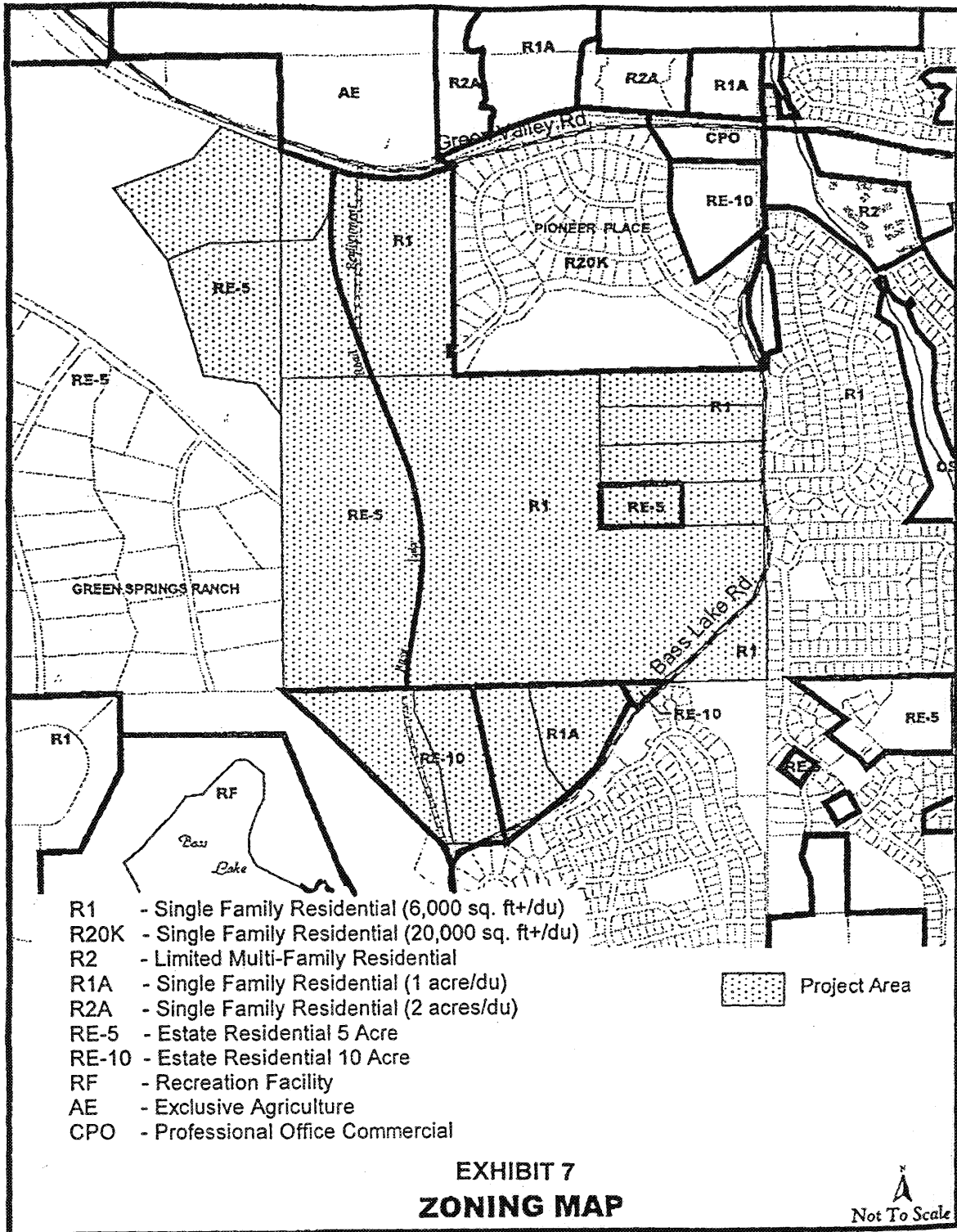
Index	Property	Area
(7)	Oak View Estates/Hansen	24.27± ac.
(8)	McCaughern	0.76± ac.
(9)	Bass Lake Estates	7.45± ac.
(10)	Shoshan	8.00± ac.
(11)	Verde Vista/Furbotten	34.80± ac.
Total		390.11± ac.

Exhibit 5 - Project Vicinity Map




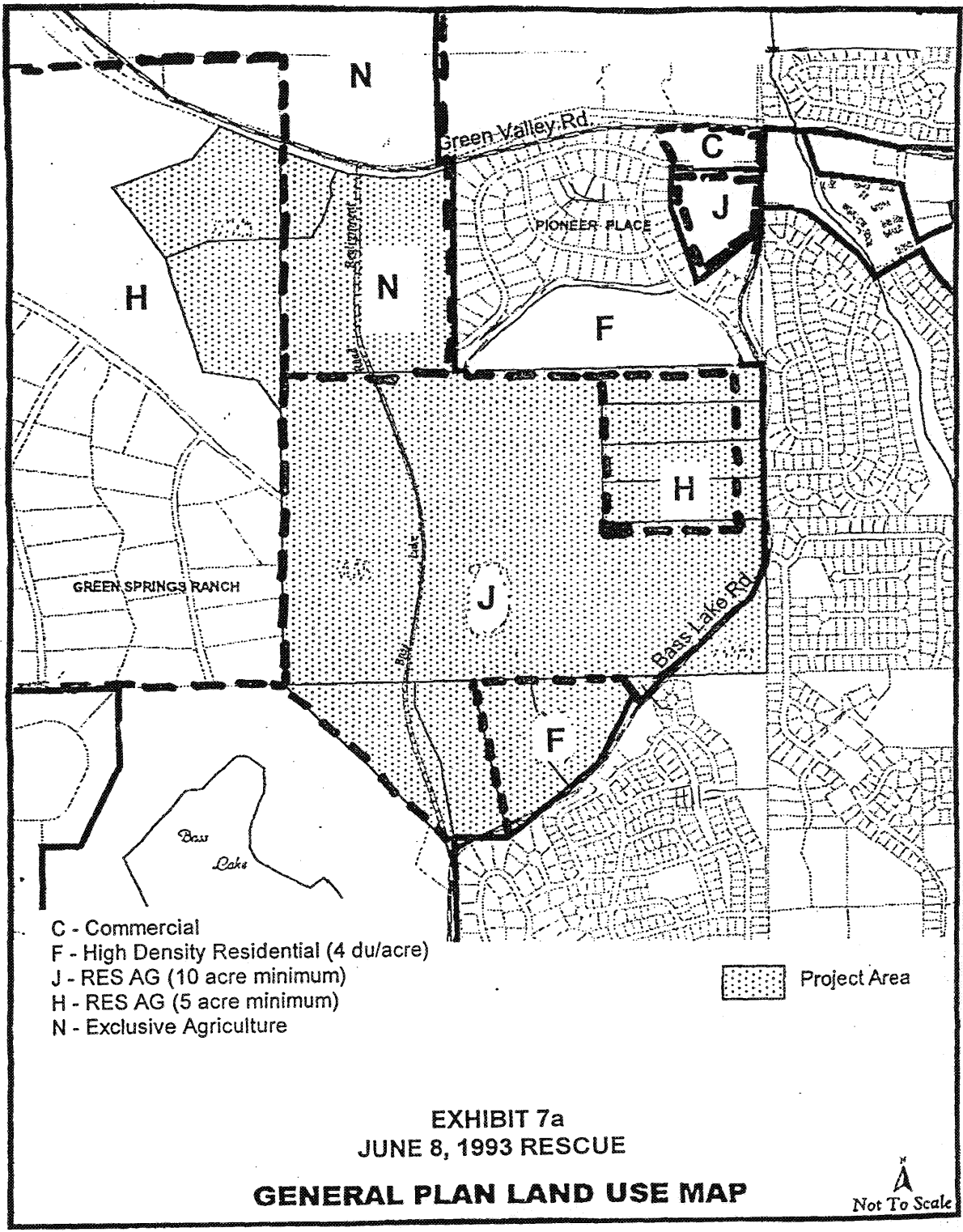


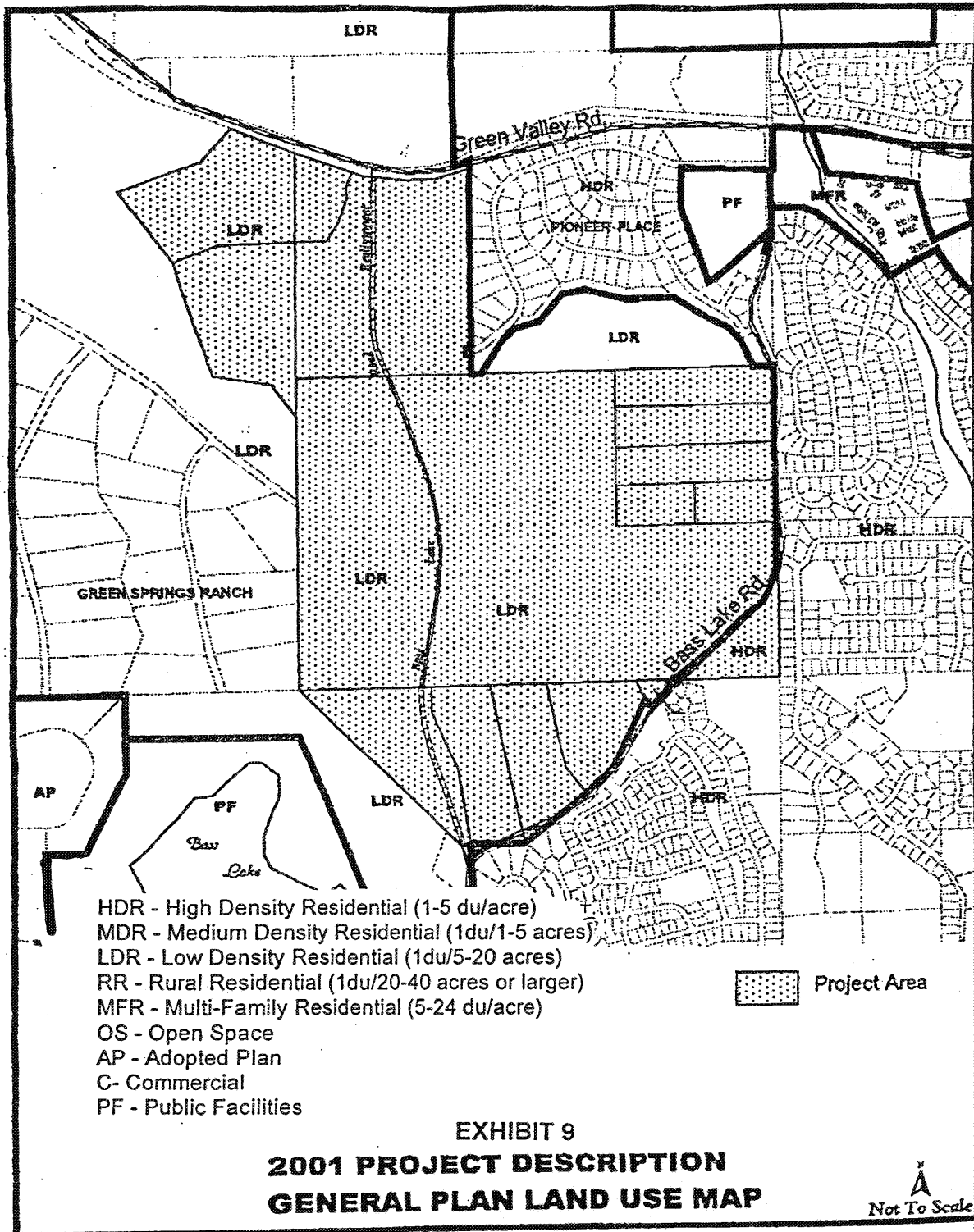
Index	Property	Area	Index	Property	Area
(1)	EJV/EDUHSO	41.00± ac.	(7)	Oak View Estates/Hansen	24.27± ac.
(2)	Rescue School District(SS)	5.50± ac.	(8)	McCaughern	0.76± ac.
(3)	Silver Springs	239.00± ac.	(9)	Bass Lake Estates	7.45± ac.
(4)	McGavock	17.90± ac.	(10)	Shawhan	5.00± ac.
(5)	Hill	14.06± ac.	(11)	Verde Vista/Furbotten	34.80± ac.
(6)	County of El Dorado	.37± ac.			
				Total	390.11± ac.



- R1 - Single Family Residential (6,000 sq. ft+/du)
- R20K - Single Family Residential (20,000 sq. ft+/du)
- R2 - Limited Multi-Family Residential
- R1A - Single Family Residential (1 acre/du)
- R2A - Single Family Residential (2 acres/du)
- RE-5 - Estate Residential 5 Acre
- RE-10 - Estate Residential 10 Acre
- RF - Recreation Facility
- AE - Exclusive Agriculture
- CPO - Professional Office Commercial

 Project Area





July 8, 2003

General Plan Team
 Heidi Tschudin, General Plan Project Manager
 El Dorado County Planning Department
 2850 Fairlane Court
 Placerville, CA 95667

Received EL DORADO COUNTY
 Planning Department
 by *R. Of...*

JUL 15 2003

8:25 am

Plans comply with State
 Ordinance and Rule 1513
 DTIC

**RE: Draft Environmental Impact Report (DEIR) on the El Dorado County
 General Plan**

Dear Heidi Tschudin:

I have been a homeowner in El Dorado Hills for over 20 years. I am the chairperson for Citizens Against Roadway Encroachment (CARE). As part of the U.S. Highway 50/El Dorado Hills Boulevard-Latrobe Road Interchange Project (Interchange Project), the current east-west Saratoga Way, which runs parallel to Highway 50, is proposed to be moved and expanded (at a 90 degree angle in a north-south direction). I, along with others, have repeatedly objected to the Saratoga Way relocation, apparently within 15 feet of my back door.

The motion filed by CARE, Petitioner, in opposition to Respondents' Return to Peremptory Writ of Mandate came before the El Dorado County Superior Court (Court) on March 14, 2003. The Court recognized that the El Dorado County Department of Transportation (DOT) told the public that a compressed geometry would be used, instead of the original 3A3B Alternative. As a result of the compression, the interchange alternative selected by the Board (Alternative I which contains the compressed 3E design) should allow an increased distance between the realigned Saratoga Way and the townhomes. The DEIR does not allow for any of this required distance, let alone the 30-foot increase in distance, between the townhomes and the realigned Saratoga Way, as the DOT presented to the El Dorado County Board of Supervisors (Board).

Specifically, the Court referred to the questioning of a DOT staff during a Board hearing about by a Board member, "So how far under that alternative does Saratoga Way end up being distanced from those town houses? Let's say from the edge of a two-lane configuration to the edge of where the town home's property is right now. The DOT staff replied, "I believe we were able to achieve about a 30 feet increase in distance separating" - - "and that's 30 feet above what was the distance under the configuration 3A." (Reporter's Transcript page 27). The Court stated, "Randy Paysis (sic) told these people that 30 more feet is by the 3E. I can't tell that it's 30 more feet. He made that statement. There must be measurements. These people make it. They're going to stand by it." (Reporter's Transcript page 31). Mr. Pesses of the DOT stated, "E is very similar to our originally proposed Alternative 3A,3B. The primary improvement that came about through this process is that we were able to compress some of the geometry in the northwest quadrant." (A.R. at 3409:11-14, Vol. 7. Emphasis added.). "But the purpose of

163-1

it was to *pull the ramps and* the Saratoga, *the relocated Saratoga Way*, as far away from the residential units, the townhouses and the single-family residents, as possible. So that was the primary improvement of Alternative E over the originally proposed Alternative 3A,3B.” (A.R. at 3410:4-10, Vol. 7. Emphasis added.). Please disclose the distance between the property line of the townhomes and the realigned Saratoga Way in the **four lanes** DEIR designation. Please disclose the distance between the property line of the townhomes and the realigned Saratoga Way, if it were to remain **two lanes**.

163-1

Furthermore, during the numerous meetings and hearings that I attended on the Interchange Project, the Board assured the concerned residents that Saratoga Way would function well. Apparently, the Board and the public were misled by DOT because the DEIR on the General Plan identifies Saratoga as having significant “operational problems.” Therefore, the realignment of Saratoga Way apparently within 15 feet of the back door of residences will be a continued source for legal challenges if a General Plan Alternative that extends Saratoga Way to the City of Folsom is approved.

I am opposed to the 1996 General Plan Alternative, as it repeatedly has the most significant impacts, according to the DEIR. The consultants do not specifically disclose the contribution of the proposed circulation map (versus the development) to the problems along Saratoga Way, the intersection of Saratoga Way and El Dorado Hills Boulevard, as well as other nearby streets. With the proposed extension of Saratoga Way to the City of Folsom, at least 15,000 cars per day will use this roadway. Therefore, the extension of Saratoga Way to the City of Folsom significantly impacts the Level of Service (LOS) on Saratoga Way and surrounding roadways. Consequently, all four of the General Plan Alternatives show significant impacts (e.g., on safety, noise, air quality, visual resources/ aesthetics, traffic circulation, land use and planning, population/housing and quality of life) from unacceptable levels of traffic in El Dorado Hills. The Board should be informed of the ability to manage the development in each of the Alternatives by modifying the components of the circulation map that contribute to roadway failure.

163-2

It is unacceptable that the General Plan Alternatives indicate that Saratoga Way will extend to the City of Folsom and be expanded to four lanes. The extension of Saratoga Way requires a separate EIR, as identified in the EIR/EA for the Interchange Project. A two-lane Saratoga Way is required as mitigation for the impacts from the Interchange Project, but all of the General Plan Alternatives incorrectly designate it as four lanes. The LOS on the proposed extended Saratoga Way presents a significant impact. In the DEIR, it is noted that the LOS could even be worse than the numbers have projected due to the LOS of F on various nearby roadways. The DEIR has not specifically addressed the impacts for Park Village. There is a lack of study on the Park Village neighborhood streets such as Mammouth Way, Arrowhead Drive. Please provide levels of service for the years 2015 and 2025 for these streets before and after mitigation. The consultants on the DEIR have not presented an alternative, which avoids these impacts. Saratoga Way should not connect to the City of Folsom based upon the results of traffic impacts presented in the DEIR. As an alternative, Saratoga Way could remain a neighborhood roadway, which ends for example at the entrance to Crescent Ridge or the proposed Rancho Dorado development.

163-3

The extended Saratoga Way to the City of Folsom will bring unacceptable levels of traffic into a residential area. The DEIR states, "The congestion on roadway segments projected to operate at LOS F could be severe enough to adversely affect adjacent roadways in El Dorado County, Sacramento County and the City of Folsom. When this occurs, peak-hour conditions can extend for multiple hours, resulting in peak-hour spreading and multiple hours with LOS F conditions." "LOS F conditions are projected for Latrobe Road and White Rock Road under all four alternatives. Operational problems along these corridors could extend onto U.S. 50, El Dorado Hills Boulevard, Silva Valley Parkway, and Saratoga Way." Therefore, the LOS for these roadways "could be worse." The DEIR does not provide an alternative that keeps Saratoga Way as neighborhood roadway. The Board and the public should be provided with a new alternative and/or modification to the proposed alternatives that will allow the avoidance of these significant impacts to homeowners and residents. There is no comparison to the current LOS. What is the current LOS on Saratoga Way? What is the projected LOS on the realigned Saratoga Way if it were not extended to the county line?

163-3

The DEIR indicated that the significant impact on the roadways on the north side of U.S. Highway 50 is increased by work trips to the El Dorado Hills Business Park from neighboring counties. It is expected that work related trips into El Dorado Hills from other counties will occur via Saratoga Way. This traffic ends up on the north side of U.S. Highway 50, *instead of the intended south side*. This design has never made any common sense. Currently, the DEIR has confirmed that the design makes no traffic circulation sense, especially if Saratoga Way is realigned to spill this traffic even further north on El Dorado Hills Boulevard. Historically, Saratoga Way was intended to remain in an east-west position parallel to U.S Highway 50. With its realignment, Sartoga has lost its potential to be a parallel road, as well as to potentially extend into Cameron Park. Since the Business Park and Town Center is attracting trips into El Dorado Hills, there could be a parallel road connected to the City of Folsom on the south side of Highway 50. The traffic does not need to congest Saratoga Way and El Dorado Hills Boulevard to "Significant and Unavoidable" levels of service. I specifically want to know what is the projected LOS for the **intersection** of the realigned Saratoga Way and El Dorado Hills Boulevard? (Note: the current intersection of Park Drive and El Dorado Hills Boulevard is proposed to become intersection of Sartoga Way and El Dorado Hills Boulevard).

163-4

One suggested mitigation in the DEIR is to add another street to the circulation map. If the Board is able to add streets as mitigation, please consider the addition of a parallel road on the Town Center side of U.S. Highway 50. For example, Town Center Boulevard has previously been suggested as a possible connection to the City of Folsom. It could align adjacent to U.S. Highway 50 for a future connection, for example, to the proposed U.S. 50/Russel Ranch Interchange-Russel Ranch Road. As usual, the coordination would occur with the City of Folsom as part of the regional plan. The Town Center and the Business Park on the south side of U.S. Highway 50 is attracting the commute traffic from the west. What would be the level of service on El Dorado Hills Boulevard and Saratoga Way if there were a south side roadway that connects from the City of Folsom to the Business Park? To what extent would the LOS on White Rock Road also improve? Would the LOS improve on El Dorado Hills Boulevard?

163-5

The lowering of the LOS policies particularly jeopardizes the safety and quality of life for the people in El Dorado Hills where most of the circulation failures in the proposed alternatives exist. It appears that in this area that the county staff and/or consultants do not know what to do with the circulation element. Consequently, the Board is being asked by the DEIR to change the policies for the acceptable LOS, apparently because the other mitigations fail to improve the LOS on Saratoga Way and nearby roadways. However, the lowering of the policies is a significant impact in and of itself, which has not been reviewed in the DEIR in terms of impacts on safety, noise, air quality, visual resources/aesthetics, etc.

163-6

The comments from CARE submitted by the Zumbrun Law Firm and individuals and/or groups who are similarly commenting are incorporated by reference, as well as the proceedings, Court Decision and records relating CARE v. El Dorado County, et al.

163-7

Please keep me informed in writing of any meetings, hearings and written comment timelines related to the General Plan and the Final EIR.

Sincerely,



Hilary Krogh
P.O. Box 3117
Diamond Springs, CA 95619

cc: Board of Supervisors

PACIFIC STATES
DEVELOPMENT
CORPORATION

03 JUL -8 AM 9: 57
RECEIVED
PLANNING DEPARTMENT

July 8 ,2003

General Plan Team
El Dorado County Planning Department
2850 Fairlane
Placerville, CA 95667

Re: Comments on El Dorado County Draft Environmental Impact Report (DEIR)

Ladies and Gentlemen:

Thank you for the opportunity to comment on the El Dorado County Draft Environmental Impact Report (DEIR).

It appears that the County and its consultants have prepared a comprehensive DEIR, and its attempt to comply with CEQA and its efforts should be commended.

Our comments here are related primarily to the proposed Key Mitigation Measures detailed in the Executive Summary Table, pages 2-9 through 2-76 of Volume 1 of the DEIR Text and summarized in the Project Manager's Summary pgs 12-15. We are concurrently making comments on the Draft General Plan and said comments are attached hereto and incorporated herein for reference.

Land Use and Housing. Mitigation Measure 5.1-3(a). Are we correct in our understanding that an interim measure is necessary pending completion of new zoning ordinances, implementation measures and related policies? If so, we understand the necessity for said policy, but we are concerned that current ministerial projects may become subject to the discretionary process, and potentially significant new resource assessment. This is especially so here since the proposal appears to apply to building permit applications, and small grading undertakings. We wonder why it is necessary to institute a conformity Review Process for such small projects and projects that did not include such scrutiny under the Writ.

164-1

164-2

991 GOVERNOR DRIVE, SUITE 103

EL DORADO HILLS, CA 95762

(916) 933-6601

FAX (916) 933-6603

In the event that this Review Process is adopted it should be prompt and set up reasonable time constraints for review and incorporation of the concepts of preliminary site inspections in lieu of detailed resource assessments. The alternate new policy which allows small projects to supply their own information sounds reasonable also.

164-2

In light of the fact that the Planning Department is having difficulty reviewing projects now in a timely manner, thorough analysis should be undertaken to insure that the County is in a position to finance the level of staffing necessary to efficiently manage all the new implementation and review policies being created.

Visual Resources. Mitigation Measure 5.3-1(c). While protection for the quality of scenic vistas and resources is an admirable goal, care should be taken in the drafting of these measures to insure that a reasonable balance is achieved between protecting property rights and aesthetic considerations. In this regard we submit the following comments: (1) This measure should not prospectively change ministerial to discretionary projects, e.g. building permits on existing lots. (2) Scenic corridor (as it appears to be proposed) should affect principally the more rural areas of the County. Areas long planned and which contain existing suburban development should not be denied the right to develop based on these proposals. Restrictions with respect to issues such as light glare, colors, automatic shut offs etc. may be a reasonable approach in these areas.

164-3

Traffic and Circulation. With ten million (10,000,000) potential square feet of R&D, I, and Office Space in the El Dorado Hills Business Park, additional retail and office space in East and West Town Centers, and with vested residential projects of Valley View and Carson Creek, it is essential that long range traffic circulation plans and a funding mechanism on the broadest and most equitable basis be established (if it already wasn't as part of the approval process for all of the above described south of Highway 50 projects). Whether the solution is 5.4-1(a), (b), (c), etc. or combinations of these, or new measures should be decided by traffic engineers and related consultants, and not ballot initiatives, political decisions, etc.

164-4

In light of Measure Y being voided in the Concerned Citizens Case, mitigation Measure 5.4-3(a) is the type of sensible Modification to Measure Y that should now be analyzed and considered.

164-5

Water Resources. Mitigation Measure 5.5-1(b). The present assumptions regarding the viability of water Projects 184 and the "Fazio" water and drought year reserves are much too conservative and this proposed mitigation measure is far too restrictive, well beyond what any other jurisdiction in the State requires. The present policies regarding Facility Improvement Letters and the purchase of sewer and water hookups at the time of recording a map are more than adequate. (See more detailed Business Alliance, SAGE and EID Comments.)

164-6

Public Services. Mitigation Measure 5.7-5. Areas like El Dorado Hills and Cameron Park already have park facility capital improvement fees. Is this proposal in addition to these existing CSD fees; and, if so, how does this reconcile with AB 1600?

164-7

Human Health and Safety. Mitigation Measure 5.8-10(b). This policy should not be applied to ministerial, vested, or deemed complete application projects, where a taking or quasi "taking" situation would arise.

164-8

Biological Resources. Mitigation Measure 5.12-1(b), (d), (e). While these mitigation measures are commendable attempts to preserve natural resources in the County, they should be balanced with reasonable policies protecting property rights. A benefit burden analysis should be conducted when implementing the details and funding mechanism of the measures. In this regard the County should consider the following in implementing these mitigation measures (1) Considerations relating to the size, scope, status, (ministerial/discretionary), and minimum threshold should apply to determining which types of projects trigger these mitigation Measures (2) efforts should be made to minimize the bureaucratic effects and costs of administrating these mitigation measures and finally (3) since these measure are meant to benefit the population as a whole, some percentage of the funding for these programs should come from a broader base than simply exactions imposed upon the project under review.

164-9

Require Mitigation for Loss of Woodland Habitat. Mitigation Measure 5.12-(f). The proposed tree canopy retention and replacement standard contained in Option A is significantly more burdensome than the replacement standards contained in the 1996 General Plan. The policies contained the 1996 General Plan seems to be a more balanced approach to protecting property rights and preserving natural resources. In any event Option B which allows payment of mitigation fees in lieu of a strict retention policy, provides some relief from a strict retention policy.

164-10

As discussed above at least a portion of the funding of these Measures should be imposed on all residents, property owners etc.

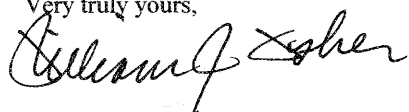
Develop and Implement an Oak Tree Preservation Ordinance. Mitigation Measure 5.12-1(g). The exempt status for single family residential lots should be expanded to the maximum extent possible and not require a permit and/or Planning Department approval when (1) the applicant certifies that the only trees being cut are those necessary to be removed are located in the footprint, and driveway of the structure, or (2) the SFR Plan has been reviewed and approved by a Design Review Committee, Homeowners' Association or similar committee.

164-11

In addition policies minimizing costs, bureaucracy, and time delays should be incorporated into any such measure.

Thank you for the opportunity to comment on the DEIR; and, if you have any questions or need more detailed comments, please advise.

Very truly yours,

A handwritten signature in cursive script, appearing to read "William J. Fisher".

William J. Fisher
President

PACIFIC STATES
DEVELOPMENT
CORPORATION

03 JUL -8 AM 9:57
RECEIVED
PLANNING DEPARTMENT

July 8, 2003

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

Re: Comments on El Dorado County Draft General Plan

Ladies and Gentlemen:

Thank you for the opportunity to comment on the Draft General Plan. We are concurrently making comments on the DEIR and said comments are attached hereto and incorporated herein for reference.

Our Company has been involved in the purchase, entitlement process, construction, development, and sale of real estate in El Dorado County since the early 1970's. We have recorded, constructed, and sold 11 standard residential subdivisions in El Dorado Hills and Cameron Park, constructed a 25,000 s.f. office center in El Dorado Hills, and have built or are building small residential rental projects in El Dorado Hills and Cameron Park. This is the first time that our Company has been virtually out of homesites to market.

Our Company currently has three (3) properties/projects that are and will be materially affected by the pending adoption of the General Plan. At the outset I will provide a brief description of each of these projects so that my subsequent comments on the various plan alternatives, policies, etc. will be more meaningful within the context of our projects and properties.

Ridgeview Village Unit No. 9, El Dorado Hills (TM88-1125) (APN 112-130-17) contains 48 lots on approximately 23.4 acres. This tentative map was approved by the El Dorado County Planning Commission on July 13, 1989 and received and filed with the Board of Supervisors on August 8, 1989.

165-1

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The tentative map was scheduled to expire on August 8, 1998 and we filed a timely application for an extension on June 17, 1998. The County guidelines and the Permit Streamlining Act in effect at the time noted that the customary time to complete processing a map time extension was 3-4 months. A planner was not assigned to this file until October 5, 1998. We were advised that the Department was understaffed and that staff was working on completing the specific plan project underway at the time. Unit 9 of Ridgeview Village is the last phase of several units (2 through 8) developed by our Company in this subdivision.

From the time of the original Master Plan for El Dorado Hills and continuing through the El Dorado Hills Area Plan and in the all-County General Plans to date, this property has been planned high density residential (HDR).

This property (and prior units) has been included in El Dorado Irrigation District Assessment District No. 3 for water and sewer expansion since 1985. The assessment district bonds in Unit No. 9 have been paid off for several years.¹ In developing the prior phases of Ridgeview Village we have constructed offsite improvements for the benefit of and to mitigate the future impact of Unit 9 and other projects in the area. These include Gillette Drive, upsized water lines, and a Community Services District Park. A favorable technical review session was conducted on March 1, 1999 for this extension and the improvement plans for this project are approximately 90% complete.

Within the last year we granted an irrevocable offer of dedication to the County for Beatty Drive, a road in Unit No. 9, so that the Promontory could satisfy a condition imposed on its most recent custom lot phase for additional access/egress. This phase of our Ridgeview Village project is literally surrounded by existing comparable developments.

This application for an extension of the tentative map has been on hold since February 5, 1999 when the 1996 plan was invalidated.

Sierra Sunrise, Cameron Park (TM 88-1095) (APN 116-030-78-028 and 30) is a similar infill project whose extension request has been on hold since February 1999. Sierra Sunrise contains 18 lots on ten (10) acres. On September 14, 1989 the County approved a tentative subdivision map. We filed a timely application for an extension on September 2, 1998.

At the time of our earlier project Woodleigh Summit Unit No. 2, we extended Woodleigh Lane and water, sewer and dry utility lines fronting Sierra Sunrise. The improvement plans for Sierra Sunrise have been signed.

Lot D, Ridgeview Village Unit No. 1, El Dorado Hills, (APN 107-146-29) presently contains approximately 9 acres. Originally it contained 14.4 acres, one acre was dedicated to EID for a future

¹ In this regard please note the language contained in the DEIR, Vol. 2, p 6-19 which states, "The business park is not subject to any vesting mechanism such as a DA, but may be affected by bonds sold for financing."

water tank site, and 4.4 acres were dedicated to the EDHCSD for a parksite. Originally a ten (10) acre portion of this site was planned for a school site, but has been rejected for this use by the Buckeye Union School District since 1978. Our current proposal for this property, which we have discussed with the EDHCSD, is to create 4 or 5 SFR lots along Patterson Way and dedicate the balance of the property to the EDHCSD as open space. Under all 4 proposed alternatives this property is shown only as OS (Open Space) and we respectfully request that the strip along Patterson Way be designated HDR (High Density Residential).

165-1

Basic Position Regarding Ridgeview Village Unit No. 9 and Sierra Sunrise. Our fundamental position regarding these two subdivisions is that since these applications for extensions are deemed complete (Gov. Code § 65943); and, since a tentative map is only subject to those “ordinances, policies, and standards in effect at the date . . . the application is [deemed] complete,” (Gov. Code §66474.2), by these standards our applications for tentative map extensions are not subject to the new General Plan scheduled for adoption in December 2003, and only to the standards contained in the 1996 General Plan. A more detailed analysis of our position in this regard is contained in the letter from McDonough, Holland & Allen dated November 6, 2001 (copy attached). The letter was submitted to the County Counsel after the Board of Supervisors twice agreed in concept to a request by Pacific States Development to the Superior Court to obtain a determination that the writ issued by the Court in *El Dorado County Taxpayers, et. al. v. El Dorado County* did not prohibit the Board from approving the extension of the Ridgeview Village Unit No. 9 and Sierra Sunrise tentative subdivision maps. Although the letter was written for the purpose of obtaining relief from the writ, McDonough, Holland & Allen has advised me in a letter dated July 3, 2003, that the basic principle justifying relief from the writ (i.e., that the applications for extension of the subdivision maps must be governed by the laws and regulations in effect at the time the applications were complete) applies equally after a new general plan is adopted and the writ dissolved. A copy of this letter is also attached.

165-2

This State legislative policy mandating that applications be reviewed by the standards in effect at the time of the application is based on sound principles of fairness and equity. At the time a property owner submits an application, it has incurred considerable expense in purchasing land, performing due diligence and feasibility studies and retaining various consultants (such as civil engineer, archaeology, botanists, soils, traffic, etc.) in submitting a project which complies with the laws in effect at that time. To have to satisfy standards subsequently adopted would provide an unfair, heavy and potentially endless burden to a property owner.

In fact it is our position that it would be prudent for the County to now categorize these projects as existing commitments analogous to projects with development agreements. We submit that there would be little if any opposition to this position. People understand concepts of “vesting” or “grandfathering,” and if the law recognizes a property as having a certain status, fair minded people will accept this situation. Furthermore, pursuant to information recently provided by the Planning Department, only about 758 potential lots exist in this category of “approved tentative map, extension application on hold.”

Therefore, with respect to these two projects based on the legal and equitable arguments

above upon adoption of the new general plan and upon return of the writ, we should be allowed to continue to process these map extensions under the 1996 general plan guidelines.²

Although we are optimistic that the County will incorporate our position as outlined upon adoption of the new general plan, in any event because these and other existing and potential properties and our continued interest in the reasonable growth and well being of El Dorado County, we submit the following comments on the draft general plan documents. To facilitate our effort we will do so by generally following the Subject/Item topics and chronology contained in the Memorandum Summarizing the Differences Between the equal Weight General Plan Alternatives, dated April 9, 2003.

LAND USE

Community Regions: Our idea of an El Dorado County Community Region is an area that has been always planned for a suburban type growth, containing existing infrastructure, has proximity to employment centers, e.g. the five (5) listed in the Environmentally Constrained Alternative (hereinafter EC).

Rural Centers: Communities with existing downtowns (or small business areas) that can accommodate some higher density housing in close proximity to "downtown area," and the closer to employment bases the better. Preferred alternative: EC.

Land Use Designations: Any designations which allow continued quality suburban development in the Community Regions which allow some development in Rural Region consistent with infrastructure and which provide the most flexibility for modern planning techniques are preferred.

Land Use Overlays: See comment regarding Land Use Designation above.

Mixed Use: See comment regarding Land Use Designation above.

Subdivision: The first preferred alternatives is the 1996 General Plan (96GP) and the second is the EC. The No Project and Roadway Constrained Six Lane Plus (RC) are unacceptable for they disregard the last 40 years of planning in the County, by not allowing a reasonable amount of quality suburban type communities. For example the communities of El Dorado Hills and Cameron Park have been master planned, related infrastructure built, social fabric instituted and constructed over the last 40 plus years. These communities are attractive and desired by the people moving into them

165-2

165-3

165-4

165-5

165-6

165-7

165-8

² It appears that County Council has already accepted this position. See for example County Council letter to the Board of Supervisors dated April 18, 2001 regarding "vested rights status report, p. 10 and Respondents Memorandum of Points and Authorities in opposition to Writ of Mandate (Zweck v. County of El Dorado et. al. El Dorado County Superior Court No. PV-005561, p. 14)

and the County should be pro active in insuring that the infrastructure is available to fully implement and improve upon the original plans and promises of their predecessors relating to these communities.

A good example of how restrictive this policy is in the RC and NP alternatives, our projects described above would be downsized from a total of 66 lots to 4 lots and 3 lots respectively, resulting in a significant economic loss.

Further, as we learned from the EPS Land Use Forecasts, there is a demand for approximately 32,000 new housing units over the next 25 years. This demand cannot be satisfied from Development Agreement projects alone and for the most part should logically come from Community Regions. (EPS 3-5-2002 p. 6). Additionally, we note in the draft Housing Elements that even with the high end building in projects like Serrano, the County still has capacity in the allocation of housing to those with above moderate income.

Miscellaneous Land Use: With respect to policies relating to ridgeline developments the preferred alternative is in the 96 GP alternative. Policy LU-5b as proposed in the RC and EC alternatives is much too restrictive and broad and should contain more specific provisions relating to size and status of projects, location e.g. Community Region/Rural Center and similar criteria which more evenly balances property rights and legitimate public policy objectives.

HOUSING ELEMENT proposed as the same for all alternatives. Much thought and effort has been taken in preparation of the proposed housing elements and it outlines admirable goals. However, it seems to propose, in vague and general terms, virtually every device ever utilized in any jurisdiction to create more low and moderate income housing. These are often programs like mandatory inclusionary housing and density bonuses which have been difficult to implement. We submit that a more specific/detailed program, for example, the City of Folsom's recently adopted program might offer a more workable means for the County absorb its reasonable share of affordable housing. As we understand Folsom's program, the City inventoried sites which would be feasible for affordable housing, and essentially imposed site specific affordable housing zoning on these properties. I would assume certain fee or related incentives would be included in this type of program to make it more effective. This approach might prove workable in El Dorado County.

The following policies in the proposed Housing Element are commendable and we support them: (1) revisions to the design manual easing development (HO-6) (HO-U). (2) evaluating the feasibility of adopting infill incentives, and (3) lessening barriers to infill development (HO-0) these should be implemented as soon as possible and not two (2) years (HO-0).

Also, see the more detailed comments submitted on this subject by the Building Industry Association of which we are a member and letter dated June 10, 2003 from the Department of Housing and Community Development.

TRANSPORTATION AND CIRCULATION

165-8

165-9

165-10

165-11

165-12

Highway 50 Size: It is our understanding that Caltrans, SACOG and the El Dorado County Transportation Commission have long planned to ultimately expand Highway 50 to 8 lanes or more in the future. To arbitrarily disregard this work and the rationale upon which it is based is shortsighted and will result in a more impacted Highway 50 in any event. The (RC) is strongly disfavored.

165-13

Furthermore, see the California Department of Transportation's letter, dated June 11, 2003, p. 2, which states:

"...our planning indicates that constraining Highway 50 to six lanes will cause significant traffic congestion and motorist delays in the future."

Concurrency and Timing of Demand: There is no doubt that resolution of the traffic issues in the County is a major challenge to adopting a satisfactory general plan. Measure Y was passed by the voters in November 1998 because of the voters frustration over traffic concerns. Unfortunately Measure Y has and will continue indefinitely to create strife and an impasse to positive action to resolve road impacts (e.g. BOS Agenda Item 93 June 3, 2003). Whether by design or happenstance, Measure Y imposes impossible hurdles on individual projects to help satisfy regional and local roadway improvements and move forward. Furthermore, it insists on a requirement to fund past roadway deficiencies without allowing all potential sources of such funding to be utilized to remedy these past deficiencies.

165-14

The decision on March 6, 2003 in Concerned Citizens of El Dorado County et al v County of El Dorado et al Case No. PV-004551 appears to have voided Measure Y. The order and judgment in Concerned Citizens, above states:

"The Court finds that the Petition is moot because the 1996 El Dorado County General Plan, which Measure Y purports to amend, has been set aside by a writ of mandate issued by the Honorable Cecily Bond of the Sacramento County Superior Court on July 19, 1999. Measure Y cannot stand by itself because it was adopted as an amendment to the 1996 General Plan. As a result of Judge Bond's writ setting aside the 1996 General Plan, Measure Y has no legal effect and Petitioners' various legal challenges to Measure Y do not present an actual case or controversy.

165-15

The Court further finds that the Petition is not ripe because, following the issuance of Judge Bond's writ, the County has not yet adopted a new general plan that includes the Measure Y policies. (Emphasis added)

This decision may now afford an opportunity for the County to put Measure Y as it currently exists behind them and adopt new related policies and ordinances which are workable, flexible and will help solve the road problems of the County and more importantly is fair to both existing and future residents of El Dorado County and existing property owners.

LOS and Road Improvement Cost Distribution: See Concurrency discussion above.

Sidewalks: Goal TC-5 seems reasonable although some discretion could be left with the Department of Transportation if it deems sidewalks not necessary or desirable for safety or related reasons in a particular project.

165-16

PUBLIC SERVICES AND UTILITIES:

Long Range Planning: This should be a top priority of the County whether cooperating with or working with service and utility providers, and adequate funding should be directed to this function.

165-17

Concurrency (general): The current policies (and 96GP) are working in this regard. Conceptual, general will serve letters at the time of the discretionary approval and conditions imposed on the project or map at the time of building permit or map recording are adequate to insure that adequate infrastructure is available. To do as proposed forces utilities and service providers to prematurely build infrastructure or unnecessarily reserving capacity. This of course must be done in conjunction with long range planning above. (See more detailed SAGE, Hazbun comments on this subject).

165-18

Water Supply - Surface: See Concurrency (general) comments above. (See more detailed SAGE, Hazbun comments on this subject).

165-19

Extension of water service to community Regions should be a priority over extension to Rural Regions.

165-20

Use of reclaimed water should be encouraged, in situations where it is economically feasible for the project or property.

165-21

Solid Waste: May want to incorporate some minimum threshold, e.g. size of the project related to mandatory on site recycling in RC and EC alternatives. For example over 5,000 s.f. C, I, RD, and 5 or more units for MFR.

165-22

Emergency and Law Enforcement: 96GP preferred alternative, proposed policy PS-7C improperly places burden on project proponent, comment by service provider should be adequate.

165-23

Schools: 96GP appears most comprehensive.

165-24

Utility Services: New policies proposed in RC and EC seem reasonable along with 96GP policies.

165-25

HEALTH, SAFETY & NOISE

<u>General/Emergency Preparedness:</u> Existing and proposed policies seem reasonable.	165-26
<u>Fire Safety:</u> Any new policy potentially precluding development should not apply to projects that submitted applications prior to February 1999.	165-27
<u>Noise-General:</u> Although it does not appear to do so, any new proposed policy that would materially affect applications made prior to February 1999 should not apply to said projects.	165-28
<u>Streams/Lakes/Ponds/Wetlands:</u> 96GP preferred alternative, proposed RC alternative may exceed legal requirements?	165-29
<u>Trees:</u> Existing standards allowing oak canopy replacement appears to be a reasonable balance between environmental protection and property rights. Oak canopy retention programs should be used in very limited circumstances and never on properties which have been long planned for higher density development within a Community Region.	165-30
<u>Cultural Resources:</u> Proposed RC and EC policy CO-8b seems unduly broad and should include more detail regarding applicability only to projects that are likely to contain cultural resources, and threshold levels on size and scope of the project, etc.	165-31
<u>AGRICULTURAL AND FORESTRY</u>	
The County should adopt any and all policies necessary to preserve, protect, and expand agricultural uses in the County on lands scientifically suited for said use.	165-32
<u>ECONOMIC DEVELOPMENT</u>	
The County should adopt and adequately fund any and all policies likely to preserve, protect, and expand economic development in the County.	165-33
In conclusion we submit the following brief comments in reference to the list of "Controversial Issues" described in pages 18 and 19 of the Project Manager's Summary.	
<ul style="list-style-type: none"> • <u>the type, density, and location of land uses throughout the County.</u> • <u>the ability of the County to maintain its rural character.</u> 	
El Dorado County is in a desirable and unique position of having the ability to offer both quality suburban, and rural living opportunities.	165-34
The County some 40 years ago adopted plans and undertook the construction of appropriate infrastructure to accommodate suburban growth- it can and should not stop now. West Slope Community Regions like El Dorado Hills and Cameron Park are desirable and the County should	

take the affirmative steps to insure infrastructure is enhanced and expanded so that these communities can accommodate their fair share of housing, jobs and shopping in the region. Areas that are truly rural should for the most part remain so.

165-34

- Growth pursuant to executed development agreements.

Development under these legally binding agreements are not adequate to absorb the demand for fair share of housing on the western part of the County.

165-35

The County should continue to work with development agreement property owners to see if mutually agreeable amendments to those agreements can be made in order satisfy the County's fair share of affordable housing, and continued reasonable growth in non-development agreement projects.

- Traffic congestion. The County should utilize the opportunity apparently afforded by the decision in Concerned Citizens case to work with Measure Y proponents and reasonable growth advocates to adopt a new traffic congestion and road improvement ordinance which is fair and workable, and incorporate said policies into the new General Plan.

165-36

- The number of lanes on key roadway and on Highway 50. Continue to work with Caltrans, SACOG, etc. to implement their ultimate plans for eight lanes on Highway 50.

165-37

Amortized over the 22 or so years of the General Plan horizon there is not a significant amount of difference (500+/- units per year) between the lowest and highest possible growth rates, and therefore in any event it is prudent for the County to widen key roads to their necessary potential and to expand the funding bases which will enable them to do so.

165-38

- The timing and trigger for public utilities and services, including roadways, water and wastewater. Require general, conceptual will serve commitments by the service providers at the time of the discretionary permits, and specific and firm financial and construction plan commitments at the time of recording the maps and/or building permits. All in conjunction with detailed and current long range plans by service providers.

165-39

- Water Supply. Work with EID to obtain firm legal commitments related to Project 184, and the "Fazio" water which seem to be achievable, especially upon adoption of the new General Plan, and in light of the recent Matsui-Doolittle agreement.

165-40

- Impacts to cultural resources. The County's efforts to preserve and protect its cultural resources should be balanced with reasonable protection of property rights and economic feasibility and impacts on small projects.

165-41

- Naturally occurring asbestos. The planned testing, analysis and studies of the past, present and the future undertaken at or near Oak Ridge High School should provide the County with

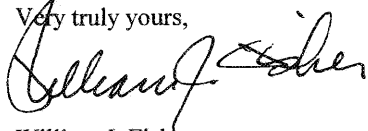
165-42

a better understanding and scope of the issues and how to implement policies to effectively deal with it.

- Oak tree retention. See comments above regarding preference for existing replacement policy.
- Habitat fragmentation and Special States species protection. Adopt policies which balance environmental policy and property rights; unless legally obligated to do otherwise, adopt some form of grandfathering to protect properties in Community Regions from negative impacts of new policies in these areas.
- Provision of a location of affordable housing. See comments above.

Again, thank you for the opportunity to comment on the proposed General Plan; and, if you have any questions or need elaboration on our comments we will be happy to do so.

Very truly yours,



William J. Fisher
President

/mp

165-42

165-43

165-44

165-45

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November 6, 2001

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(1915-1987)

VIA FAX & U.S. MAIL

Louis B. Green
County Counsel
County of El Dorado
330 Fair Lane
Placerville, CA 95667

Re: Pacific States Development
Ridgeview Village No. 9

Dear Mr. Green:

This letter is to follow up on our recent telephone conversation regarding the proposed motion to clarify whether the writ of mandate issued by the court in *El Dorado County Taxpayers, etc., et. al. v. El Dorado County* allows the County to approve the application of Pacific States Development Corporation (Pacific) to extend the Ridgeview Village #9 tentative subdivision map (TM-1125). In our conversation, you noted that the County would be reluctant to present a motion to the court that incorporated legal arguments by Pacific States Development that may be contrary to County policies or past positions taken by the County in land use matters. You also expressed concern that arguments of Pacific not advocate an expansive interpretation of the exemptions allowed from the writ.

I have discussed your comments with our client. Although we believe that the court could conclude that the extension of the Ridgeview Village No. 9 tentative map is permissible under the writ for a number of reasons, our client is willing to limit the motion for clarification to the narrowest feasible ground. Pacific would submit to the County, in the manner described in my letter of September 9, 2001, a letter arguing that an exception to the writ should be allowed for the extension of the Ridgeview Village No. 9 tentative map based on the following reasoning:

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422 CENTURY PARK DRIVE, SUITE A
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FACSIMILE: (530) 671-0990

BAY AREA OFFICE
1999 HARRISON STREET, SUITE 1300
OAKLAND, CALIFORNIA 94612
TELEPHONE: (510) 273-8790
FACSIMILE: (510) 839-9104

Louis B. Green
November 6, 2001
Page 2

Paragraph 5, subparagraph (1)-(7) of the writ sets forth several permitted exceptions to the writ's prohibition of County discretionary land use approvals for residential development. These include, among others, exceptions for approvals of projects with vesting tentative maps or development agreements approved prior to February 5, 1999 (subparagraph (1)), approvals that do not require, by statute, ordinance or case law, a finding of consistency with the general plan (subparagraph (2)), and modifications of previously issued approvals, provided that the modifications do not expand the use, or increase the intensity of use, as originally approved (subparagraph (4)(b)). The exceptions for approvals that do not require a finding of consistency with the current general plan and for modifications of previously issued approvals that do not change uses or increase intensity are the two most pertinent to the application to extend the Ridgeview Village No. 9 tentative map.

Proposed approvals that fall within the various exceptions must also comply with Paragraph 5, subparagraph (8). A common theme of subparagraph (8) and of the exceptions set forth in subparagraph (1)-(7) is that exceptions to the writ's prohibition against discretionary approvals may be allowed when for some reason the policies, regulations, etc. of a new general plan, adopted in accordance with the judgment of the court, do not apply to the application submitted to the County for approval. For example, subparagraph (8) states that development approvals while the writ is in force must not significantly impair the County's ability to adopt and implement a new General Plan, but subparagraph (8) (g) provides:

"An approval or project shall not be deemed to significantly impair the ability of the County to adopt a new general plan after complying with CEQA if the subject project has vested rights to development pursuant to a development agreement or vesting tentative map, or otherwise, and the mitigation measures, alternatives, policies or regulations under consideration could not be applied to the project by reason of those vested rights."

Similarly, Paragraph 5, subparagraph (1), limits the development agreement and vesting tentative map writ exception to those agreements and maps that provide that development approvals shall be governed by some standard other than the general plan as affected by the judgment of the court. Parallel reasoning requires that the exception of subparagraph (2) for approvals that do not require, by statute, ordinance or case law, a finding of consistency with the general plan be similarly construed to mean that exceptions to the writ may be allowed for approvals that by statute, ordinance or case law, are not subject to a finding of consistency with the general plan as it will be affected by the judgment of the court.

Louis B. Green
November 6, 2001
Page 3

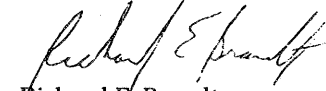
Although Pacific does not have vested rights to proceed with development arising from a vesting tentative map or development agreement, it does have vested procedural rights that exempt its application for an extension of the Ridgeview Village No. 9 tentative map from the requirements of a new general plan adopted in accordance with the judgment of the court. An application relating to a tentative map is subject only to those "ordinances, policies, and standards in effect at the date . . . the application is [deemed] complete." (Gov. Code § 66474.2) Pacific's application for the Ridgeview Village No. 9 tentative map extension was submitted and deemed complete prior to the effective date of the writ. (Gov. Code § 65943) For this reason, the application for the tentative map extension is not, and will not be, subject to a new general plan adopted as a result of the pending lawsuit.

Even if the County delays processing Pacific's application for extension of the tentative map for Ridgeview Village No. 9 until resolution of the General Plan lawsuit, the County will still be required to apply the planning laws and ordinances in existence on the date the tentative map extension application was deemed complete. Approval of the application for the extension cannot be deemed to significantly impair the ability of the County to adopt a new general plan within the meaning of the writ because the tentative map must be judged under earlier enacted planning laws and ordinances. In this circumstance, Pacific's application for a tentative map extension satisfies the criteria for an exception from the writ under subparagraphs (2) and (8) (g). Moreover, the application to extend the expiration date of the map is an application that should qualify for an exemption from the writ under subparagraph (4)(b), the exception for modification of existing approvals that do not change uses or increase intensity of development. The application seeks to modify the existing map only by extending the expiration date. Finally, the application satisfies the specific standards of subparagraph (8). Ridgeview Village No. 9 is infill development, and much of the necessary off-site infra-structure improvements for the project have already been funded. For this and related reasons, the project's location will in all probability remain residential under any newly adopted general plan.

Louis B. Green
November 6, 2001
Page 4

I hope that you find the reasons given here for the proposed motion are not inconsistent with County policies and that you will conclude that the motion can proceed without returning the matter to the Board of Supervisors before filing the motion with the court. Please advise me at your earliest convenience if this reasoning and the procedures I outlined in this letter are acceptable. Please call me if you have any questions or wish to discuss any aspect of this matter.

Very truly yours,



Richard E. Brandt

REB:lf

cc: Bill Fisher ✓



McDonough Holland & Allen PC
Attorneys at Law

Richard E. Brandt
Attorney

916.444.3900 tel
916.444.8334 fax
rbrandt@mhalaw.com

July 3, 2003

VIA FACSIMILE

William J. Fisher
Pacific States Development Corporation
992 Governor Drive, Suite 103
El Dorado Hills, CA 95762

Re: Sierra Sunrise (TM88-1095) and
Ridgeview Village Unit No. 9 (TM-1125) Extension Applications

Dear Mr. Fisher:

Sacramento
565 Capitol Mall
9th Floor
Sacramento CA
95814-4892
tel 916.444.3900
fax 916.444.8334

Oakland
1999 Harrison Street
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In October of 1999 and November of 2001 this firm wrote to the El Dorado County Counsel and his deputy on behalf of Pacific States Development Corporation regarding the extension of the tentative subdivision maps for Sierra Sunrise (TM88-1095) and Ridgeview Village Unit No. 9 (TM-1125). The letters were written to explain to the County Counsel and the Board of Supervisors why approval of the applications for extension of the tentative maps was not barred, and should not be barred, by the writ issued by the Sacramento Superior Court in *El Dorado County Taxpayers, etc., et. al. v. El Dorado County*. One of the principal justifications for this position was the rule that "...an application relating to a tentative map is subject only to those ordinances, policies, and standards in effect at the date ... the application is [deemed] complete." (Gov. Code § 66474.2)" Since the applications for extension of the Ridgeview Village No. 9 and Sierra Sunrise tentative maps were submitted and deemed complete prior to the effective date of the writ (Gov. Code § 65943), we concluded that the applications were not, and will not be, subject to a new general plan adopted as a result of the court's decision.

El Dorado County is now engaged in the process of drafting a new general plan. In connection with your comments on the draft plan, you have asked me whether the conclusions of our earlier letters would be different if a new general plan is adopted and the writ dissolved. The answer to your question is "no." I believe the tentative map extension applications for the two subdivisions will continue to be governed by the 1996 El Dorado County Plan and other laws and regulations in effect at the time the applications were submitted even after a new plan is adopted and the lawsuit finally concluded.

Very truly yours,
Richard E. Brandt (fz)
Richard E. Brandt

REB:lf
Enclosure
cc: Edward J. Quinn, Jr.

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July 8, 2003

EDC Planning Department
2850 Fair Lane Court
Placerville, California 95667

03 JUL -9 PM 12:24
RECEIVED
PLANNING DEPARTMENT

Dear General Plan Team,

Thank you for the opportunity to comment on the draft General Plans and the draft EIR. It is apparent that some of the twelve alternatives proposed are much more environmentally friendly than others. I ask that you help preserve our open spaces and protect the environment. These are the aspects of El Dorado County which make it a great place to live.



167-1

I favor policies and land-use designations in Alternative 12, the "environmentally superior" plan. This Compact Development Alternative would begin to arrest sprawl, would support walking, bicycling, and transit; it allows for mixed use and affordable housing. Limits on housing numbers would reduce impacts caused by increased density and would preserve community identity by retaining open space.



167-2

Please select available features from all and combine them to make a new alternative that reduces traffic impacts, protects rural lands and wildlife habitat, and allows for moderate growth within the constraints presented by air and water quality, topography, and habitat protection. Persuade developers to go along with the concepts in Alternative #9. The natural amenities that attracted current residents and support our tourism industry should be protected.



167-3

The timelines for implementation of policies that characterize Alternatives #2 and #3 are too long. Very conservative interim standards must be in place so that the vision is not lost while implementation is in process.



167-4

Thank you for considering my comments,

Cindy Rountree
4228 Bear Paw Court
Rescue, CA 95672

cc: Charlie Paine, District 4 Supervisor

July 9, 2003

El Dorado County Board of Supervisors
Helen Baumann, Supervisor
330 Fair Lane
Placerville, CA 95667

RE: Draft Environmental Impact Report (DEIR) on the El Dorado County General Plan

Dear Helen,

Thank you for returning my call. It might be easier to connect through the mail than playing telephone tag.

My husband Brian and I have lived in Park Village in El Dorado Hills for 23 years. We have raised 8 children in El Dorado Hills, and now we are enjoying our grandchildren. We cannot say enough good about this area. We have always been impressed with the thoughtful planning that has gone into El Dorado Hills area. We want to work to maintain that planning so as to enjoy our retired years. In that hope, I have listed our areas of concern, as I briefly mentioned over the phone to your assistant. They are as follows:

- 1. We are concerned for our neighborhood of Park Village. Including Saratoga Way, Mammouth Way, Arrowhead Drive, El Dorado Hills Blvd. We ask that a serious consideration and review of all plans be in the interest of those living in Park Village.
- 2. What is the impact of **safety, noise, air quality, traffic circulation, land use and planning, housing and basic quality of life in Park Village?**
- 3. The conflicting statement we read in the paper, DEIR and traffic and circulation impact report is of great concern. What is really happening in Park Village and surrounding roads? Will Saratoga be a 2 lane as we were told or a 4 lane that has been reported?

We want as much of the honest, thoughtful planning for our Park Village as has been given to the rest of the county. Please avoid at all cost the significant impacts to our friends neighbors and families of Park Village. We are willing to assist in any way to see the quality of life can be maintained in our community.

Ronald Zumbruns, letter submitted to Heidi Tschudin, General Plan Project Manager, and CC to the Board of Supervisors, is an accurate expression of our concerns.

Sincerely,

Brian & Jill Brink

Brian and Jill Brink
958 Mammouth Way
El Dorado Hills, CA 95762

CC: Board of Supervisors
Heidi Tschudin, General Plan Project Manager
CARE

168-1

168-2

168-3

168-4

EL DORADO COUNTY COUNSEL
2003 JUL 11 AM 11:19

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2840 Mt. Danaher Road
Camino, California 95709
Website: www.fire@ca.gov
(530) 644-2345



July 9, 2003

Heidi Tschudin, Contract Planner
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Dear Ms. Tschudin:

The Amador/El Dorado Unit of the California Department of Forestry and Fire Protection (CDF) is in support of the recommendations the El Dorado County Fire Safe Council has prepared in response to comments to the El Dorado County Draft General Plan. Regardless of which alternative is adopted by the Board of Supervisors, CDF feels that the proposed recommendations should be included in the updated general plan.

169-1

The citizens of El Dorado County live in a fire prone ecosystem. Much of the new development within El Dorado County is within the wildland urban interface, which poses unique challenges to the fire protection agencies that provide services to the these areas. As we continue to develop into the wildland urban interface it is imperative that we do so with fire safety in mind, not only for the citizens that live in our beautiful communities, but also the firefighters that risk their live to provide fire protection to these communities. New developments should have adequate infrastructure in place to mitigate the danger from wildland fire. The recommendations that the El Dorado Fire Safe Council has provided in their comments, if incorporated in the El Dorado General Plan, will help to insure that new growth will occur with fire prevention planning as a number one priority.

169-2

Sincerely,

BILL HOLMES
Unit Chief

cc: El Dorado County Fire Safe Council

RECEIVED
JUL 11 10 58 AM '03
BOARD OF SUPERVISORS
EL DORADO COUNTY

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From: Allen N - Las Vegas, NV. [agnnns@cox.net]
Sent: Wednesday, July 09, 2003 5:47 PM
To: generalplan@co.el-dorado.ca.us
Subject: Land Use Designation

To Whom It May Concern

Re APN 109-340-39

I noticed that the Land Use Designation on my parcel, noted above, for Alt#2 was "RL" and did not match the Land Use Designations as in my other Alt's #1, #3 & #4 for that parcel, which is "LDR". Please have it changed to match the other Alt's and match all the surrounding parcels around me, which have all Alt's #1, #2, #3 & #4 all being "LDR".

Thanks in advance for the consistency issue of "LDR". Please respond to this email. Thank you.

Allen G. Nel

170-1

From: Douglas Roeca [mailto:droeca@droecalaw.com]
Sent: Wednesday, July 09, 2003 4:37 PM
To: pmaurer@co.el-dorado.ca.us
Cc: bosfive@co.el-dorado.ca.us; bosfour@co.el-dorado.ca.us; BOSONE@co.el-dorado.ca.us; bostthree@co.el-dorado.ca.us; bosttwo@co.el-dorado.ca.us; nwfletcher@lnc.com; arras@jps.net
Subject: General Plan and APN's 110-020-13, 14, 16, 17, 18, 35, 36

Dear Peter:

I am writing you on behalf of the owners of the referenced parcels, namely Lewis & Louise Hackett, James & Linda Greene, Norma Hampton, Gary & Nancy Fletcher, and Clarence Rich. I am attaching hereto a copy of Table A-3 "Landowner Parcel-Specific Requests." The table indicates that the "requestor" for these parcels was Shan Nejatian. Mr. Nejatian has never had any authority to speak for these owners, and his requests as to these parcels should be disregarded. These parcels are located in El Dorado Hills between Salmon Falls Road and Lake Hills Drive, an important biological corridor to Folsom Lake. Each of these owners has definite opinions as to proper land uses for their and surrounding parcels, and many of their opinions are at odds with what Mr. Nejatian desires. Hence, please delete any reference to a request having been made as to each of the referenced parcels.

If you have any questions or need anything further, please let me know. Thanks for your assistance.

Douglas R. Roeca
Attorney at Law
3294 Royal Drive, Suite 202
Cameron Park, CA 95682

Phone: (530) 676-4421
Fax: (530) 677-2033

droeca@droecalaw.com

171-1

Dorado
Land & Development
a d.b.a. of Smith & Gabbert, Inc.

July 10, 2003

03 JUL 15 PM 2:07

RECEIVED
PLANNING DEPARTMENT

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

Re: General Plan Comments

Dear Team:

Reference to previous submissions is hereby made. We recommend the following items be incorporated into the General Plan program to be adopted.

1996 General Plan Alternative:

First and foremost, we recommend using the 1996 Plan as the basis for any adopted General Plan. The Court ruled the 1996 Plan met the requirements of planning law, and noted deficiencies only in the EIR documentation. The Court then provided a specific roadmap to correct deficiencies the Court said was necessary. We need to follow that course of action; to do otherwise would fly in the face of the Court's specific direction and would needlessly expose the County and its Residents to likely millions of dollars in extra legal costs.

At any subsequent time, the County may consider additional changes to its General Plan, which can then be implemented in a logical way. However, even if a new Plan is proven to have less impacts, it is still an unproven plan in the eyes of the legal system and will be subject to certain and expensive litigation.

Six Lane Plus Alternative:

As stated in Goal TC-0, the Six-Lane Plus Alternate is based upon the notion that the County can maintain its rural character by limiting Highway 50 to six lanes. To have a Plan Alternative focus on such a single required element as the single overriding concern is not good planning.

Such an action to limit Highway 50 would be a huge mistake, tantamount to the mistake made when Governor Jerry Brown sold off rights-of-way in Sacramento. Once this decision was made, it forever precluded any reasonable ability to go back. Sacramento is still suffering transportation issues as a result. A similar situation could occur here, as State and Federal funds that may be available to make improvements to Highway 50 would be passed by, thereby leaving the County out of funding improvements for which its residents paid taxes into but now won't receive a fair share in return. All while the traffic worsens. In fact, CalTrans studies indicate a need for at least eight lanes along Highway 50, and that to not do so will cause "...significant traffic congestion and motorist delays in the future."

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Creating a World of Difference



172-1

172-2

The fact also remains that there is virtually no visual differences to such a freeway driver between a six lane and eight lane freeway. In fact, a six lane freeway would be impacted by non-resident thru traffic much greater than an eight lane freeway, thereby making the six lane alternative appear even less rural than the eight lane alternative.

172-2

If in fact the County wants to make decisions to lower densities in certain areas, it should do so by clearly stating which parcels will have what ultimate general plan density designations, rather than show that a parcel can be HDR when in fact it would really be equivalent to LDR. Such a system can only create confusion to everyone and present a highly misleading picture, especially to less knowledgeable buyers of property. To limit a parcel to being split into 4 units will prove to be a hodgepodge design and ultimately far more costly for each created unit (the reason this type of mapping was prohibited in the first place).

172-3

Environmentally Constrained Alternative:

To have a Plan Alternative focus on such a single required element as the single overriding concern is not good planning. Not only dose this plan not have the same level of research that the 1996 Plan has, but this Plan will have the worst impact on our jobs-housing balance because it reduces the potential commercial and industrial lands the most.

172-4

As evidenced in areas where stringent development restrictions have been in place, it is clear that limiting development does not stop population and traffic growth, it merely changes how it occurs. Population continues to grow. People will continue to move into the County even if it means doubling up inside housing units or granny flats everywhere. This will result in a hodgepodge development scheme that will not collect the same funding for necessary infrastructure improvement as planned development.

172-5

Transportation:

The Transportation Elements to the various plans are troubling. By and large, the 1996 and No Project Alternatives provide the best circulation plan. The adopted General Plan must put in place a program that will look at the long term implications of installing minimal improvements, and take the hard decisions to do what is necessary. Another factor is that whatever plan is adoptive, similar population growth rates will occur well into the future, regardless of the fact that the plans call for different total acreage of residential development.

172-6

Specifically the following recommendations for road improvements are made, regardless of which Plan is adopted:

Minimum 4 Lanes:

- Green Valley Road- Silva Valley to Cameron Park Drive
- Cameron Park Drive- Highway 50 to Green Valley
- Bass Lake Road- Highway 50 to Green Valley
- Serrano Parkway- Silva Valley to Bass Lake (exist 4 lanes where improved)

172-7

Minimum 6 Lanes:

- Green Valley Road- County Line to Silva Valley
- White Rock- Highway 50 (from Silva Valley) to County Line

Freeway Lanes:

- Eight Lanes- County Line to Cameron Park Drive
- Six Lanes- Cameron Park Drive to Ponderosa Road (with serious consideration to extending to Placerville)

In addition, non-motorized travel ways should be provided along major road segments in community regions. The would include the above-listed 4 and 6 lane roads, as well as "Major 2-Lane" and "2- Lane Regional" roads, as such terms are defined in the Circulation Element. Given that certain roads are already developed, particularly many "2-Lane Regional Roads", no doubt many of these non-motorized travel ways will include minimal Class II improvements, divided only by a stripe and shared by cyclists and pedestrians alike. However, any such improvements on existing roads, even on a single side, will be greatly valued and absolutely needs to be incorporated into the General Plan improvements for the safety of our citizens.

Trees:

Policy 7.4.4.2 of the 1996 Plan Alternative encourages planting of native trees in new development. This is an excellent measure and should be implemented regardless of which plan is adopted.

Policy 2.3.1.2 of the 1996 Plan Alternative provides for the zoning ordinance to include a standard for parking lot shading and provision of street trees in all new development. This is an excellent measure and should be implemented regardless of which plan is adopted.

On a side note, is the Zoning Ordinance the correct tool for this? This item will need to be enforced at the time of building permit issuance. Currently a Roadside Tree Ordinance does exist at the County but has essentially been forgotten (it also does not specify what to do as this measure would, but mostly limits what can't be done such as planting of undesirable trees).

The parking lot shading provision language should be changed as follows:

- Specify that it applies does not apply to certain uses such as Ag or Single Family, but rather to C, I, MFR, and other public uses.
- Specify that the tree canopy coverage minimums, such as a 50% minimum.
- Encourage use of native oaks also.

The street tree language should be changed as follows:

- Applicable to all uses in Community Regions, plus public type uses in other regions.
- Specify that trees shall be canopy-type trees for shade purposes, and that trees shall be placed a minimum of one tree per forty lineal feet.
- Encourage use of native oaks also.

Conservation and Open Space:

172-7

172-8

172-9

172-10

Policy CP-1c of the Environmental Constrained Alternative proposed to eliminate any grading operations during the rainy season. While well intended, this goal altogether ignores the fact that most subdivisions require a greater time period than a single summer season to construct. If this provision were implemented, it would have the effect of greatly increasing costs to hurry up and finish a job (particular given delays outside an owner's control such as those caused by the County and EID) or to shut a job down for the winter, whereby temporary measures must be left in place rather than complete a project and eliminate further potential erosion. There are already plenty of enforcement measures in place between County (DOT, RCD) and State (SWRQCB) entities. Such a measure would also have a highly detrimental effect on local construction companies. In summary, this item should definitely not be implemented.

172-11

Zoning:

Whichever plan is adopted, it should allow for mixed uses on MFR and C properties.

172-12

Whichever plan is adopted, reservation of maximum C and I lands should be provided. This is a serious drawback to both the Environmentally Constrained Alternative and the Six Lane Plus Alternative.

172-13

Site Specific Zoning:

Lot 9 of Goldorado Center (APN 083-456-01).

This parcel should be designated as commercial (it reflects Commercial on all but the Environmentally Constrained Alternatives, which reflects MFR). The property should be designated commercial to reinforce the commercial shopping center in which it was developed (Goldorado Center). MFR would be a less desirable use compared to C given its location abutting the freeway, wherein noise issues arise. In addition, there is ample property designated for MFR in close proximity north and east of the subject site. **Conclusion: Regardless of which land use plan the County adopts, this parcel should be recognized as commercial.**

172-14

The Pinnacles (APN 083-350-43).

The Environmentally Constrained Alternative shows 12.833 acres of this 68 Acre parcel as LDR, whereas the other plan versions shows this 12.833 acres as HDR. As the balance of the land is C and MFR, the best use of this portion of the property is HDR. **Conclusion: The final land use plan must not show the property as LDR; it must reflect MFR, HDR or C designations.** Below is a summary of reasons:

172-15

Background on The Pinnacles

- Cameron Park is the first planned community in El Dorado County, with planning initiated in the 1950s and development begun in the early 1960s. The property in questioned was slated for high density single family development.

- In 1974, the Cameron Park Master Plan and EIR were approved and became one of the County's first Area Plans. Again the property was designated for high density single family development.
- On May 28, 1974, a tentative map was approved by the County on the southern portion of the property.
- Infrastructure includes being located at the northeast quadrant of Cameron Park Drive and Highway 50, being adjacent to Marshall Hospital and Goldorado Shopping Center, having seven existing points of access to County roads each with all utilities stubbed to the site, two EID reservoirs adjacent to the property, multiple large diameter (up to 16") EID water lines traversing through the property east to west and north to south.
- The 1981 Cameron Park Master Plan again determined the property should be high density single family development.
- In December 1989, we submitted Vesting TM 90-1214 for the northern portion of the property, which has been delayed due to water and general plan moratoria.
- The 1994 draft land use maps showed the property as HDR.
- The 1996 adopted General Plan showed the property as mixed uses including HDR, C, and MFR.
- Under prior cover were the following communications on this matter:
 - Letter from RVA engineers dated May 21, 1981 detailing the subject property.
 - Letter from Laurie Maloney & Wheatley dated October 15, 1990 detailing the land plan request for the subject property.
 - Site Specific Request dated March 22, 1995.

General Plan Project Description (GPPD) as it relates to The Pinnacles

- Per the GPPD regarding LDR, "Wells and individual septic systems will be the typical source of water and method of sewage disposal." The area is within the EID service area, and yet EDC rules expressly prohibit wells and septic within the EID service area. LDR is not appropriate.
- Per the GPPD (and all previous drafts and approved versions), "[the LDR] designation is considered appropriate only in the Rural Regions". LDR is not allowed in Community Regions; the property is in the Cameron Park Community Region. LDR is not allowed.
- Typical uses within LDR include "agricultural support structures, crop production, and the raising and grazing of domestic farm animals. These uses are inconsistent with the surrounding high density residential development.
- GPPD states "Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, schools, employment, recreation and other public facilities." The subject property best achieves these goals.
- GPPD states that the purpose of the Commercial (C) designation "is to provide a full range of commercial retail, office and services in contiguous centers...." The subject property achieves these goals to enhance commercial growth on the subject property adjacent to the Goldorado Center and consistent with the 1996 approved land uses, and will help in the job to housing imbalance.
- The GPPD states to "direct growth to Community Regions", "accommodate future growth within existing Community Regions", and to "provide for affordable housing...." The subject property best achieves these goals.
- The GPPD states to "curtail urban sprawl", "protect existing communities", and to have the "location and intensity of future development consistent with the availability of adequate infrastructure". The subject property best achieves these goals.

172-15

- As to Circulation, the GPPD states “The plan must integrate and coordinate the transportation system with the land use plan so that the roadway capacity improvements, road safety improvements, mass transit development and alternative transportation modes can be provided in the most cost effective manner” and to “Reduce the level of demand on County roadways through the implementation of policies and programs that minimize congestion, improve level of service, conserve energy, and minimize air pollution.” The location of the subject property best achieves these goals.
- As to Housing, the GPPD states to “Locate housing of suitable types given community facilities and public facilities.” The location of the subject property best achieves these goals.
- As to Public Utilities, the GPPD states to provide “cost-effective public utilities and services”, which applies to the existing services for water, sewer, power, telephone, cable, emergency services (sheriff, ambulance, fire), schools, libraries and more. The location of the subject property best achieves these goals.

172-15

In closing, please make the changes to the General Plan Project Description and maps as specified herein. Thank you for your time and attention to these matters.

Sincerely,



Kyle Smith
President



**DEPARTMENT OF AGRICULTURE
WEIGHTS AND MEASURES**

Bill Snodgrass
Agricultural Commissioner
Sealer of Weights and Measures

03 JUL 11 PM 4:39
RECEIVED
PLANNING DEPARTMENT
311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
billcag@atasteofdorado.com

July 10, 2003

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

Dear Sir or Madam:

The following are comments and recommendations from the El Dorado County Agricultural Commission concerning the El Dorado County General Plan Draft Environmental Impact Report (EIR) and the four (4) General Plan alternatives in regards to the Agriculture & Forestry Elements.

These recommendations were based on the review of the documents and the gathering of input from grower organizations, water organizations, individual growers and the general public. The recommendations do not rely on one single alternative, but on all of the alternatives. Each alternative has goals and policies offering different levels of protection for El Dorado County's agriculture industry. The Agricultural Commission has selected those goals, policies and objectives from each alternative that provides the best protection for existing and potential agriculture (including grazing lands) lands from urban encroachment and incompatible uses as well as providing for adequate current and long-term (future) water.

These recommendations also recognize that the agricultural industry will change in the future, as it has in past decades, to meet the needs of the consumers and competition. Currently, the wine grape industry is growing at a rate of 20-25% annually. During the next 25-50 years, other crops will expand their acreage and new crops will be introduced, responding to consumer demands and competition from other areas. California agriculture lands are decreasing at an alarming rate. If, as projected, the population grows by 50% (17 million people) in the next 25 years, and homes and shopping centers are built on agricultural lands to meet their needs, where will the food be grown to feed the expanding population? During the first two (2) years of this decade, Sacramento County used 91,258 acres of farmland to build homes, shopping centers and office buildings in order to accommodate their population growth of 28,700 people during the same period. How many acres of additional farmland will California need to convert in order to accommodate 17 million more people? This will make El Dorado County's agriculture lands all the more attractive to grow crops, timber and graze livestock in order to support these people. **Only if El Dorado County plans and protects our agriculture lands and water now can we**

- Protecting Agriculture, People and the Environment -

173-1

become more economically competitive in the future as there will be less food and fiber grown in other parts of California due to the loss of these types of lands.



173-1

EXECUTIVE SUMMARY

The first document, Recommendations for the Agriculture & Forestry Elements, contains the recommended language for the agriculture and forestry elements, while the second document, Comments and Recommendations on the General Plan and Environmental Impact Report, ties the recommendations to specific "Impacts and Mitigations".



173-2

The key policies of the recommendations are:

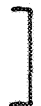
1. Agricultural Districts: Policy AF-1a from the Road way Constrained 6-Land Alternative and the 1996 General Plan Alternative define Agricultural Districts with little difference between the two. Agricultural Districts are essential to preserving the viability of agriculture now and in the future.
2. Agriculture Enterprises Outside Agricultural Districts: Policy AF-1a of the Environmentally Constrained Alternative assigned the Agricultural Land (A) designation to lands inside and outside the Agricultural Districts. This would give lands outside Agricultural Districts the same protection from conflict, cancellation of Williamson Act Contracts and potential conversion of important farmlands to incompatible uses as lands within Agricultural Districts.
3. Agricultural Setbacks: The 1996 General Plan Alternative provides setbacks from incompatible uses that is essential. Implement mitigation measure 5.2-1(e), "Provide adequate agricultural setbacks" is also recommended to mitigate a serious impact.
4. Minimum Parcel Size Adjacent to Agriculture Zoned Lands: The 1996 General Plan Alternative provides for a ten (10) acre minimum next to agriculture zoned lands and in Agricultural Districts. Minimum parcel sizes are critical in keeping urban incursion onto agriculture lands.
5. Agriculture Employee Housing: The Roadway Constrained 6-Lane "Plus" alternative provides for housing of agriculture employees. Local agriculture employee housing is critical to keeping a reliable work force rather than having to rely on bringing in employees from the Valley.
6. Agriculture Water for Current and Future Needs: The 1996 General Plan Alternative provides agriculture water while the other alternatives do not address the issue. In order to grow crops we need the water. It does no good to protect the land and zone it agriculture if we do not have the water to grow our food and fiber.
7. Agri-tourism and Ranch Marketing: The 1996 General Plan Alternative provides for agri-tourism, ranch marketing and wineries on agriculture zoned lands. El Dorado County is made up of small farms that fill a niche market. By allowing growers to sell their wines and apple pies, from products they have grown on the same parcel, allows them to get a premium price for their products. Also allowing accessory



173-3



173-4



173-5



173-6



173-7



173-8



173-9

activities, that are secondary to the agriculture, allow growers to put money in their pockets and allows them to keep farming. Without such sales and accessory activities, many farms would cease and the residents of El Dorado County would lose their open space and quality of life.



173-9

8. Right-to-Farm; The Right-to-Farm is in all of the alternatives. The 1996 General Plan Alternative provides the strongest support which includes a provision to place a deed restriction on change of ownership of a parcel requiring the new owner to sign a statement acknowledging agricultural activities and the possibility of incompatible agricultural activities.



173-10

Sincerely,

A handwritten signature in cursive script that reads "Bill Snodgrass".

Bill Snodgrass
Agricultural Commissioner/Sealer

**El Dorado County Agricultural Commission
Recommendations
for the
Agriculture & Forestry Elements**

AGRICULTURE POLICIES

Goal AF-1: To identify, support, and maintain long-term agricultural production and protect existing and potential agricultural and range lands from incompatible uses.¹

173-11

Policy AF-1a The boundaries of the Agricultural District (-A) overlay land use designation shall be identified based on the extent to which lands within such districts possess the following characteristics:¹

- A. Are currently under a Williamson Act Contract;
- B. Possess the characteristics of choice agricultural land (i.e., contain choice agricultural soils and/or contain Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Locally Important Farmland);
- C. Are under cultivation for commercial crop production;
- D. Possess topographical and other features that make them suitable for agricultural production;
- E. Have low development densities; and
- F. The County Department of Agriculture has determined that the majority of the lands within the district are best suited for agricultural production and have a minimum parcel size of 20 acres.

173-12

Policy 8.1.1.5

Except for parcels assigned urban or other nonagricultural uses by the Land Use Map for the 1996 General Plan, parcels 20 acres or larger containing "choice" agricultural soils (see Policy 8.1.1.2(b)) shall be zoned for agricultural use except where the Board of Supervisors determines that economic, social, or other reasons justify allowing nonagricultural development or uses to occur on the affected properties. Where such parcels are zoned for agricultural use, they shall be protected from incompatible land uses by the Right to Farm Ordinance and agricultural buffering. Before rezoning parcels that are 20 acres or larger

173-13

¹ Road way Constrained 6-Land Alternative

and contain choice agricultural soils to a zoning category that will permit nonagricultural uses, the Board of Supervisors and/or Planning Commission shall solicit and consider input from the Agricultural Commission.



173-13

Policy AF-1a Lands assigned the Agricultural Land (A) designation shall be of sufficient size to sustain agricultural use and should possess one or more of the following characteristics:²

- A. Are currently under a Williamson Act Contract;
 - B. Possess the characteristics of choice agricultural land (i.e., contain choice agricultural soils and/or contain Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Locally Important Farmland);
 - C. Are under cultivation for commercial crop production or are identified as grazing land;
- And one of the following:
- 1. Are located in the county's Rural Region; or
 - 2. The County Department of Agriculture has determined that the land is best suited for agricultural production.

173-14

Policy AF-1b The County Department of Agriculture shall maintain a procedure for evaluating the suitability of lands for:¹

- A. Inclusion in a Williamson Act Contract and subsequent agricultural zoning;
- B. Nonagricultural development within Agricultural Districts;
- C. Expansion or reduction of existing Agricultural Districts;
- D. Assignment or removal of agricultural zoning;
- E. Appropriateness of the application of agricultural protection as provided for in Policies AF-1d and AF-1e; and/or
- F. Grazing.

173-15

Policy AF-1c The County shall develop programs that provide tax benefits and enhance competitive capabilities of farms and ranches, thereby ensuring long-term conservation, enhancement, and use of viable agricultural lands.¹

173-16

Policy AF-1d The County shall protect current and future agricultural use of lands identified for agricultural production.¹

173-17

² Environmentally Constrained Alternative

OBJECTIVE 8.1.3: PROTECTION OF AGRICULTURAL LANDS

Protection of agricultural lands from adjacent incompatible land uses.³

Policy 8.1.3.1

Agriculturally zoned lands, including Williamson Act Contract properties (i.e., lands within "agricultural preserves"), shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.³

173-18

Policy 8.1.3.2

Agriculturally incompatible uses adjacent to agricultural zoned lands within designated agricultural districts shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands. All setbacks are measured from the property line.³

173-19

Administrative relief to these setbacks may be granted by the County Planning Director, or Agricultural Commission where appropriate.³

The County shall impose larger than 200-foot setbacks where needed to protect agricultural resources. Administrative relief to these setbacks may be granted when reasonable use of the property would otherwise be denied.

Policy 8.1.3.4

A threshold of significance for loss of agricultural land shall be established by the Agriculture Department and the Planning Department, to be used in rezone applications requesting conversion of agricultural lands to non-agricultural lands, based on the land evaluation and land assessment system to be developed by the State. For projects found to have a significant impact, mitigation shall include 1:1 replacement or conservation for loss of agricultural land in active production and/or 1:1 replacement or conservation for land identified as suitable for agriculture production. A monitoring program should be established to be overseen by the Agriculture Department.³

173-20

Policy 8.1.3.5

On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.³

173-21

³ No Project and 1996 General Plan

OBJECTIVE 8.1.4: DEVELOPMENT ENTITLEMENTS

Consideration of the agricultural use of land prior to approvals for any development entitlements.³

Policy 8.1.4.1

The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving agriculturally zoned lands, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:³

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

173-22

Policy AF-1e Agricultural lands shall ~~continue to be~~ protected from land use incompatibility concerns related to agricultural production by the Right to Farm Ordinance¹ to include a provision to place a deed restriction on change of ownership of a parcel requiring the new owner to sign a statement acknowledging agricultural activities and the possibility of incompatible agricultural activities.³

173-23

OBJECTIVE 8.2.1: AGRICULTURAL WATER

Provide for an adequate, long-term supply of water to support all agricultural uses within the County.³

Policy 8.2.1.1

The County shall ~~allow and~~ support the extension of water lines for the irrigation of agricultural lands. The County shall support the use of reclaimed water and non-potable water (untreated water) for the irrigation of agricultural lands.³

173-24

Policy 8.2.1.2

Current agricultural water, excluding well water, shall be protected from allocation to residential uses and discretionary projects establishing new residential uses. Water from increased irrigation efficiencies shall be allocated to expanding agricultural or employment based uses.³

173-25

Policy 8.2.1.3

The County shall actively pursue the acquisition of long-term agricultural water supplies to meet the expanding needs of agriculture in future years.³

173-26

OBJECTIVE 8.2.2: AGRICULTURAL OPERATIONS

Protection of the rights of agricultural operators to continue agricultural practices on all lands designated for agricultural land use and expand the agricultural-related uses allowed on such lands.³

Policy 8.2.2.1

Agricultural operations allowed by right on agricultural lands shall include but not be limited to:³

- A. Cultivation and tillage of the soil, dairying, irrigation, frost protection, cultivation, growing, harvesting, sound devices, use of approved fertilizers, pesticides, and crop protection;
- B. Processing of any agricultural commodity;
- C. Raising or breeding of livestock, fur-bearing animals, poultry, aquatic species and all animal husbandry;
- E. Commercial practices (ranch marketing) performed incidental to or in conjunction with such agricultural operations including the packaging, processing, and on-site sale of agricultural products produced in the County; and
- F. Agricultural resource management including wildlife management, recreation, tours, riding and hiking access, fishing, and picnicking.

173-27

Policy 8.2.4.3

Visitor serving uses may include but are not limited to: recreational hunting and fishing, camping, stables, ~~golf courses~~ and other similar uses, lodging facilities, and campgrounds.³

173-28

The County shall allow and support agri-tourism programs that complements agricultural enterprises.

173-29

Policy AF-1f The County shall discourage the conversion of existing or suitable agricultural lands to nonagricultural uses.¹

Policy AF-1g The County shall encourage the maintenance of lands currently used for grazing or suitable for sustained grazing of domestic livestock.¹

173-30

Require agricultural fencing on adjacent residential property.

New Policy: Residential uses that are established adjoining grazing land shall have agricultural fencing per County Standards.¹

↑ 173-30

Goal AF-3 To provide housing for agricultural employees.¹

Also refer to Policies HO-4g and HO-4h in the Housing Element.¹

Policy AF-3a The County shall support the construction of dwelling units for permanent and seasonal agricultural employees through density bonuses and other means. Such housing must clearly be needed for and incidental to agricultural uses and shall be dedicated to the sole use of agricultural employees.¹

173-31

FORESTRY POLICIES

Goal AF-4: To identify, conserve, and protect healthy, sustainable forests that provide for forest resources and production of forest products while limiting the intrusion of incompatible uses into important forest lands.¹

173-32

Policy AF-4a The County shall protect and maintain lands suitable for timber production.¹

173-33

Policy 8.3.1.3

The County Agricultural Commission shall assess lands to determine their suitability for timber production. Lands considered suitable for timber production shall be based on the following criteria:³

- A. Lands designated Natural Resource (NR) on the General Plan land use map or lands zoned Timber Production Zone (TPZ);
- B. Soils identified as El Dorado County "choice" timber production soils which shall consist of soils found on Timber Site Classifications I, II, or III as defined in the *California Forest Handbook* and the *Soil Survey of El Dorado Area* issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;
- C. Lands used for commercial forestry/timber production;
- D. Lands that possess topographical and other features that make them suitable for timber production; and
- E. Low development densities in vicinity.

173-34

OBJECTIVE 8.3.2: CONSERVATION OF FOREST LANDS

Protect and conserve lands identified as suitable for commercial timber production within the County that are important to the local forest product industry and forest lands that serve other values such as watershed, wildlife habitat, recreation, hydroelectric power generation, grazing, mineral extraction, or other resource based uses.³

Policy 8.3.2.1

Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels containing less than 160 acres.³

173-35

Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.³

Policy 8.3.2.3

Lands designated Natural Resource, excluding those zoned TPZ, generally located below 3,000 feet elevation that have been found to be suitable for producing commercial timber by the Board of Supervisors, after reviewing advice of the Agricultural Commission, shall have a 40-acre minimum parcel size unless such lands already have smaller parcels.³

173-36

Policy 8.3.3.1

Forest lands are reserved for multiple use purposes directly related to timber production, mineral resource extraction, wildlife, grazing, and recreation.³

173-37

Policy 8.3.3.2

The Natural Resource land use designation shall be applied for the purposes of conserving and protecting important forest lands and maintaining viable forest based communities. In determining whether particular lands constitute important forest lands, the Board of Supervisors shall consider the advice of the Agricultural Commission.³

173-38

OBJECTIVE 8.4.1: FOREST LAND BUFFERS

Provide for buffer parcels and setbacks between timber production lands and adjacent incompatible land uses.³

Policy 8.4.1.1

The subdivision of lands located adjacent to Natural Resource (NR) designation boundaries and lands zoned Timberland Production Zone (TPZ) shall not result in the creation of new parcels containing less than 40 acres. The subdivision of lands adjacent to NR designation and lands zoned TPZ containing 40 acres or less located generally below 3,000 feet in elevation may be considered for the

173-39

creation of new parcels containing not less than 10 acres, as appropriate. Projects within Rural Center and Community Region planning concept areas are exempt from this minimum parcel size to encourage the concentration of such uses.³



173-39

Policy 8.4.1.2

A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet. All setbacks are measured from the property line.³

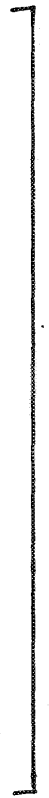


173-40

OBJECTIVE 8.4.2: DEVELOPMENT ENTITLEMENTS

Policy 8.4.2.1

The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:³



- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

173-41

Policy AF-4b Forestlands in Rural Regions and lands considered suitable for timber production shall be designated Natural Resource (NR) on the General

173-42

Plan Land Use Map. Such lands are to be maintained for the purposes of protecting the production of timber, watershed health, important habitats or plant communities, recreation, hydroelectric power generation, grazing, and mineral extraction.¹

173-42

Policy 8.3.1.2

~~The procedures set forth in *The Procedure for Evaluating the Suitability of Land for Timber Production* shall be used for evaluating the suitability of forest lands for timber production. The procedure shall be developed and maintained by the Agricultural Commission and approved by the Board of Supervisors. Revisions to said procedure shall not constitute a General Plan amendment. These provisions shall be used in the following instances:~~³ The County Department of Agriculture shall maintain a procedure for evaluating the suitability of lands for Timber Production lands for:

173-43

- A. Inclusion in a Timber Production Contract and subsequent timber zoning;
- B. Non-timberland development within Natural Resource (NR) and Timber Production Zone (TPZ);
- C. Expansion or reduction of existing Natural Resource (NR) and Timber Production Zone (TPZ);
- D. Assignment or removal of Natural Resource (NR) and Timber Production Zone (TPZ) zoning;
- E. Appropriateness of the application of agricultural protection.

El Dorado County Agricultural Commission
Comments and Recommendations
on the
General Plan and Environmental Impact Report

AGRICULTURE POLICIES

Impact 5.2-1

Potential for Conversion of Important Farmland, Grazing Land, Land Currently in Agricultural Production, or for Conflict that Results in Cancellation of a Williamson Act Contract.

Recommendation #1

Implement mitigation measure 5.13-(b);
Require development projects to be located and designed in a manner that avoids adjacent incompatible land uses.

Adopt Policy 8.1.3.1 from Alternative # 4, 1996 General Plan;

Policy 8.1.3.1

Agriculturally zoned lands, including Williamson Act Contract properties (~~i.e., lands within "agricultural preserves"~~), shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Adopt Policy 8.1.3.5 from Alternative # 4, 1996 General Plan;

Policy 8.1.3.5

On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (~~except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan~~) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

Recommendation #2

Implement mitigation measure 5.2-1(c);
Identify acceptable mitigation for loss of agricultural land.

Adopt Policy 8.1.3.4 from Alternative # 4, 1996 General Plan;

Policy 8.1.3.4

173-44

A threshold of significance for loss of agricultural land shall be established by the Agriculture Department and the Planning Department, to be used in rezone applications requesting conversion of agricultural lands to non-agricultural lands, based on the land evaluation and land assessment system to be developed by the State. For projects found to have a significant impact, mitigation shall include 1:1 replacement or conservation for loss of agricultural land in active production and/or 1:1 replacement or conservation for land identified as suitable for agriculture production. A monitoring program should be established to be overseen by the Agricultural Department.

Recommendation #3

Implement mitigation measure 5.2-1(d);
Provide additional protection of agricultural use.

Adopt Policy AF-1e from Alternative # 2, Roadway Constrained 6-Lane "Plus"

Policy AF-1e

Agricultural lands shall ~~continue to~~ be protected from land use incompatibility concerns related to agricultural production by the Right to Farm Ordinance to include a provision to place a deed restriction on change of ownership of a parcel requiring the new owner to sign a statement acknowledging agricultural activities and the possibility of incompatible agricultural activities.

Adopt Policy 8.2.2.1 from Alternative # 4, 1996 General Plan;

Policy 8.2.2.1

Agricultural operations allowed by right on agricultural lands shall include but not be limited to:

- A. Cultivation and tillage of the soil, dairying, irrigation, frost protection, cultivation, growing, harvesting, sound devices, use of approved fertilizers, pesticides, and crop protection;
- B. Processing of any agricultural commodity;
- C. Raising or breeding of livestock, fur-bearing animals, poultry, aquatic species and all animal husbandry;
- E. Commercial practices (ranch marketing) performed incidental to or in conjunction with such agricultural operations including the packaging, processing, and on-site sale of agricultural products produced in the County; and
- F. Agricultural resource management including wildlife management, recreation, tours, riding and hiking access, fishing, and picnicking.

173-44

Adopt Policy 8.1.4.1 from Alternative # 4, 1996 General Plan;

Policy 8.1.4.1

The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving agriculturally zoned lands, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:³

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Adopt Objective 8.2.1 from Alternative # 4, 1996 General Plan;

Objective 8.2.1: AGRICULTURAL WATER

Provide for an adequate, long-term supply of water to support all agricultural uses within the County.

Adopt Policy 8.2.1.1 from Alternative # 4, 1996 General Plan;

Policy 8.2.1.1

The County shall ~~allow and~~ support the extension of water lines for the irrigation of agricultural lands. The County shall support the use of reclaimed water and non-potable water (untreated water) for the irrigation of agricultural lands.

Adopt Policy 8.2.1.2 from Alternative # 4, 1996 General Plan;

Policy 8.2.1.2

Current agricultural water, excluding well water, shall be protected from allocation to residential uses and discretionary projects establishing new residential uses. Water from increased irrigation efficiencies shall be allocated to expanding agricultural ~~or employment-based~~ uses.

Adopt Policy 8.2.1.3 from Alternative # 4, 1996 General Plan;

Policy 8.2.1.3

The County shall actively pursue the acquisition of long-term agricultural water supplies to meet the expanding needs of agriculture in future years.

Adopt Goal AF-3 from Alternative #2, Roadway Constrained 6-Lane "Plus";

To provide housing for agricultural employees.

Adopt Policies HO-4g and HO-4h from Alternative #2, Roadway Constrained 6-Lane "Plus".

173-44

Recommendation #4

Implement mitigation measure 5.2-1(e);
Provide adequate agricultural setbacks.

Adopt Policy 8.1.3.2 from Alternative # 4, 1996 General Plan;
Policy 8.1.3.2

Agriculturally incompatible uses adjacent to agricultural zoned lands ~~within designated agricultural districts~~ shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands. All setbacks are measured from the property line.

Administrative relief to these setbacks may be granted by the County Planning Director, or Agricultural Commission where appropriate.

The County shall impose larger than 200-foot setbacks where needed to protect agricultural resources. Administrative relief to these setbacks may be granted when reasonable use of the property would otherwise be denied.

Recommendation #5

Implement mitigation measure 5.2-1(f);
Require agricultural fencing on adjacent residential property.
New Policy: Residential uses that are established adjoining grazing land shall have agricultural fencing per County Standards.

Comment #1

The EIR states that, "However, this mitigation measure would likely cause substantial secondary impacts by also constructing barriers to wildlife movement. This measure could also cause additional wildlife habitat fragmentation. This secondary impact would be significant." The Agricultural Fencing Ordinance only applies to parcels ten acres or smaller, therefore fences are short as it would only be on the side adjacent the agriculture zoned parcel. The ordinance was designed for, and primarily used next to Planned Developments.

The problem is not with the agriculture, as grazing and other agriculture enterprises maintain the open space, it is with the planned development placed in the path of wildlife corridors. Agriculture has to put up the fence to protect itself from people's dogs that destroy livestock as well as wildlife.

Impact 5.2-2

Potential for ranch marketing, winery and visitor-serving activities to remove substantial areas of agricultural land from production.

173-44

173-45

Comment #2

Page 5.2-65 of the EIR refers to, "...a bona fide agriculture operation." This term was replaced in the Ranch Marketing and Wineries Ordinances passed by the Board of Supervisors in 2001. This ordinance requires 5 acres of a permanent crop or 10 acres of an annual crop to be planted and in production to qualify as and agricultural operation.

173-45

Comment #3

Page 5.2-65 and 5.2-67 of the EIR state that, "No minimum parcel size is required for visitor-serving uses." This is incorrect as a minimum parcel size of twenty (20) acres is required (under specific conditions some maybe done on ten (10) acre parcels) for most of the visitor-serving uses, **BUT all must** be an accessory to the agriculture operation on the parcel where the agriculture crop is grown, as required by the Ranch Marketing and Wineries Ordinances passed by the Board of Supervisors in 2001.

173-46

The accuracy of several of the statements in the EIR are questioned.

Recommendation #6

Implement new policy;

Ranch marketing, winery, and visitor-serving uses are permitted on agricultural parcels of 10 acres or more; the parcel must have a minimum of 5 acres of permanent agricultural crop or 10 acres of annual crop that are properly cared and maintained; and those uses cannot occupy more than 5 acres or 50% of the parcel, which ever is less.

173-47

Adopt Policy 8.2.4.3 from Alternative # 4, 1996 General Plan

Policy 8.2.4.3

Visitor serving uses may include but are not limited to: recreational hunting and fishing, camping, stables, ~~golf courses~~ and other similar uses, lodging facilities, and campgrounds.

Add policy to cover agri-tourism programs;

The County shall allow and support agri-tourism programs that complements agricultural enterprises.

Impact 5.2-3

Inconsistent level of protection for agricultural operations based on location in identified agricultural areas.

173-48

Recommendation #7

Implement mitigation measure 5.2-3

Incorporate productive and suitable agricultural land into agricultural districts.

Adopt Policy AF-1a from Alternative # 2, Roadway Constrained 6-Lane "Plus";

Policy AF-1a

The boundaries of the Agricultural District (-A) overlay land use designation shall be identified based on the extent to which lands within such districts possess the following characteristics:

- A. Are currently under a Williamson Act Contract;
- B. Possess the characteristics of choice agricultural land (i.e., contain choice agricultural soils and/or contain Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Locally Important Farmland);
- C. Are under cultivation for commercial crop production;
- D. Possess topographical and other features that make them suitable for agricultural production;
- E. Have low development densities; and
- F. The County Department of Agriculture has determined that the majority of the lands within the district are best suited for agricultural production and have a minimum parcel size of 20 acres.

Adopt Policy 8.1.1.5 from Alternative # 4, 1996 General Plan;

Policy 8.1.1.5

Except for parcels assigned urban or other nonagricultural uses by the Land Use Map for the 1996 General Plan, parcels 20 acres or larger containing "choice" agricultural soils (see Policy 8.1.1.2(b)) shall be zoned for agricultural use except where the Board of Supervisors determines that economic, social, or other reasons justify allowing nonagricultural development or uses to occur on the affected properties. Where such parcels are zoned for agricultural use, they shall be protected from incompatible land uses by the Right to Farm Ordinance and agricultural buffering. Before rezoning parcels that are 20 acres or larger and contain choice agricultural soils to a zoning category that will permit nonagricultural uses, the Board of Supervisors and/or Planning Commission shall solicit and consider input from the Agricultural Commission.

Recommendation #8

Adopt Policy AF-1a from Alternative # 3, Environmentally Constrained;

Policy AF-1a

Lands assigned the Agricultural Land (A) designation shall be of sufficient size to sustain agricultural use and should possess one or more of the following characteristics:

173-48

- A. Are currently under a Williamson Act Contract;
 - B. Possess the characteristics of choice agricultural land (i.e., contain choice agricultural soils and/or contain Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Locally Important Farmland);
 - C. Are under cultivation for commercial crop production or are identified as grazing land;
- And one of the following:
- 1. Are located in the county's Rural Region; or
 - 2. The County Department of Agriculture has determined that the land is best suited for agricultural production.

173-48

FORESTRY POLICIES

Impact 5.2-4

Conversion of timberland, including lands currently in timber production and lands zoned for timber production, to nonforestry uses.

Adopt Goal AF-4 from Alternative # 2, Roadway Constrained 6-Lane "Plus"

Goal AF-4:

To identify, conserve, and protect healthy, sustainable forests that provide for forest resources and production of forest products while limiting the intrusion of incompatible uses into important forest lands.

Adopt Policy AF-4a from Alternative # 2, Roadway Constrained 6-Lane "Plus"

Policy AF-4a The County shall protect and maintain lands suitable for timber production.

Adopt Forestry Policy 8.3.1.3 from Alternative # 4, 1996 General Plan;

Policy 8.3.1.3

The County Agricultural Commission shall assess lands to determine their suitability for timber production. Lands considered suitable for timber production shall be based on the following criteria:

- A. Lands designated Natural Resource (NR) on the General Plan land use map or lands zoned Timber Production Zone (TPZ);
- B. Soils identified as El Dorado County "choice" timber production soils which shall consist of soils found on Timber Site Classifications I, II, or III as defined in the *California Forest Handbook* and the *Soil Survey of El Dorado Area* issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;

173-49

- C. Lands used for commercial forestry/timber production;
- D. Lands that possess topographical and other features that make them suitable for timber production; and
- E. Low development densities in vicinity.

Adopt Forestry OBJECTIVE 8.3.2 from Alternative # 4, 1996 General Plan;

OBJECTIVE 8.3.2: CONSERVATION OF FOREST LANDS

Protect and conserve lands identified as suitable for commercial timber production within the County that are important to the local forest product industry and forest lands that serve other values such as watershed, wildlife habitat, recreation, hydroelectric power generation, grazing, mineral extraction, or other resource based uses.

Adopt Forestry Policy 8.3.2.1 from Alternative # 4, 1996 General Plan;

Policy 8.3.2.1

Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels containing less than 160 acres.

Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.

173-49

Adopt Forestry Policy 8.3.2.3 from Alternative # 4, 1996 General Plan;

Policy 8.3.2.3

Lands designated Natural Resource, excluding those zoned TPZ, generally located below 3,000 feet elevation that have been found to be suitable for producing commercial timber by the Board of Supervisors, after reviewing advice of the Agricultural Commission, shall have a 40-acre minimum parcel size unless such lands already have smaller parcels.³

Adopt Forestry Policy 8.3.3.1 from Alternative # 4, 1996 General Plan;

Policy 8.3.3.1

Forest lands are reserved for multiple use purposes directly related to timber production, mineral resource extraction, wildlife, grazing, and recreation.

Adopt Forestry Policy 8.3.3.2 from Alternative # 4, 1996 General Plan;

Policy 8.3.3.2

The Natural Resource land use designation shall be applied for the purposes of conserving and protecting important forest lands and maintaining viable forest based communities. In determining whether particular lands constitute important

forest lands, the Board of Supervisors shall consider the advice of the Agricultural Commission.³

Adopt Forestry Objective 8.4.1 from Alternative # 4, 1996 General Plan;

OBJECTIVE 8.4.1: FOREST LAND BUFFERS

Provide for buffer parcels and setbacks between timber production lands and adjacent incompatible land uses.

Adopt Forestry Policy 8.4.1.1 from Alternative # 4, 1996 General Plan;

Policy 8.4.1.1

The subdivision of lands located adjacent to Natural Resource (NR) designation boundaries and lands zoned Timberland Production Zone (TPZ) shall not result in the creation of new parcels containing less than 40 acres. The subdivision of lands adjacent to NR designation and lands zoned TPZ containing 40 acres or less located generally below 3,000 feet in elevation may be considered for the creation of new parcels containing not less than 10 acres, as appropriate. Projects within Rural Center and Community Region planning concept areas are exempt from this minimum parcel size to encourage the concentration of such uses.

Adopt Forestry Policy 8.4.1.2 from Alternative # 4, 1996 General Plan;

Policy 8.4.1.2

A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet. All setbacks are measured from the property line.

173-49

Adopt Forestry Objectives 8.4.2 and Policy 8.4.2.1 from Alternative # 4, 1996 General Plan;

OBJECTIVE 8.4.2: DEVELOPMENT ENTITLEMENTS

Policy 8.4.2.1

The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:³

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;

- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

Adopt Forestry Policy AF-4b from Alternative #2, Roadway Constrained 6-Lane "Plus";
Policy AF-4b

Forestlands in Rural Regions and lands considered suitable for timber production shall be designated Natural Resource (NR) on the General Plan Land Use Map. Such lands are to be maintained for the purposes of protecting the production of timber, watershed health, important habitats or plant communities, recreation, hydroelectric power generation, grazing, and mineral extraction.

173-49

Adopt Forestry Policy 8.3.1.2 from Alternative # 4, 1996 General Plan;
Policy 8.3.1.2

~~The procedures set forth in *The Procedure for Evaluating the Suitability of Land for Timber Production* shall be used for evaluating the suitability of forest lands for timber production. The procedure shall be developed and maintained by the Agricultural Commission and approved by the Board of Supervisors. Revisions to said procedure shall not constitute a General Plan amendment. These provisions shall be used in the following instances:³ The County Department of Agriculture shall maintain a procedure for evaluating the suitability of lands for Timber Production lands for:~~

- A. Inclusion in a Timber Production Contract and subsequent timber zoning;
- B. Non-timberland development within Natural Resource (NR) and Timber Production Zone (TPZ);
- C. Expansion or reduction of existing Natural Resource (NR) and Timber Production Zone (TPZ);
- D. Assignment or removal of Natural Resource (NR) and Timber Production Zone (TPZ) zoning;
- E. Appropriateness of the application of agricultural protection.



**El Dorado Hills
Area Planning
Advisory
Committee**
1021 Harvard Way
El Dorado Hills, CA 95762

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July 10, 2003

Honorable Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

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RECEIVED
PLANNING DEPARTMENT

RE: General Plan Update: El Dorado Hills Area Planning Advisory Committee Comments

Dear Board Members:

The Area Planning Advisory Committee (APAC) was first created in the 1980s by then District I Supervisor Bob Dorr. Subsequent supervisors representing the El Dorado Hills community, including Sam Bradley, Rusty Dupray, and Helen Bauman as well as other members of the Board, have recognized APAC as a source of information and counsel on planning issues affecting our quality of life. APAC meetings are public and its members are volunteers from the community. Any resident can become a member.

The following comments were prepared by APAC for your consideration in adopting a new General Plan for El Dorado County.

~The Vision for El Dorado Hills~

*~Our vision of El Dorado Hills is that of a balanced, self-sufficient community with a semi-rural character consisting of a healthy mix of open space, residential, commercial and industrial land uses which provide quality services and economic opportunity. A high value is placed on such primary elements as our oak canopy, scenic highway corridor, abundant recreational opportunities, quality public services and infrastructure and our high quality educational system.
Desired areas for improvement include traffic circulation and water availability~*

GENERAL COMMENTS

1. None of the alternatives take into consideration the imminent incorporation of El Dorado Hills. LAFCO considered El Dorado Hills incorporation such a major impact that they required a full EIR. The General Plan must consider the incorporation of El Dorado Hills and the requirement for affordable housing in the remainder of the unincorporated county.
2. It is our general consensus that the 1996 Draft General Plan Alternative (#4) should serve as the base document for designing the final general plan with the addition of incorporating the Circulation Element

174-1

174-2

174-3

"Non-Partisan Volunteers Planning Our Future"

Honorable Board of Supervisors
County of El Dorado

RE: General Plan Update: El Dorado Hills Area Planning Advisory Committee Comments

July 10, 2003

Page 2 of 2

from the Roadway Constrained Alternative (#2). The merger of the two best fits the overall needs of El Dorado Hills and the county.

3. The overall theme of all four alternatives is to keep most of the county status quo and rural while almost all of the growth is forced to the Shingle Springs/Cameron Park/El Dorado Hills communities. The General Plan must allow for more development and affordable housing in the currently rural areas. Some agricultural land must be considered for conversion to housing. Thousands of dwellings are on septic systems currently and a few thousand more would not make any difference. The quality of life in El Dorado Hills has decreased significantly in the last few years due to traffic congestion and pollution.
4. The El Dorado Hills Business Park should not be reduced in size to allow for housing. The county needs every bit of industrial/commercial land to allow for jobs within the county. Lands currently zoned for industrial or commercial use--such as the El Dorado Hills Business Park--should remain with those designations rather than being converted to housing. These properties are vital for the county to meet its needs for industrial/commercial land to allow for jobs within the county.
5. The El Dorado Hills Community Region boundaries should be preserved as they appear in the 1996 General Plan.
6. The Final General Plan should recognize and address management of unique resources to a given community--such as oak tree preservation in El Dorado Hills--and allow the ability to manage these resources in a manner independent of other communities within the county.
7. The 1996 Alternative should have goals added similar in structure to Alternatives #2 and #3.
8. Specific Plan development agreements are in place for much of the undeveloped areas within El Dorado Hills. El Dorado County should supplement funding for pre-development infrastructure conditions as the currently development fees are not adequate to pay for new infrastructure.
9. Residential densities in El Dorado Hills should be changed back to an average of three dwelling units per acre as designated in the El Dorado Hills/Salmon Falls Area Plan (County General Plan) prior to 1996.

174-3

174-4

174-5

174-6

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174-8

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174-10

Please find attached our specific comments regarding the Draft General Plan Alternatives.

Respectfully submitted,

Participating members:

Lee Blachowicz
Greg Hauser
Dianna Hillyer
Wayne Lowery
Norm Rowett
Norb Witt

Tami Boeck
John Hidahl
Cindy Kelly
Debi Nau
Ellison Rumsey

Participating non members:

Chris Henderson

El Dorado Hills Area Planning Advisory Committee
General Plan Alternatives Comments

EXECUTIVE SUMMARY¹
July 9, 2003

The following are comments to specific areas of the General Plan Alternatives and Draft Environmental Impact Report. All comments are in reference to Alternative #4 (as adopted in 1996) unless otherwise stated.

LAND USE ELEMENT

1. El Dorado Hills Specific Plan (i.e., Serrano) Design Criteria has implemented low intensity land uses into the development projects. Those criteria provide physical and visual separation of communities and maintain medium density designation as transition I community region boundary. In fact, the existing CC&Rs in some Medium Density transitional land use already restricts these parcels to 3-acre minimum. The board, should therefore, refer the community region boundary back to its historical boundary and retain the medium density designation, as adopted in the 1996 General Plan, as a transitional land use.

174-11

Identify Community Region boundary as natural buffer along Salmon Falls Road immediately north of Green Valley Road (Alt. #2 & #3).

174-12

2. Policy 2.2.5.8 regarding the Neighborhood Service zoning district should be amended to also allow uses for pet grooming/boarding and cemeteries.

174-13

CIRCULATION ELEMENT

Although APAC prefers the 1996 General Plan Alternative (#4) overall, we consider the Roadway Constrained Alternative (#2) Circulation Element more acceptable. The following comments relate to the various alternatives. The circulation element is the most critical factor in the new general plan and all four options propose a traffic level of "E" for Community regions. This is completely unacceptable to the residents of El Dorado Hills. Level "E" traffic will allow our roads to quickly degenerate to level "F" service if one minor traffic event occurs. This will reduce our service to gridlock during the high volume commute hours. The general plan should have a maximum traffic level of "D" for Community regions to prevent the traffic system from failing with only a minor event occurs.

174-14

Roadway Constrained to 6 Lane #2

3. Policy TC-1c Change "LOS for Community Regions from E" to "D."

174-15

Environmentally Constrained Alternative #3

4. Policy TC-1c Change "LOS for Community Regions from E" to "D".
5. Policy TC-1e Change "Worsen is defined as 2% should be changed to 1%".

174-16

174-17

Objective 3: Roadway Design Standards (1996 Alt. #4)

6. Policy 3.1.2.2 A separation of a least 500-ft shall be provided between the terminus of freeway off Ramps and the nearest future intersections. Suggested Modification; Extend separation to 1000 ft

174-18

¹ Unless otherwise noted, all comments are in reference to the Draft 1996 General Plan Alternative #4.

**El Dorado Hills Area Planning Advisory Committee
General Plan Alternatives Comments**

- | | |
|---|---|
| <p>and require an intersection signal lights to be tied to together with any off ramp signal lights to promote smooth traffic flows.</p> <p>7. Policy 3.2.1.1 Historically the county has underestimated the costs of future road improvements when estimating the Traffic Impact Mitigation (TIM) fee. The TIM fee should be determined on a project cost basis and be kept both current and realistic.</p> <p>8. Policy 3.2.1.3 Change "All development 'may be required'" to "shall be required".</p> <p>9. Policy 3.2.2.3 Deleted "Second sentence in paragraph (Even if such funding should not be available...)"</p> <p>10. Objective 3.5.1: Level of Service Change " Maintain Level of Service (LOS) E on all county Roads" to "level D".</p> <p>11. Policy 3.5.1.1 Change " shall maintain an operating LOS E" to "D".</p> <p>12. Policy 3.5.1.3 Change " Needed to meet LOS E" to "D".</p> <p>13. Policy 3.9.1.3 Add, "The County shall have a goal of increase use of alternative transportation by 1% per year during the life of the general plan ".</p> | <p>↑ 174-18</p> <p>174-19</p> <p>174-20</p> <p>174-21</p> <p>174-22</p> <p>174-23</p> <p>174-24</p> <p>174-25</p> |
| <p><u>HOUSING ELEMENT</u></p> | |
| <p>14. Several large parcels previously designated for conversion from High Density Residential to Open Space or Rural Lands should be converted to low density (e.g., Pedregal and Rancho Dorado).</p> <p>15. P101: "Between 1999 and April 2001, all of the expiring Section 8 contracts were renewed (i.e., none of the owners chose to opt out)." The General Plan should provide for county support to owners who do not opt out making it more attractive to stay in the Section 8 program. It is our understanding that the Board of Supervisors serves as the county's Housing Commission for HUD subsidized housing.</p> <p>16. Policy HO-1e "The County shall direct higher density residential development to Community Regions and Rural Centers." Higher density residential development should be distributed throughout the county and not concentrated in areas. Some agricultural land should be converted to high-density housing. Any proposed new vineyards or expansion of existing vineyards should include one dwelling unit per five acres.</p> <p>17. Policy HO-11 "To the extent feasible, very low, lower, and moderate income housing produced through government subsidies, incentives, and/or regulatory programs shall be distributed throughout the county and shall not be concentrated in a particular area or community." This Policy conflicts with Policy HO-1e. Affordable housing should be distributed throughout the county and should not be concentrated in a particular area or community no matter where funding is obtained.</p> <p>18. MEASURE HO-HH "Implement provisions of the Subdivision Map Act that require subdivisions to be oriented for solar access." The General Plan should encourage orientation for solar access, but attractive subdivision design has curving streets with cul-de-sac design to reduce traffic speed.</p> <p>19. ATTACHMENT A: VACANT LAND SURVEY. This is a totally unacceptable concentration in El Dorado Hills. Table A-2 Vacant Land Subject to Development Agreements lists 11,747 dwelling units - all in the area being considered for the incorporation of El Dorado Hills. The total dwelling units increases from 12,059 to 23,806 when Table A-1 and Table A-2 are added</p> | <p>174-26</p> <p>174-27</p> <p>174-28</p> <p>174-29</p> <p>174-30</p> <p>174-31</p> <p>↓</p> |

**El Dorado Hills Area Planning Advisory Committee
General Plan Alternatives Comments**

together. The total dwelling units in El Dorado Hills increases from 3,192 in Table A-1 to 14,939 when Table A-2 is added. That is 62.8% of the total dwelling units in the county!

Tables A-1 and A-2 are combined Cameron Park (8.3%), Diamond Springs/El Dorado (11.3%) and El Dorado Hills (62.8%) would provide 82.4% of the vacant land for housing. This extreme concentration of development in three small areas of the county will create a nightmare of traffic and environmental issues. The residential development must be spread throughout the county, requiring an increased number of residential properties in rural/agricultural areas. The Adjusted Maximum Capacity of 2 in Chrome ridge, 5 in Coloma, 1 in Fairplay, 1 in Kelsey, 2 in Latrobe and 1 in Nashville must be increased by converting land to residential zoning. See attached Exhibit A - Summary of Vacant Land Survey.

174-31

PUBLIC SERVICES & UTILITIES

- 20. A secure water supply should be identified and available prior to approving new development even if the General Plan allows for new development.

174-32

CONSERVATION & OPEN SPACE ELEMENT

- 21. Maps: A great deal will depend upon the maps of soil types, mineral resources, wetlands, etc. What entity is responsible for developing these maps? (Were/are they the product of out of county or disinterested, third party?)

174-33

Soil

- 22. Alt. 3, Policy CO 1c: "preclude grading" is the better choice for achieving Goal CO-1

174-34

- 23. Objective 7.2.1: Identify Mineral Resources: Does this/should this provide for the identification of asbestos areas?

174-35

- 24. The additional category of land types, "agricultural", in Alt. 3 is a useful distinction from simply "rural."

174-36

Water

- 25. Policy 7.3.1.2 (Alt. 1) In addition to the specified drought tolerant landscaping, this statement should include "water use guidelines."

174-37

- 26. Water should be recognized as a natural resource to be preserved.

174-38

- 27. Policy 7.3.2.3 (Alt.1) Add language about providing vegetated swales in parking lot planting medians.

174-39

- 28. Policy 7.3.2.3 The provision in Alt. 1 that would require means to separate salt, oil and other pollutants from paved area runoff only "where practical, when warranted sounds reasonable" but the terms are also very loose. The other alternatives "shall strive to reduce or eliminate..." sound tighter. Policy CO-4c (Alt. 2) speaks of "design elements that reduce...discharge of pollutants..." A definition of these elements is needed. (EDH has viewed with dismay the recent construction of an extremely unsightly sediment-settling basin in a very prominent location. There must have been a better solution to this problem.)

174-40

Biological Resources

- 29. Policy 74.4.2. (Alt. 1) Change the word shall "encourage" the protection "to" shall "require" the protection...

174-41

- 30. Policy CO-6a and 6c (Alt. 2,3) The County shall strive to protect "important habitats" (6a) ... "oak woodland resources" (6c) By what means are we going to protect important habitats and oak

174-42

**El Dorado Hills Area Planning Advisory Committee
General Plan Alternatives Comments**

- woodlands? (Some similar policies (such as for preservation of special status species) give much more specific information about the means of preservation. Would that not be appropriate also for important habitats and oak woodlands? ↑ 174-42
31. Policy 7.4.5.1 (Alt. 1) Include "single family residential" in the list of types of projects requiring oak tree preservation or mitigation? It is with such development that the greatest amount of oak tree loss is being experienced.] 174-43
32. MEASURE CO-O: (Alt. 2) Include also standards for "water use guidelines."] 174-44
- AGRICULTURE AND FORESTRY ELEMENT**
- No comments.
- PARK & RECREATION ELEMENT**
33. Policy 9.1.1.2 (pg 263) – take out the word "children's. Children seem to be too limiting. Also, change picnic tables to picnic facilities] 174-45
34. Policy 9.1.1.3 (pg 263) – why say 44 acres, seems like it should be 50 acres. Revise the phrase "...and may include multi purpose..." to "...and may include but not be limited to..." Also, add to the general list of features, parking, restroom/concession buildings, skate parks, maintenance facilities and other auxiliary facilities] 174-46
35. Policy 9.1.1.4 (pg 264) – Revise the phrase "Facilities may include multi purpose..." to "Facilities may include but not be limited to..." Also, does this need to say something about where regional parks will be located? Does it need to?] 174-47
36. Policy 9.1.1.5 (pg 264) – is the term active recreational uses too limiting, should it include passive uses as well?] 174-48
37. Policy 9.1.1.8 (pg 264) – question as to whether the CIP plan should be updated before adopting the Parks, Recreation Facilities Master Plan. Also, why have the reference of the Dangermond Group? Other areas (policies) in the document do not include the author/consultant, just the date of the plan.] 174-49
38. Policy 9.1.2.5 (pg 265) – The last sentence of this policy conflicts with Policy 9.1.1.5.] 174-50
39. Policy 9.1.2.8 (pg 266) – What about including bicycle to list, in addition to equestrian and hiking use?] 174-51
40. Policy 9.1.3.4 (pg 266) – reference is made to the Federal ADA. Is this just for trail systems or should it be for all recreational facilities.] 174-52
41. Policy 9.2.2.2 (pg 268) – Revise policy to read "Require that new development projects of 50 or more lots provide mechanisms..." (Delete the phrase "provide for the local recreation needs"). Argument here is are we asking new developments (developers) to provide for the local recreation needs for neighborhood parks? Shouldn't we be saying that the local community or CSD should determine what their specific needs are?] 174-53
42. Policy 9.2.2.3 (pg 268) – Does this policy conflict with policy 9.1.1.7?] 174-54
43. Policy 9.2.2.7 (pg 268) – Is this wise to do? Can this county afford to manage these lands?] 174-55

**El Dorado Hills Area Planning Advisory Committee
General Plan Alternatives Comments**

44. Under the Tourism and Recreational Uses portion (pg 269), where are the policies for the objectives? 174-56
45. Objective 9.3.5 (pg 270) – should reference include gold facilities as well? 174-57

Roadway Constrained Alternative

46. Policy PR-5a (pg 295; Roadway Constrained Alt) – should the term “turnkey” be added to this in helping the funding of development projects? 174-58
47. Measure PR-A (pg 296; Roadway Constrained Alt) – Is the time frame to do this too long? What about reducing it down to 2 or 3 years? 174-59

ECONOMIC DEVELOPMENT ELEMENT

48. The Economic Element does not address the specific needs of El Dorado Hills and other community regions. 174-60
49. There is no reference to El Dorado Hills as a pending city as an economic unit. 174-61
50. The County has ignored the fact that El Dorado Hills is a major economic engine for El Dorado County and the gateway to Sacramento County. 174-62
51. The Element does not present a vision for the next Twenty years. 174-63
52. The 1996 General Plan Alternative has the largest acreage zoned commercial at 67000. This is only .6% of the land. This is not enough for economic development. 174-64
53. Areas not included in the Economic Element, which contribute to the economy of the County worth noting, are agriculture and tourism. 174-65

TAHOE BASIN ELEMENT

No comments.

EIR EXECUTIVE SUMMARY

54. The Environmental Impact Report should consider the potential incorporation of El Dorado Hills. 174-66
55. AREAS OF CONTROVERSY – “The ability of County to maintain its rural character.” (EIR Executive Summary, Section No. 2.2) The General Plan alternatives all go to great lengths to maintain the rural character for most of the County. However, but El Dorado Hills, Cameron Park, and Diamond Springs/El Dorado receive almost all new dwelling units with the accompanying traffic and environmental problems. It is highly desirable to provide smooth transitions between Community Regions, Rural Regions, etc. – not to mention a significant reduction in quality of life. Why should these areas be destroyed so that the remainder of the unincorporated County can remain rural! 174-67
56. AREAS OF CONTROVERSY – “The number of lanes on key roadways and on Highway 50.” (EIR Executive Summary, Section No. 2.2) Provisions for additional lanes on U.S. Highway 50, as well as parallel alternative routes, needs to be added. The development in surrounding counties is exploding and the growth of Folsom is not at its end. Much of the land South of Highway 50 near Folsom in Sacramento County may be restricted to development currently but almost all of it is owned by major developers who will push for development. Even if El Dorado County is able 174-68

**El Dorado Hills Area Planning Advisory Committee
General Plan Alternatives Comments**

- to slow down or stop growth it will happen all around us. Highway 50 will become a parking lot of residents of other counties traveling to a casino or South Lake Tahoe. To restrict the lanes on Highway 50 may slow down growth a little in El Dorado County (because residents could not get to and from work), but it will not stop the increased traffic caused by residents of neighboring counties traveling east. ↑
- El Dorado County needs to insist that the City of Folsom honor its existing agreements in its sphere of influence expansion south of U.S. Highway 50. 174-68
57. "AREAS OF CONTROVERSY – Oak Tree Retention". (EIR Executive Summary, Section 2.2) El Dorado County needs an Oak Tree Ordinance. All the counties around us and some of the cities have restrictive ordinances to preserve the beauty of not only oak trees but also all trees. 174-69
58. Revised Policy LU-3n – "Schools shall be considered incompatible on land designated Industrial, Research and Development, Natural Resources and Open space." A significant portion of the El Dorado Hills Business Park has been approved for schools. This is not a significant issue today since a large portion of the Business Park is vacant land, but in the future these lands should be kept for job growth – which the County desperately needs. 174-70
59. Revised Policy 8.1.3.2: "Agriculturally incompatible uses adjacent to agricultural zoned lands within designated agricultural districts shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands." Here again the General Plan should be promoting housing not only next to but also within agricultural districts. The County must give up some agricultural land to housing in order to meet the affordable housing requirements imposed by SACOG. The County cannot expect to force all affordable housing to El Dorado Hills, Cameron Park and Diamond Springs/El Dorado. 174-71
60. Revised Policy 2.6.1.5. "All development on ridge lines shall be reviewed by the County for potential impacts on visual resources." This policy needs much stronger wording giving County the sole authority to decide any ridgeline development. The development on the ridgelines of El Dorado Hills is a disgrace for the County. 174-72
61. 5.4-1(b): "Add New Growth Control Implementation Measure". This measure should be more specific as to whether it applies to residential, industrial, commercial or all. 174-73
62. Revised Policy 3.5.1.1: Change to Level of service "D" or better. At Level of Service "E" it does not take much of a problem to go to gridlock. 174-74
63. 5.5 Water Resources New Policy: "and where there are no impediments to the utilization of those existing supply sources" and "multiple dry years within a 20-year projection" would effectively shut down the County if one believes some of the 20 year projections. Setting policy based on 20-year projections leaves the County open to litigation. Ministerial land use approvals should not be included in this policy. 174-75
64. New Policy: "The County shall direct new development to areas where public water service already exists." There are many areas in the County where public water systems do not exist, yet groundwater is more than adequate to meet all demand. What areas will have public or private water systems in the next 5, 10 or 20 years? 174-76
65. New Policy: "EMD (Environmental Management Department) shall conduct an annual monitoring program of all septic systems installed since implementation of Ordinance 4542, Chapter 15.32." What will this program include besides the "visual inspection of the port/riser facility on each leach field? Will there be a charge to the owner for this required inspection? Possibly the County should require an inspection of every dwelling unit in the County to be sure there are no possible health and safety violations! 174-77

**El Dorado Hills Area Planning Advisory Committee
General Plan Alternatives Comments**

66. New Policy: "The County will adopt a noise ordinance to resolve neighborhood conflicts and to control unnecessary noise in the County". There should be a noise ordinance on all lakes in the County – not just Lake Tahoe. The noise from some boats on Folsom Lake exceeds 100 dba.

67. New Policy 7.4.5.2A. Oak Tree Removal Permit Process. "Special exemptions when a tree removal permit is not needed shall include tree removal on all single family residential lots that cannot be further subdivided and when approval has been received from the County Planning Department".

Single-family residential lots should not be exempt from the Oak Tree Removal Permit Process. Experience in El Dorado Hills has shown that single family residential lots create major oak tree removal problems.

"The total of the replacement trees shall have a combined diameter of the tree(s) removed". The replacement should be on the basis of cross section area, not diameter. The replacement would increase by the square of the diameter - thereby protecting large heritage oaks.

The proposed policy must include controls on the trimming of oak trees. In El Dorado Hills many oaks have been severely trimmed, but not technically removed. The maximum size limb that could be trimmed without a permit should be limited to 4-inch diameter.

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174-78

174-79

	<u>Max Capacity</u>	<u>Adjusted Max Capacity</u>	<u>Percent</u>	<u>3 Regions</u>	<u>6 Regions</u>
Cameron Park	3,591	1,986	16.469	16.469	16.469
Camino/Pollock Pines	1,324	1,041	8.633		8.633
Chrome Ridge	15	2	0.017		
Coloma	14	5	0.041		
Cool	1,160	844	6.999		6.999
Diamond Springs/El Dorado	3,986	2,698	22.373	22.373	22.373
El Dorado Hills	4,303	3,192	26.470	26.470	26.470
Fairplay	1	1	0.008		
Garden Valley	48	20	0.166		
Georgetown	353	275	2.280		
Greenwood	32	21	0.174		
Grizzly Flat	55	44	0.365		
Kelsey	1	1	0.008		
Kyburz	129	100	0.829		
Latrobe	2	2	0.017		
Little Norway	118	88	0.730		
Mosquito	24	16	0.133		
Mt. Aukum	92	9	0.075		
Mt. Ralston	90	71	0.589		
Nashville	2	1	0.008		
Oak Hill	6	5	0.041		
Phillips	124	40	0.332		
Pilot Hill	59	47	0.390		
Placerville	206	166	1.377		
Pleasant Valley	26	15	0.124		
Quintette	14	11	0.091		
Rescue	55	44	0.365		
Shingle Springs	1,284	768	6.369		6.369
Somerset	63	29	0.240		
Strawberry	71	57	0.473		
Tahoe Basin	5,468	460	3.815		
	22,716	12,059	100.000	65.312	87.312

Ralph Gerken
2680 Fawn Way
Rescue, CA 94806 (95672 : correct ZIP code)

July 10, 2003

County of El Dorado
Planning Department
330 Fair Lane
Placerville, CA 95667

El Dorado County
Planning Department
330 Fair Lane Court
Placerville, CA 95667

received 7/11/03
R. O'Zun

Subject General Plan-Comments, Concerns and Request

Gentlemen:

I have reviewed the three General Plan Alternatives and am very alarmed at what this means regarding future options with my property.

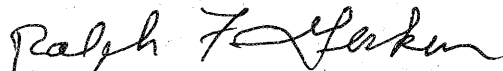
My property is located in the Clarksburg area consisting of parcel number 102-200-25-100 which is 21.91 acres.

In the 1980's this parcel was zoned from 10 acre to 5 acre designation due to a request from an adjoining property owners request so he could gift land to his children. At the present time I would like to gift each of my children 5 acres. My daughter in particular wants to build a home on the property but cannot because of the current restriction on subdividing.

The Environmentally Constrained Alternative and Roadway Constrained Six-Lane "Plus" Alternative plans designate my property as 1 unit/10 acres. This designation would prohibit me from giving property to each of my children. Most of the surrounding parcels have already been subdivided to 1 unit/5 acres per existing zoning. I believe that this plan should be consistent in its treatment of various property owners and designate the entire area to that of 1 unit/5 acres.

The No Project and 1996 General Plan Alternative designates my property as 1 unit/5 acres consistent with how it was rezoned in the 1980's and I hereby request this designation be retained.

Sincerely,



Ralph F. Gerken

175-1

July 10, 2003

County of El Dorado
Planning Department
330 Fair Lane
Placerville, CA 95667

El Dorado County
Planning Department
2850 Fairlane Court
Placerville, CA 95667

Subject General Plan-Comments, Concerns and Request

*received 7/10/03
P. A. J.*

Gentlemen:

We, the Gerken family members, have reviewed the three General Plan Alternatives and are very alarmed at what this means regarding future options with our property.

The Gerken family property is located in the Clarksburg area consisting of parcel numbers 102-190-14-100, 102-190-15-100 and 102-190-16-100.

General comments:

Particularly alarming in these various plans is our interpretation that the Gerken family is being arbitrarily singled out, and therefore, potentially limited (i.e., harmed financially), as to how we can subdivide our property in the future. The Gerken family has owned (and paid taxes on) this property for approximately 60 years and as such has maintained the rural landscape and environment of this property. We do not believe we should be punished by not being allowed to further subdivide and/or develop home sites simply because we maintained open space while El Dorado County allowed rapid development all around us. If the County believes this land is valuable as open space, they should approach the family regarding fair purchase rather than limiting our use of the property through regulation. Some of these alternatives may amount to a private property takings.

176-1

Specific comments:

The Environmentally Constrained Alternative designates much of our property as 1 unit/10 acres. However, most of the surrounding parcels have already been subdivided to 1 unit/5 acres per existing zoning. We believe that this plan should be consistent in its treatment of various property owners and designate the entire area to that of 1 unit/5 acres.

176-2

The No Project/96 Alternative is doing almost the same as the Environmentally Constrained Alternative but increases the acres per unit. We are not sure what the rationale for this decision is, but to us it seems to be a step backward.

The Roadway Constrained Alternative is the most alarming of the three because it arbitrarily singles out the Gerken property as Natural Resource, 1 unit/40 acres. No Natural Resource concerns we know of occurs in discrete 40 acre parcels following property boundaries, they rarely even follow straight lines. Natural Resource values most typically follow watershed boundaries, topography, habitat or even ecosystem types but certainly do not occur across the landscape following private property boundaries. There is no doubt that many of the adjacent landowners have the same Natural Resource values on their property as the Gerken property and this should be reflected in the zoning, consistently, and based on something other than ownership. Based on this, it is obvious to us that this designation is arbitrary and singles out the Gerken property and we would like to know how the County came to identify Natural Resource concerns only on the Gerken property in this area and not on the surrounding private properties? We also strongly recommend you reconsider this designation and/or eliminate this alternative from consideration.

176-3

Based on our review of the three alternatives and how they effect our future property subdivision and development options, we believe and request the area be designated as 1 unit/5 acres. We also believe this would retain the rural atmosphere of the area, but at the same time allow for future growth as these plans are looking to the years ahead.

176-4

Yours truly,

Ralph Gerken

Ellen Leal

Charlotte Shaffer-Gaumer

Ralph F. Gerken
2680 Faun Way
Rescue CA 95672

Ellen F. Leal

Charlotte Shaffer-Gaumer

From: RHolmes001@aol.com [mailto:RHolmes001@aol.com]
Sent: Thursday, July 10, 2003 12:42 PM
To: pmaurer@co.el-dorado.ca.us
Subject: Comments on General Plan

Dear Paul:

We wanted to provide some input on the General Plan. First, we'd like to offer our support for the "roadway-constrained" alternative, perhaps incorporating some elements of the "compact development" plan. Based on our observations of communities in other parts of the state and the rest of the country, these would ensure that El Dorado County remains an attractive place to live and visit.

177-1

Most of our neighbors in Eastwood Park in Cameron Park are rather shocked at the rapid pace of growth in our region. In fact, in our neighborhood, some retirees are moving out after just a few years here because the area has changed so much recently. Concerns about local air quality and traffic congestion also have had an impact.

177-2

Furthermore, one of us (Rich) spoke recently with Larry McBride of Cameron Park CSD, who mentioned that as many as 5000 new residential units might go in to the Rescue area, which to us seems crazy. Can you imagine the traffic problems that would cause on Cameron Park Drive and Bass Lake Road? We already have enough traffic problems on those roads. We think many would like to see Green Valley Road, with its historical interest and natural beauty, left relatively undisturbed for the foreseeable future. Hopefully this can be made possible by a combination of sensible planning and land acquisitions associated with the Pine Hill Nature preserve.

177-3

Sincerely,

Rich and Sandra Holmes
3357 Chasen Drive
Cameron Park, CA 95682
530-676-0999

03 JUL 11 PM 4:18
RECEIVED
PLANNING DEPARTMENT

July 10, 2003.

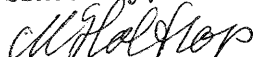
EDC Planning Department,
2850 Fair Lane Court,
Placerville, Ca 95667

Dear County Planners,

I would like to take the opportunity to add some of my thoughts about the general plan. Plans 1, 2, and 3 would tripple the county's population in 22 years, which seems to me a tremendouns increase in such a short time. I think you should reduce this rapid growth. I like plan 9, because there is some thought given to coordination of housing and jobs and means for walking and other modes of transportation other than by car. These same ideas are also expressed in plan 12. Higher densities would also allow for easier fire and police protection. Mixed land use with small shopping centers, parks, side walks and affordable housing, etc. would reduce the use of cars and therefore air pollution. Increased densities would reduce sprawl and save our rural lands and our wildlife habitat.

I hope you can include in your plans for our county's development design protection of our rural lands and wild life habitats, moderate growth within the constraints of protection of air and water quality.

Sincerely,


Mathilde Holtrop,
7015 Amber way,
Placerville, Ca 95667.

178-1

**KRONICK
MOSKOVITZ
TIEDEMANN
& GIRARD**
A PROFESSIONAL CORPORATION

PATRICK L. ENRIGHT
Email: penright@kmtg.com

July 10, 2003

03 JUL 11 PM 4:20
RECEIVED
PLANNING DEPARTMENT

El Dorado County Planning Department
Attn: Heidi Tschudin, General Plan Project Manager
2850 Fairlane Court
Placerville, CA 95667

Re: *Comments to Draft General Plan and
EIR Land Use Designation of Shan Nejatian's Property*

Dear Ms. Tschudin:

The purpose of this letter is to comment on the Draft Environmental Impact Report and the El Dorado County General Plan (three volumes) which the County of El Dorado put out for public comment on or about April 30, 2003. The law firm of Kronick, Moskovitz, Tiedemann & Girard represents Shan Nejatian, a property owner who owns property which is located in the El Dorado Hills Community Plan Area. Mr. Nejatian's property is APN: 110-020-32-100 and 110-020-30-100. Mr. Nejatian requests that in any General Plan adopted by the County of Dorado, the boundaries of the El Dorado Hills Community Plan remain as they have historically been located and planned. There is no rational reason to move the boundaries, and in fact moving the boundaries would be totally inconsistent with the goals and policies of all of the General Plan alternatives being considered by the County. Mr. Nejatian is prepared to meet with County staff to discuss the boundaries of the El Dorado Hills Community Plan and the Specific Plan, and in particular the effect on his property if the boundaries are moved.

The County must adopt a new General Plan, and is considering primarily four alternatives.¹ Alternative No. 1 is No Project, which is constrained by the writ issued by Judge Bond in 1999, Alternative 2 Roadway Constrained Six Lane "Plus" and Alternative 3 "Environmental Constrained" and Alternative 4, the 1996 General Plan.² Mr. Nejatian owns

¹ The Notice of Availability lists the four alternatives, and then what is described as eight additional alternatives that are examined at a lesser (comparative) level of detail. The focus of these comments will be on Alternative 2, Roadway Constrained Six Lane "Plus" and Alternative 3, Environmental Constrained since these two alternatives will directly impact the boundaries of the El Dorado Hill Community Plan and Mr. Nejatian's property.

² In reality the No Project alternative is not an option, as El Dorado County is mandated to have a General Plan and to update it at regular intervals. This leaves the other three options as the primary options. When Judge Bond approved the 1996 General Plan, she remanded the Plan back to the County to make additional CEQA findings and determinations. Some citizens of the community (primarily the proponents of Measure Y), have now offer two new alternatives (Alternative 2 and 3), which appear to be based on the 1996 General Plan, with measures favored by the proponents of Measure Y to discourage growth in the County. With the additional measures proposed in Alternatives 2 and 3, the plans become

approximately approximately 25 acres in what has historically been referred to as the El Dorado Hill Community Plan. Mr. Nejatian's property is subject to covenants, conditions and restrictions (CCRs) which require that that each lot shall be at least three acres in size. The land use designed for the property is medium density residential, which permits lots of one acre in size. However, the CCRs require that the minimum lot size is 3 acres. Alternatives 2 (changing to low density) and 3 down-zone the property by requiring that all lots be at least five acres by changing the historic land use of Medium Density Residential (MDR) to Low Density Residential (LDR) and moving the property to a Rural Region. Mr. Nejatian requests that the General Plan maintain the historical zoning of the property to MDR. This maintains the current boundaries of the Community Plan, and leaves the CCRs in effect, which would require that all lots be a minimum of three acres in size.³

Mr. Nejatian's property is located in the equestrian village situated to the east and north of the Specific Plan in El Dorado Hills Community Region. Alternatives 2 and 3 will reduce the zoning of Mr. Nejatian's property by **changing** the boundaries of the El Dorado Hills Community Region. The General Plans (all of them), state that the boundaries of Community Regions are based on a variety of factors. These include the extent of existing development, availability of infrastructure, location of transportation corridors, topographic features and other physical constraints, spheres of influence of cities and service providers, and the ability to provide and maintain appropriate transitions at Community Regions boundaries. (pages 18-19) Mr. Nejatian property meets all of the standards set forth for a community region. The property is within the boundaries of the El Dorado Hills Community Services District and the El Dorado Irrigation District who will provide the necessary infrastructure for any development on Mr. Nejatian's property. The property is near transportation corridors to serve the property, the topographic features and other physical constraints make the property suitable for three acre lots a suitable transition to other uses. The property is uniquely suited for three-acre equestrian lots, in conformance with the historical plans for the area.

inconsistent with the other elements of the plan, especially the Housing Elements and the Land Element (encouraging growth in the Community Regions). The 1996 General Plan is the only plan, which is integrated and internally consistent, both among its elements and within each element as required by Government Code section 65300.5.

³ MDR designation under all of the plans permit parcel sizes from the range of 1 to 5 acres. LDR permits parcels sizes in the range of 5 to 10 acres. (See Table LU-1- Land Use Designation Standards) The proponents of Alternative 2 further reduce the lot sizes by requiring in Policy LU-4b that Residential Parcels within the Rural Regions could not be subdivided into more than four parcels and the creation of any new parcels shall be conditioned to prohibit further subdivision. Assuming that you have a 100-acre parcel, this policy prohibits the division of the parcel to no more than four parcels. If Mr. Nejatian property remains in the Community Region, this policy would not affect his property, however, if he is not in the Community Plan it would prohibit him from subdividing into more than two parcels. The policy is inconsistent with the Housing Element of the Plan, as well as the Land Use Element encouraging higher density residential uses into Community Regions and Rural Center boundaries.

The second way that the proposed Roadway Constrained Six Land "Plus" Alternative Draft General Plan converts Mr. Nejatian's land into low density residential and rural density property is based on the assumption that all vacant residential parcels will be allowed at least one resident, regardless of parcel size. Residential parcels having remaining capacity for subdivision based on the land use designation will be allowed to subdivide into a maximum of four parcels. (See Also, Definition of Medium-Density Residential and Low-Density Residential, page 20) The Alternative 2 places the limitation on the subdivision of parcels, even though under a heading of "Development in Community Regions and Rural Centers," the Plan states:

"The fundamental focus of this General Plan is to direct higher density residential uses and more intensive nonresidential development to the areas that are most suited to support urban and suburban uses, based on the availability of roads and other infrastructure, utilities, and public services. The County defines these areas by application of Community Region and Rural Center boundaries."

Policy LU-1B then, in contradiction of this goal, states that "Residential parcels within Community Regions and Rural Centers that could be subdivided consistent with state law and the parcel size and density standards shown on Table LU-1 shall not be divided into more than four parcels." Policy LU-2d further provides that low intensity land use designations shall provide for the physical and visual separation of Community Regions. This separation may be accomplished using natural open space areas, special setbacks, parkways, landscaped roadway buffers, and natural landscape features. In the case of Mr. Nejatian's property it definitely meets all of the above goals and policies. His property is ideally suited for suburban uses, based on the availability of road, infrastructure (including water), utilities and public services. The property is within the boundaries of the El Dorado Hills Community Services District and the El Dorado Hills Irrigation District.⁴ The property will provide a buffer, as the property to the east is high-density residential (up to 4 units per acre), and the land to the west of him is low density residential (over 5 acres per lot.) Mr. Nejatian property would serve as a transition, as it is required by the CC&Rs to be at least three acres in size.

Alternatives 2 and 3 have inconsistent goals and policies. A General Plan and its elements and parts must comprise "an integrated, internally consistent and compatible statement and policies (Government Code section 65300.5). Alternatives 2 and 3 arbitrarily relocate the boundaries of the Community Plan for El Dorado Hills, even though all of the property is within the boundaries of the El Dorado Irrigation District and the El Dorado Hills Community Services District. The property has access to the necessary infrastructure, which Alternatives 2 and 3 state

⁴ The General Plan will not impact the boundaries of the El Dorado Community Services District and the El Dorado Irrigation District.

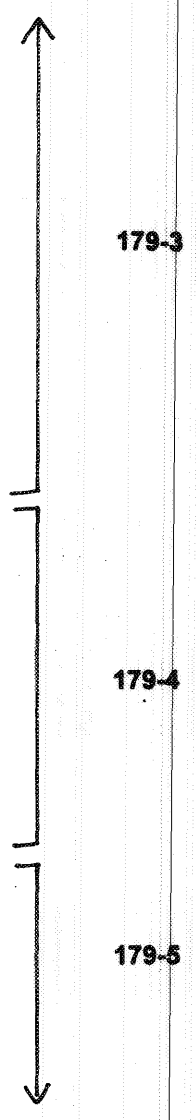
is the goal of the Community Regions. In 1988, approximately 58 acres, including Mr. Nejatian's property⁵ proposed to be divided into 41 one-acre lots. Mr. Peter Maurer, the Principal Planner for the General Plan, determined that there was adequate public service capability to support the proposed development. Now the zoning and CC&R's only permit 8 residential lots. If there was adequate public service capacity in 1988 for 41 lots, surely there is adequate capability for 8 lots in 2003.

The fundamental focus of the General Plan to direct higher density residential uses into Community Regions. As an affected property owner, Mr. Nejatian is deeply concerned about this change in land use suggested by Alternatives 2 and 3. In both alternatives the down zoning of these parcels is accomplished by arbitrarily moving the community region boundary line to exclude these parcels. The existing Community Region line would be moved from Salmon Fall Road to Lake Hills Drive. This action would deny the property the services and enforcement of the CC&R by the El Dorado Hills Architectural Committee and may impact its future inclusion in any El Dorado Hills incorporation.

The Community Plan is over fifty percent built-out. The community has secured water meters and water contracts with the El Dorado Irrigation District to permit the development of the area in accordance with the Plan. Mr. Nejatian, as well as other property owners in the Community Plan has looked forward to the time when they can complete the development of the area. To ignore the Community Plan and the determinations made therefore, and the commitments made concerning El Dorado Hills, and to ignore the wishes of property owners to maintain their designation and remain within the Community Region. The Community Region boundaries and the corresponding property designations have persisted through all previous versions of the General Plan, from the very first Administrative Draft to the Final adopted plan in January 1996. Changes to the boundaries would be totally contrary to the stated goals of each of the General Plans and the General Plan law.

Mr. Nejatian requests that the Planning Department, and if necessary the Planning Commission and the Board of Supervisors, reject changing the boundaries of the El Dorado Hills Community Plan, and permit the property to be developed in accordance with the Community Plan. No one has stated a rationale reason for changing the boundaries. Mr. Nejatian is prepared to meet with the Planning Department staff to discuss his property, and impacts that Alternatives 2 and 3 will have (as currently proposed) on his property. Mr. Nejatian looks forwards to

⁵ This was prior to Mr. Nejatian owning the property. He has never proposed that the property be divided into one-acre lots, and as stated in this letter is only requesting that the current plan remain in effect, which would permit 8 three-acre lots on the property.



El Dorado County Planning Department
July 10, 2003
Page 5

working with you to resolve this matter. If you have questions, please contact either Mr. Nejatian at (916) 933-4242 or the undersigned at (916) 321-4500. Thank you for anticipated cooperation in this matter.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



Patrick L. Enright

cc: Planning Commissioners
Peter Marer, Principal Planner

745494.2

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179-5

Ogilvy Consulting
LAND USE STRATEGIESPost Office Box 1636
Kings Beach, California 96143

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PLANNING DEPARTMENT

July 10, 2003

Board of Supervisors
County of El Dorado
2850 Fairlane Court
Placerville, CA 95667**Subject: Property Owners Comments on General Plan Alternatives
El Dorado County APN's: 071-032-33 and 071-032-45
Lanza, Miller, Rivlin and Thomlinson Properties**

To Whom It May Concern:

Thank you for the opportunity to comment on the four General Plan alternatives being considered for El Dorado County. I am writing in representation of the owners of the above referenced properties, Messrs. Lanza, Miller, Rivlin and Thomlinson. We are asking the Board of Supervisors to evaluate the land use designation of two contiguous parcels in the adoption of a new General Plan, El Dorado County APN's: 071-032-33 and 071-032-45.

These properties are located in the community of Cool, two miles east of the intersection of State Routes 49 and 193, across from the Auburn Lakes Trails development. Heading east from the intersection of State Routes 49 and 193, the land use designation along State Route 193 trends from Commercial (C), to Medium-Density Residential (MDR), to Low-Density Residential (LDR), and finally Rural Residential (RR). Given their location and direct access to Route 193, these parcels are an anomaly to this trend with their Rural Residential (RR) designation under the 1996 alternative or Natural Resource (NR) designation under the Roadway and Environmentally Constrained alternatives. Furthermore, the existing infrastructure (i.e. utilities, schools, etc.) supports a Low-Density Residential (LDR) designation.

In review of this distribution and intensity of uses, we believe the present land use designation of these parcels, creating an island of either Rural Residential (RR) or Natural Resource (NR) surrounded by higher intensity uses is discriminatory. The Roadway Constrained alternative further discriminates against large parcels in the County, with the limit to subdivide to only four parcels regardless of a parcel's size. There needs to be an equitable balance for development constraints in the General Plan alternative selected, where these constraints are not only the burden of large landowners.

180-1

July 10, 2003
Board of Supervisors
Property Owners Comments on General Plan Alternatives
Page Two

We advocate a General Plan that supports the present trending from higher to lower density land use designations, from west to east, through this segment of State Route 193. We strongly feel it would be unjustified and inequitable for these parcels to be designated Natural Resource (NR), as it would be one of the only properties in the entire Route 193 corridor to be assigned this designation. Therefore, we endorse a classification of Low-Density Residential (LDR) for APN:071-032-45 (the northerly parcel) and a classification of Rural Residential (RR) for APN: 071-032-33 (the southerly parcel) within either the 1996 or Environmentally Constrained General Plan alternatives.

Thank you for taking the time to review and consider our comments. Your efforts in this matter are greatly appreciated.

Sincerely Yours,



W. Wyatt Ogilvy

Cc: Peter Maurer, Principal Planner
Charlie Paine, Supervisor, District 4
Joe Lanza
Ralph Miller





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RANDALL M. FACCINTO
Direct (415) 617-8910
mfaccinto@stoel.com

July 10, 2003

VIA FEDERAL EXPRESS

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, California 95667

**Re: Pacific Realty Associates, L.P.
Comments on El Dorado County General Plan Update
and Draft Environmental Impact Report**

Dear General Plan Team:

This firm is acting as California land use counsel to Pacific Realty Associates, L.P., a Delaware limited partnership, and its general partner, PacTrust Realty Inc., a Delaware corporation ("PacTrust"). PAC/SIB L.L.C., a Washington limited liability company and a member of the PacTrust family of real estate investment and development entities ("PAC/SIB"), is considering acquiring from James W. Cameron, Jr. of El Dorado County a parcel of approximately 80 acres ("Property") located in El Dorado Hills Business Park ("Business Park"). PAC/SIB is presently in contract to acquire the Property and is conducting its due diligence inquiry into the potential use and development of the Property prior to committing to the purchase. PacTrust is a major real estate developer of office, research and development, business park and other commercial properties throughout the western United States. Its management team includes numerous individuals with extensive direct experience in analysis of the social and economic factors that affect the success of commercial real estate development proposals.

This letter will provide the Board of Supervisors with the carefully considered opinion of our client's management team regarding certain proposals within the El Dorado County General Plan Alternatives and related provisions of the Draft Environmental Impact Report ("DEIR").

PacTrust is very concerned that the DEIR includes a proposal to mitigate potential traffic level of service reductions by reducing allowed floor area ratios within the Business Park. Any significant reduction in the allowed intensity of use within the Business Park will, without doubt, have a negative affect on the marketability of Business Park land. Like any other knowledgeable real estate investor and developer, PacTrust considers floor area ratios and other constraints on

Oregon
Washington
California
Utah
Idaho

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July 10, 2003
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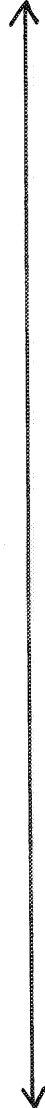
land use of commercially zoned property as one of the most important factors affecting its decision to acquire undeveloped land. Obviously, sites that do not constrain floor area ratios are more attractive because they allow more flexible use planning and design, and are, therefore, attractive to a wider group of potential users. There must be a minimum intensity of allowed land use in order for potential developers to invest resources necessary to build the structures needed by building owner/users or tenants ("users") to operate businesses in the Business Park. That investment directly results in the creation of new employment opportunities for the people of El Dorado County.

The proposed floor area ratio restrictions could have a significant negative impact on job creation within the Business Park. For example, a floor area ratio cap that, in effect, limits land use to single story structures almost certainly chills interest in the land by office building users. Inability to build at least two story structures would encourage light industrial or other types of use which, as opposed to office building use, generates far fewer employment opportunities. It is PacTrust's experience that constraints such as significant floor area ratio maximums will reduce the marketability of affected land and its absorption rate.

El Dorado County appears to have relatively few local job opportunities for its residents. Growth of housing in the western part of your County has brought what appears to PacTrust to be a well educated and potentially stable labor pool. Creation of jobs close to the homes of the employees needed by projected users of commercial development in the Business Park should be of primary concern in the County's land use planning. If it is the intent of El Dorado County government to encourage the creation of job opportunities for County residents, discouraging commercial property development for uses that would create needed jobs is counterproductive.

PacTrust is aware that there are many potential commercial use development sites in Sacramento, Placer, and other nearby California counties that are not affected by significant floor area ratio caps. The Board of Supervisors should seriously consider the impact of new constraints on the ability of the Business Park to attract development and users that will contribute to the economic stability of the County. Local job growth is needed to provide employment opportunities that will reduce County residents' need to commute long distances, and the resulting negative social and environmental impacts.

Our client strongly urges the El Dorado Board of Supervisors to avoid in its General Plan amendment process introducing constraints that discourage private, job producing, investment in the County. Past planning for the Business Park appears to have given it valuable potential to be the location of precisely the kind of economic development that should be encouraged by the County's land use regulations.



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El Dorado County Board of Supervisors
July 10, 2003
Page 3

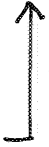
Thank you for your consideration of our client's comments.

Very truly yours,

Randall M. Faccinto

Enclosure

cc: PAC/SIB L.L.C.



181-1

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PLANNING DEPARTMENT

July 10, 2003

Mr. Conrad B. Montgomery
Planning Director
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

Re: Comment and Request Respecting the El Dorado County Draft General Plan

Dear Director Montgomery:

In August 2002 Wetsel-Oviatt Lumber Company responded to the opportunity offered by El Dorado County to submit parcel specific requests for consideration in the General Plan development process. Our response (attached hereto) cited our investment-backed expectations and rationale supporting our requests. None of the Draft General Plan Alternatives presently being considered acknowledges, in their entirety, our requests concerning our non-TPZ properties in the Omo Ranch area. In addition, the Environmentally Constrained alternative further impacts our investment-backed expectations by placing a Rural Land use designation on a substantial portion of our mill site *Industrial* zoned properties.

182-1

In addition to the foregoing, we find the two new "constrained" alternatives contain a significant number of policies that have been developed with little or no public input, reflect an obvious fear of environmental based litigation, and resort to the most easily applied EIR mitigations while giving little consideration of potential overriding considerations.

182-2

Specifically, we oppose the following:

1. Any attempt to create a County layer of Timber Harvest Plan review or the diminishment of the role of the California Department of Forestry, which is the controlling agency in these matters.
2. A countywide restriction on construction of roads or structures along ridgelines without public input or required economic impact analyses.
3. Any attempt by the County to establish biological corridors. As the controlling agency, the California Department of Forestry has jurisdiction over such matters

182-3

182-4

182-5

Mr. Conrad B. Montgomery, Planning Director

July 10, 2003 Page Two

Re: Comment and Request Respecting the El Dorado County Draft General Plan

4. The extension of the natural resources 160-acre minimum parcel size down to the 2,500-foot elevation without scientific or rational support.

We have recently been provided with a draft of Forestry Policies (attached hereto) that will be recommended by the El Dorado County Agricultural Commission. We support and concur with these recommendations.

In summary, we are concerned that Policy details set out in the two Constrained Alternatives impose excessive obstacles to the creation of a General Plan acceptable by the court and workable for both the County and its citizens. Without ready proof that it has conducted sufficient analyses that address such concerns, the Policies, Land Use Maps that accompany the Constrained Alternatives and the resulting General Plan itself will invite otherwise avoidable litigation. We therefore respectfully request that the Draft General Plan analyses address the described concerns.

Very truly yours,



Cecil L. Wetsel, Jr.,
President

Attachments: August 2002 letter and Draft Forest Policies

cc: County Supervisors
Planning Commissioners

182-6

182-7

182-8



General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

**GENERAL PLAN
PARCEL SPECIFIC REQUEST of
WETSEL-OVIATT LUMBER CO.**

August 19, 2002

For many years Wetsel-Oviatt Lumber Company has owned some 14,000 acres of timberland in El Dorado County. We have diligently maintained the bulk of this land for the purpose of producing timber used by our lumber manufacturing facility located off Latrobe Road three miles south of Highway 50. Ownership of all our lands has from the outset been predicated upon investment-backed expectations. Further, the original and continuing business plan reflects the desire to maintain options for future land use.

Over the last 25 years, regulatory constraints have steadily increased, adding burdensome costs to forest management, while continual capital expenditures are required to implement modern harvesting and manufacturing technology in order to remain competitive. Burgeoning environmental concerns have become closely coupled with ever-increasing federal and state regulations that severely restrict timber harvesting. In order to adapt to these circumstances, flexibility in our land management is key to ensuring the jobs of our employees, the production of much-needed wood products for Californians and therefore the betterment of our community.

Remaining an economically viable business in El Dorado County requires that we adapt by varying the use of portions of our lands. To realize a reasonable return on our substantial investments requires zoning our non-Timber Production Zone land lying in proximity to public roads as RA-10 or RA-20, which is in keeping with Rural Region designations of the proposed General Plan. Indeed, we have always considered that lands reasonably accessible to public roads can logically be designated RA-10 or RA-20, and for such reason we have not placed these lands in TPZs.

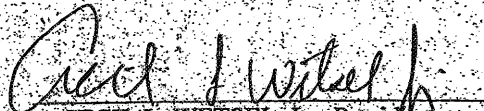
We therefore request that appropriate land use designations be made for the following described parcels that will permit zoning as RA-10 or RA-20, as the case may warrant. Such land use designation and subsequent zoning is consistent with the stated goals of the proposed Draft Land Use Policies. In this regard however, it is suggested that where

sensible, the proposed 3,000-foot elevation guideline be instead predicated upon geographical considerations rather than a hard-line elevation protocol.

With respect to our manufacturing facility, already zoned "industrial," we request that the land use designations retain the existing classification and that no designations be made in the vicinity thereof that would permit any uses incompatible with the character and purpose of industrial zoning.

In conclusion, because of regulatory challenges, it is conceivable that our lands may someday be considered no longer "suitable for timber production" as defined by County policy. When that day arrives in El Dorado County, there will then be little choice but to revisit the general plan and alter zoning, for if immovably lodged in the designation of "Natural Resource" and zoned TPZ it will amount to a regulatory taking, with the County left to pay the bill.

In the alternative, reasonable land use planning that provides desirable balances to reflect changing community demographics will pave the way to permitting continued economic returns for landowners and thus benefit the general welfare of the County. Similarly, these benefits are consistent with, and serve to further the avowed goals of the proposed general plan.


CECIL L. WETSEL, Jr., President
Wetzel-Oviatt Lumber Co.

Attachment: List of Subject Parcels, El Dorado County

cc: Board of Supervisors, El Dorado County

WETSEL-OVIATT LBR CO. EL DORADO COUNTY NON TPZ PARCELS

NUMBER	PARCEL #	NAME	ZONEING	ACRES	SECTIONS	TOWNSHIP	RANGE
1	040-010-04	W. FANCHER	RA-20	53.900	5	8	13
2	040-010-08	SPI #9	RA-40	163.000	6	8	13
3	040-010-27	VAUGHN	RA-40	46.370	7	8	13
4	040-010-32	HUOT	RA-20	68.280	6	8	13
5	040-010-54	HARVEY	RA-20	14.740	4	8	13
6	040-030-43	U.S.D.A.	RA-160	80.000	21	8	13
7	040-030-58	USFS A-300	RA-160	160.000	17 & 20	8	13
8	040-040-07	ALLEN	RA-80	158.320	22	8	13
9	040-040-09	GARIBALDI	RA-80	40.000	22	8	13
10	040-050-12	GARIBALDI	RA-40	40.000	29	8	13
11	040-050-15	GARIBALDI	RA-80	81.000	31	8	13
12	040-050-25	U.S.D.A.	RA-160	160.000	28	8	13
13	040-050-31	GARIBALDI	RA-40	40.000	29	8	13
14	040-050-33	GARIBALDI	RA-80	80.000	29 & 32	8	13
15	040-170-01	JASMER	RA-20	7.500	4	8	13
16	040-170-03	THOMPSON		1.000	4	8	13
17	040-170-04	DRAKE	RA-20	1.000	4	8	13
18	040-170-06	PATTERSON		1.000	4	8	13
19	040-170-07	GOLDEN	RA-20	3.750	4	8	13
20	040-170-08	TAX SALE	RA-20	0.250	4	8	13
21	040-220-03	FANCHER	RE-10	37.850	5	8	13
22	040-260-01	HARMON	RA-20	21.540	3	8	13
23	040-260-05	HARVEY	RA-20	14.125	3	8	13
24	040-310-06	D & H	RA-80	42.730	12 & 13	8	13
25	041-051-12	BLAIR	RA-20	58.670	4 & 33	8 & 9	13
26	041-051-19	LAURA BELL	RA-20	77.800	32	9	13

27	041-051-20	P. LALOR	RA-20	40.000	32	9	13
28	041-051-21	P. LALOR	RA-20	10.000	32	9	13
29	041-051-23	HUOT	RA-20	253.000	31	9	13
30	041-051-24	J. LALOR	RA-80	69.130	32	9	13
31	042-040-04	CAMPINI		11.000	22	10	13
32	062-540-46	ANDREWS	RE-5	5.020	23	13	11
33	062-600-01	HOTCHKISS	RA-20	13.020	7	12	11
34	095-011-57	HUOT	RA-20	170.000	36	9	12
35	095-011-58	SLUG GULCH	RA-20 & OS	110.000	25	9	12
36	095-011-59	SLUG GULCH	RA-20	50.000	25	9	12
37	095-011-60	SLUG GULCH	RA-20	10.000	25	9	12
38	095-011-73	SLUG GULCH	RA-20	10.000	26	9	12
39	095-030-11	HUOT	RA-40	64.670	1	8	12
40	095-030-14	VAUGHN	RA-80	160.000	12	8	12
41	095-040-27	SPI #5	RA-80	40.000	16	8	12
42	095-040-28	GARIBALDI	RA-80	280.000	16	8	12
43	095-070-11	HERUP	RA-40	26.500	36	8	12
44	095-070-23	BEATON	RA-40	41.700	36	8	12
45	095-070-24	ONETO	RA-40	37.860	36	8	12
46	095-190-12	GARIBALDI	RA-20	40.000	16	8	12
47	095-190-15	McCARTNEY	RA-20	5.000	16	8	12
48	095-210-07	LAVENROTH	RA-40	4.680	36	8	12
49	095-210-08	PAYNE	RA-40	9.140	36	8	12

TOTAL	2913.345
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FORESTRY POLICIES

Goal AF-4: To identify, conserve, and protect healthy, sustainable forests that provide for forest resources and production of forest products while limiting the intrusion of incompatible uses into important forest lands.¹

Policy AF-4a The County shall protect and maintain lands suitable for timber production.¹

Policy 8.3.1.3

The County Agricultural Commission shall assess lands to determine their suitability for timber production. Lands considered suitable for timber production shall be based on the following criteria:³

- A. Lands designated Natural Resource (NR) on the General Plan land use map or lands zoned Timber Production Zone (TPZ);
- B. Soils identified as El Dorado County "choice" timber production soils which shall consist of soils found on Timber Site Classifications I, II, or III as defined in the *California Forest Handbook* and the *Soil Survey of El Dorado Area* issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;
- C. Lands used for commercial forestry/timber production;
- D. Lands that possess topographical and other features that make them suitable for timber production; and
- E. Low development densities in vicinity.

OBJECTIVE 8.3.2: CONSERVATION OF FOREST LANDS

Protect and conserve lands identified as suitable for commercial timber production within the County that are important to the local forest product industry and forest lands that serve other values such as watershed, wildlife habitat, recreation, hydroelectric power generation, grazing, mineral extraction, or other resource based uses.³

Policy 8.3.2.1

Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels containing less than 160 acres.³

Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.³

Policy 8.3.2.3

Lands designated Natural Resource, excluding those zoned TPZ, generally located below 3,000 feet elevation that have been found to be suitable for producing commercial timber by the Board of Supervisors, after reviewing advice of the Agricultural Commission, shall have a 40-acre minimum parcel size unless such lands already have smaller parcels.³

Policy 8.3.3.1

Forest lands are reserved for multiple use purposes directly related to timber production, mineral resource extraction, wildlife, grazing, and recreation.³

Policy 8.3.3.2

The Natural Resource land use designation shall be applied for the purposes of conserving and protecting important forest lands and maintaining viable forest based communities. In determining whether particular lands constitute important forest lands, the Board of Supervisors shall consider the advice of the Agricultural Commission.³

OBJECTIVE 8.4.1: FOREST LAND BUFFERS

Provide for buffer parcels and setbacks between timber production lands and adjacent incompatible land uses.³

Policy 8.4.1.1

The subdivision of lands located adjacent to Natural Resource (NR) designation boundaries and lands zoned Timberland Production Zone (TPZ) shall not result in the creation of new parcels containing less than 40 acres. The subdivision of lands adjacent to NR designation and lands zoned TPZ containing 40 acres or less located generally below 3,000 feet in elevation may be considered for the creation of new parcels containing not less than 10 acres, as appropriate. Projects within Rural Center and Community Region planning concept areas are exempt from this minimum parcel size to encourage the concentration of such uses.³

Policy 8.4.1.2

A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet. All setbacks are measured from the property line.³

OBJECTIVE 8.4.2: DEVELOPMENT ENTITLEMENTS

Policy 8.4.2.1

The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an

approval, the approving authority shall make the following findings:³

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

Policy AF-4b Forestlands in Rural Regions and lands considered suitable for timber production shall be designated Natural Resource (NR) on the General Plan Land Use Map. Such lands are to be maintained for the purposes of protecting the production of timber, watershed health, important habitats or plant communities, recreation, hydroelectric power generation, grazing, and mineral extraction.¹

Policy 8.3.1.2

~~The procedures set forth in *The Procedure for Evaluating the Suitability of Land for Timber Production* shall be used for evaluating the suitability of forest lands for timber production. The procedure shall be developed and maintained by the Agricultural Commission and approved by the Board of Supervisors. Revisions to said procedure shall not constitute a General Plan amendment. These provisions shall be used in the following instances:³ The County Department of Agriculture shall maintain a procedure for evaluating the suitability of lands for Timber Production lands for:~~

- A. Inclusion in a Timber Production Contract and subsequent timber zoning;
- B. Non-timberland development within Natural Resource (NR) and Timber Production Zone (TPZ);
- C. Expansion or reduction of existing Natural Resource (NR) and Timber Production Zone (TPZ);
- D. Assignment or removal of Natural Resource (NR) and Timber Production Zone (TPZ) zoning;
- E. Appropriateness of the application of agricultural protection.

THE ZUMBRUN LAW FIRM
A Professional Corporation

09 JUL 11 AM 8:33
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PLANNING DEPARTMENT

July 10, 2003

General Plan Team
Heidi Tschudin, General Plan Project Manager
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

VIA OVERNIGHT MAIL

Dear Ms. Tschudin:

Re: Draft Environmental Impact Report (DEIR) on the El Dorado County General Plan

On behalf of Citizens Against Roadway Encroachment (CARE), I am submitting these comments regarding the DEIR on the El Dorado County General Plan. The DEIR does not adequately address significant impacts, as evident from the repeated admission in the DEIR that many of the impacts (e.g., traffic, noise) are "significant and unavoidable" even after mitigation (For example, see the "Significant After Mitigation" table on page 5.4-52, page 5.4-58, page 5.4-65 and 5.10-21). CARE requests consideration of alternatives that avoid impacts, alternatives which include, but are not limited to, not extending Saratoga Way to the City of Folsom. All four of the General Plan Alternatives indicate that Saratoga Way will be extended to the City of Folsom and be expanded to four lanes. Consequently, there is a lack of regard for alternatives which avoid significant impacts. Furthermore, CARE does not agree that there are no alternatives which will avoid significant impacts.

The extension of Saratoga Way to the City of Folsom will bring traffic into El Dorado Hills, as well as into Folsom, at an unacceptable Level of Service (LOS). The DEIR needs to identify and study of impacts to and from the City of Folsom via Saratoga Way, as there are cumulative impacts (e.g., air quality) that are shared by the entire region. There is a lack of study and public disclosure regarding the LOS on the neighborhood streets in El Dorado Hills, streets such as Mammoth Way, Arrowhead Drive and Finders Way. CARE requests that the Final EIR provide levels of service for the years 2015 and 2025 for these streets and other

183-1

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3800 Watt Avenue
Suite 101
Sacramento, CA 95821
Tel 916-486-5900
Fax 916-486-5959

Mr. Ms. Heidi Tschudin, General Plan Project Manager
July 10, 2003
Page 2

streets in both Park Village and Crescent Ridge before and after mitigation. Please identify the projected LOS for the *intersection* of the proposed realigned and expanded Saratoga Way and El Dorado Hills Boulevard.

In the DEIR, it is noted that the unacceptable LOS could even be worse than the numbers have projected due to the LOS of F on various nearby roadways. In Volume 1 page 5.4-27 through 5.4-29, the DEIR states:

“The congestion on roadway segments projected to operate at LOS F could be severe enough to adversely affect adjacent roadways in El Dorado County, Sacramento County and the City of Folsom.”

“When this occurs, peak-hour conditions can extend for multiple hours, resulting in peak-hour spreading and multiple hours with LOS F conditions.”

“LOS F conditions are projected for Latrobe Road and White Rock Road under all four alternatives. Operational problems along these corridors could extend onto U.S. 50, El Dorado Hills Boulevard, Silva Valley Parkway, and *Saratoga Way*. Therefore, the LOS for these roadways, as shown in Exhibits 5.4-11 through 5.4-18 and reported in Appendix D-2, *could be worse*.” (Emphasis added)

The four lane designation for Saratoga Way is in conflict with the El Dorado Superior Court Decision (Decision at page 13, lines 3-7) on the Verified Petition for Writ of Mandate filed by CARE (Citizens Against Roadway Encroachment v. El Dorado County, et al., El Dorado County Superior Court Case No. PC20000322). Since a two-lane Saratoga Way is a mitigation for the impacts of the El Dorado Hills Boulevard-Latrobe Road Interchange Project (Interchange Project), the four lane designation is also in conflict with the previous EIR/EA, as well as the administrative record on the Interchange Project. The extension to the City of Folsom requires a separate EIR, as identified in the Draft EIR/EA for the Interchange Project (see page 14-5 of the Draft EIR/EA for the Interchange Project). These issues will be grounds for a challenge to the General Plan EIR and/or for continued motions on the Interchange Project.

The DEIR violates CEQA because it has not suggested alternatives that avoid the identified significant impacts. For example, the DEIR does not provide an alternative that keeps Saratoga Way as neighborhood roadway, not extended to Folsom. Consequently, the El Dorado Board of Supervisors (Board) and the public does not have the necessary information to make a choice on avoiding the impacts to Park Village, as well as to Saratoga Way, El Dorado Hills Boulevard, etc. What is the current LOS on Saratoga Way? What is the projected LOS on the realigned Saratoga Way, if it were not extend to the county line? CARE believes the impacts

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are unacceptable in terms of impacts on safety, noise, air quality, circulation, and quality of life in Park Village and Crescent Ridge in particular. CARE requests that the Final EIR specifically address these impacts for Park Village and Crescent Ridge.

The identified significant impacts are so severe that the Board is being requested by consultants on the DEIR to change the policies regarding an acceptable LOS for roadways. These policies are in place for specific reasons – to ensure the safety and quality of life for the residents of El Dorado County. This lowering of the LOS policy is a significant impact in and of itself, which has not been reviewed in the DEIR in terms of impacts (e.g., land use/housing, noise, air quality, traffic and circulation, human health/safety, visual resources/aesthetic). Another suggested mitigation for the significant impacts is to add another street to the circulation map. According to the DEIR, however, the impact remains significant and unavoidable even with this proposed mitigation.

All four General Plan Alternatives create significant impacts and make assumptions based on projects that are not funded. For example, it is my client's understanding that there is a lack of adequate funding for the Silva Valley Interchange Project. Therefore, it cannot be assumed in the DEIR that the Silva Valley Interchange and Parkway will be an alternate traffic route to U.S Highway 50. Please identify the impacts on El Dorado Hills Boulevard, Park Village and Crescent Ridge should the Silva Valley Parkway and the Silva Valley Interchange not be constructed. Please indicate the amount of funds currently approved for the Silva Valley Interchange Project. Has any Board member suggested that any of these funds be diverted to the El Dorado Hills Boulevard/Latrobe Road Interchange Project and/or other projects? There is a significant traffic impact in El Dorado Hills even with the Silva Valley Parkway and Silva Valley Interchange construction. Consequently, the other proposed mitigations for the impacts of traffic only give the misleading appearance of being somewhat effective.

The comments of individuals and/or groups who are similarly commenting are incorporated by reference, as well as the proceedings, Court Decision and records relating CARE v. El Dorado County, et al. It appears that an unfair burden of impacts rests on El Dorado Hills homeowners in particular. As a result, my clients seem to be expected to tolerate these impacts in terms of the lowering of their quality of life as well as impacts to housing, safety, noise traffic, air quality, etc. These actions could expose the County to serious legal problems, including a case for inverse condemnation.



183-5

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Mr. Ms. Heidi Tschudin, General Plan Project Manager
July 10, 2003
Page 4

Please inform me of any meetings, hearings and additional opportunities to further comment on the Final EIR for the El Dorado County General Plan.

Sincerely,



RONALD A. ZUMBRUN
Managing Attorney

cc: Board of Supervisors

El Dorado County
Board of Supervisors
330 Fair Lane
Placerville, Ca. 95667

Jay Dennis
1691 Lakehills Dr
El Dorado Hills, Ca 95762
933-1531

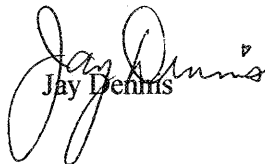
Re: General Plan Alternative
Community Boundary Line

Dear Board Members:

As a Long time El Dorado Hills resident and property owner I wish to provide you with some input regarding the "Equestrian Village" triangular area between Salmon Falls Road and Lakehills Dr.. This area was set up to buffer Waterford from the open area to the East. This area has CCRs that specifically say 3 acre minimum. I was one of the people who was involved in the original setting up of this area and I still live here. All the people who live here like this set up and would like to see it remain this way. There is one person who owns property here (10 acres) but does not live here who would like to see this change. His name is Fouzouni and he want to subdivide his piece and get on down the road. He was aware of the 3 acre minimum when he bought the property.

I hope that the Community Boundary Line will be set on Lakehills Dr. Lakehills drive is a very dangerous road and the County transportation people have said they do not want any more traffic coming on to this road.

Thank you for putting our concern into your decision.


Jay Dennis

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JUL 11 10 57 AM '03
BOARD OF SUPERVISORS
EL DORADO COUNTY

184-1



Georgetown Divide Resource Conservation District Resource Conservation District
100 Forni Road, Suite A • Placerville, CA 95667 • Phone (530) 295-5630, Fax (530) 295-5635

Date: July 24, 2003

Heidi Tschudin, Contract Planner
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

03 JUL 11 PM 4:22
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PLANNING DEPARTMENT

Dear Ms. Tschudin,

In review of the El Dorado County Fire Safe Councils proposal and recommendations to the El Dorado County Draft General Plan the Georgetown Divide Resource Conservation District would like to convey our support as it pertains to the importance of addressing fire safety measures throughout El Dorado County. The threat of wildfire to natural and economic resources is a concern and a priority for the protection of natural and economic resources that are at risk.

185-1

Sincerely,

Roy Rutz

President, District Board
Georgetown Divide Resource Conservation District
100 Forni Road, Suite A
Placerville, CA 95667
(p) 530-295-5630
(f) 530-295-5635

Cc: El Dorado County Fire Safe Council
El Dorado County Resource Conservation District

03 JUL 11 PM 4:19
RECEIVED
PLANNING DEPARTMENT

Dear General Plan Team,

Thanks for the opportunity to comment on the draft General Plans and the draft EIR. It is apparaent that some of the twelve alternatives proposed are much more environmentally friendly than others. I ask that you protect the environment.

186-1

I favor policies and land-use designations in Alternative 12, the "environmentally superior" plan. This Compact Development Alternative would begin to arrest sprawl, would support walking, bicycling, and transit; it allows for mixed use and affordable housing. Limits on housing numbers would reduce impacts caused by increased density and would preserve community identity by retaining open space.

186-2

Please select available features from all and combine them to make a new alternative that reduces traffic impacts, protects rural lands and wildlife habitat, and allows for moderate growth within the constraints presented by air and water quality, topography, and habitat protection. Persuade developers to go along with the concepts in Alternative #9. The natural amenities that attracted current residents and support our tourism industry should be protected.

186-3

The timelines for implementation of policies that characterize Alternatives #2 and #3 are too long. Very conservative interim standards must be in place so that the game isn't lost while implementation is in process.

186-4

Thank you for considering my thoughts.

cc: Supervisors

Elna Norman
6201 Bird Song Ln
Placerville, CA 95667



United States
Department of
Agriculture

Forest
Service

Eldorado National Forest

100 Forni Road
Placerville, CA 95667
(530) 622-5061 (Voice)
(530) 642-5122 (TTY)

File Code: 1500

Date: July 11, 2003

El Dorado County Planning Department
General Plan Team
2850 Fairlane Court
Placerville, CA 95667

03 JUL 15 PM 2:53
RECEIVED
PLANNING DEPARTMENT

We appreciate the opportunity to comment on the alternatives for the El Dorado County General Plan. Our comments are organized first by the Elements addressed in the General Plan alternatives, and then by alternatives. For the purpose of our comments, we have grouped the No Project and 1996 General Plan together, and also grouped the Environmentally Constrained and Roadway Constrained alternatives. Our comments are as follows:

Fire Safety:

One of the principal concerns of the Eldorado National Forest is that of wildfire effects within the urban-wildland intermix. As one of the cooperating agencies in the county to respond to wildfire incidents, we are especially interested in providing comments to the El Dorado County General Plan in the area of fire safety.

Comments common to both the Draft Environmentally Constrained Alternative and the Roadway Constrained Six-Lane "Plus" Alternative:

Goal HS-2: To identify hazards and plan for wildfire safety in areas of existing development and to regulate development in areas having substantial wildland safety concerns.

We would recommend expansion of this goal. In order to reduce fire hazards through fuel management activities, one must first identify where and at what priority to initiate these activities. Rather than just identifying "hazards" for wildfire safety, there is a need to identify risk and hazards. Hazard can be defined as a fuel profile that is easily ignited, burns rapidly with high intensity, and has a high resistance to control. Fire risk is the chance of various ignition sources causing a fire, threatening valuable resources, property, and life. Hazard and risk need to be taken one step further, a countywide hazard and risk assessment should be completed. The objective of a hazard and risk assessment is to characterize the wildfire potential across the landscape, using tested and universal methods for calculation of the following factors:

- Fire occurrence density rating: A map layer, which separates fire occurrence and density into low, moderate, and high fire occurrence areas.
- Fire risk: The chance of various ignition sources causing a fire, threatening valuable resources, property, and life.
- Fire hazard: The assessment of vegetation by the kind, arrangement, volume, condition and location that form a special threat of ignition spread, and present difficulty for control efforts. Condition Class is a major component in determining fire hazard.

Condition Classes defined:

Condition classes are a function of the degree of departure from historical fire regimes resulting in alterations of key ecosystem components such as species composition, structural stage, stand age, and canopy closure.

187-1



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One or more of the following activities may have caused this departure: fire exclusion, timber harvesting, grazing, introduction, and establishment of exotic plant species, insects and disease (introduced or native), or past management activities. There are three condition classes.

<i>Condition Class</i>	<i>Attributes</i>	<i>Example Management Options</i>
Condition Class 1	<ul style="list-style-type: none"> ▪ Fire regimes are within or near normal ▪ Risk of losing key ecosystem components is low ▪ Fire frequencies have departed from historical frequencies by no more than one interval ▪ Vegetation attributes (species composition and structure) are intact and functioning within an historical range 	Where appropriate, these areas can be maintained within the historical fire regime by treatments such as fire use
Condition Class 2	<ul style="list-style-type: none"> ▪ Fire regimes have been moderately altered from their historical range. ▪ The risk of losing a key ecosystem component has increased to moderate ▪ The fire frequencies have departed (either increased or decreased) from historical frequencies by more than one return interval. This results in moderate changes to one or more of the following: fire size, frequency, intensity, severity, or landscape patterns ▪ Vegetation attributes have been moderately altered from their historical range. 	Where appropriate, these areas may need moderate levels of restoration treatments, such as fire use and hand or mechanical treatments, to be restored to the historical fire regime.
Condition Class 3	<ul style="list-style-type: none"> ▪ Fire regimes have been significantly altered from their historical range. ▪ The risk of losing a key ecosystem components is high ▪ Fire frequencies have departed from historical frequencies by multiple return intervals. These results in one or more of the following: fire size, frequency, intensity, severity, or landscape patterns. ▪ Vegetation attributes have been significantly altered from their historical range. 	Where appropriate, these areas may need high levels of restoration treatments, such as fire use and hand or mechanical treatments, to be restored to the historical fire regime. These treatments may be necessary before fire is used to restore the historical fire regime.

A non biased hazard and risk assessment will set priorities on future fuel treatment locations.

The Eldorado National Forest completed a hazard and risk assessment in 1996 utilizing GIS, and a forest interdisciplinary team of resource specialists. The forest is in the process of updating fuel hazards, disturbances, and fuel treatment layers in GIS so that a new analysis can be completed. The analysis will be interdisciplinary and will address hazard and risk to watersheds, wildlife, fisheries, and the wildland urban interface. The foundation of the analysis will be forest vegetation outside of the historical range of variability (fuels layer), and fire ignition. We would recommend a similar analysis for the county, recognizing that the county also contains lands with a naturally high level of risk and hazard due to the lower elevation vegetation types that are more susceptible to wildfire.

187-2

Goal HS-3: To reduce fire hazards through fuel management activities.

This goal needs to employ standards and guide lines that identify a specific output of fire hazard reduction. We would suggest the following:

Require additional fuels management standards as Ordinances to new proposed residential or commercial development within or adjacent to forested areas in El Dorado County. Locate greenbelt and open space areas in strategic locations. In addition, Locate defensible fuel profile zones (DFPZ's) on the perimeters, access and egress road systems, and throughout the development as necessary so that under high fire weather conditions (90th or 97th percentile weather conditions) the following fire behavior characteristics could be expected in the event of a wildland fire:

- Fuel conditions allow for efficient and safe suppression of all wildland fires ignitions. Fires are controlled through initial attack under all but the most severe weather conditions.
- Under high fire weather conditions, wildland fire behavior in treated areas is characterized as follows: (1) flame lengths at the head of the fire are less than 4 feet; (2) the rate of spread at the head of the fire is reduced to at least 50 percent of pre-treatment levels for a minimum of five years; (3) hazards to firefighters are reduced by keeping snag levels to two per acre; and (4) production rates for fireline construction are doubled from pre-treatment levels.

187-3

Standards such as this need to apply in the greenbelts. Another issue that needs to be addressed is ongoing maintenance necessary to keep these defensible spaces effective.

Comments on the No Project and 1996 General Plan Alternatives:

From a Fuels Treatment and Potential Fire Behavior standpoint, we believe this alternative is not effective. Most of El Dorado County is located within high hazard fire areas according the California Department of Forestry Fire Hazard maps. By definition of Condition Class ratings, most of the lands in El Dorado County are within Condition Classes 2 and 3. Maintaining defensible space only around structures will not address the entire landscape fuels management situation that needs to be addressed in the County General Plan. We strongly recommend that the County consider Ordinances that apply fuels treatments to open space areas as well as around developments.

187-4

Water Supply:

Comments common to both the Draft Environmentally Constrained Alternative and the Roadway Constrained Six-Lane "Plus" Alternative:

Eldorado National Forest watersheds are the primary original water supply sources for the county, as well as other domestic and agricultural users further downstream. As the County plan suggests several options for additional water storage, there needs to be recognition that many of these occur on the National Forest, and that all of the water in question is from National Forest watersheds. In addition, there needs to be recognition of the total water allocation from these watersheds, by other downstream users, both domestic and agricultural.

187-5

187-6

There is concern that by stating that options exist for Alder Creek, Texas Hill, Squaw Hollow, Otter Creek, Traverse Creek, Canyon Creek, and Greenwood, the actual unallocated water supply is likely to be overstated. While the length of the review and environmental documentation is duly noted, there also needs to be recognition that the water yield from these watersheds is likely to be fully allocated elsewhere, and not available to meet growth expansion even with the lengthy review and environmental documentation process. An example is the current discussions between the central valley project water users and the needs for water to maintain minimum flows through the Sacramento River Delta. There is also a need to maintain favorable water flows on the National Forest lands, as was part of the negotiations with EID for Project 184.

187-6

Policy PS-4d in Alt RC states that "creation of lots less than five acres in size which rely on individual wastewater (septic) systems is prohibited unless a public water supply is available for domestic use" is probably sufficient to protect those lots' water supply, but appears to be not adequate to protect the downstream water quality resource in general from waste water. This could lead to fairly serious water pollution problems downstream from these developments, as the water from these septic systems continues to leach through the ground and into either groundwater or surface systems in high concentrations.

187-7

Encouragement of the use of reclaimed water for landscapes, golf courses, etc is commendable, and needs to be mandatory for new developments where possible. Encouraging water conservation measures is good, but is not likely to be sufficient for allowing new growth without more aggressive requirements for reclaimed water uses. In addition the county needs to expand the direction in Policy PS-3c to "use water-conserving landscaping for all new capital improvement projects that require landscaping" to include commercial developments as well.

187-8

The county is to be especially commended for bringing up the subject of Drought Planning. It is badly needed, and this section of the alternatives would be stronger with more than recognition that there is a problem, such as including a firm base reserve water supply that may not be allocated to new growth, to carry the County population through droughts. That reserve must also expand to include needs as new growth is allowed.

187-9

Comments on the No Project and 1996 General Plan Alternatives:

Assumption A, under water supply, that "An adequate supply of water will be available to serve the County's current population," coupled with assumption B, which "Additional water supplies will be developed to support the projected growth," appear to be unfounded. Given the recent history of disturbance to the project 84 water supply systems, the droughts of the late 1980s and early 1990s, these assumptions could very well insure a very short life for this General Plan, as is recognized by assumption C, that "Lack of water availability may change the period of time over which this Plan remains valid."

187-10

Proceeding on those assumptions has the possibility to put the county into a serious water shortage situation that has the potential to be disruptive and detrimental to both county residents and agriculture.

The other comments from the EC & ER alternatives also apply to these alternatives for viability of water projects, use of reclaimed water, and parcel size for septic systems.

187-11

Development in Community Regions and Rural Centers:

Comments common to both the Draft Environmentally Constrained Alternative and the Roadway Constrained Six-Lane "Plus" Alternative:

The emphasis directing higher density residential uses and more intensive nonresidential development to areas most suited to support urban and suburban uses, and basing that focus on the availability of infrastructure needed to support it, such as roads, water systems, utilities and public services (fire, police) is an excellent feature of both alternatives RC and EC.

187-12

This emphasis also has the potential to provide increased ability to reduce hazardous fuels through cooperation with developers and residents in these more compact residential areas. Safety and evacuation needs, as well as fire response access needs are also addressed in these alternatives.

Comments on the No Project and 1996 General Plan Alternatives:

The emphasis directing higher density "clustered" residential uses and more intensive nonresidential development to areas most suited to support urban and suburban uses, and basing that focus on the availability of infrastructure needed to support it, such as roads, water systems, utilities and public services (fire, police) is an excellent feature of the No Project & 1996 GP alternatives as well. However, these alternatives would be improved with recognition of the urban-wildland interface and requirements for maintenance of "fire-safe" zones on an ongoing basis, rather than addressed only for the timeframe of development.

187-13

This emphasis also has the potential to provide increased ability to reduce hazardous fuels through cooperation with developers and residents in these more compact residential areas. However, it does not appear that safety and evacuation needs, as well as fire response access needs are well-addressed in these alternatives.

Land Use Designations:

Comments common to both the Draft Environmentally Constrained Alternative and the Roadway Constrained Six-Lane "Plus" Alternative:

Recognition of the need for wildlife interaction and movement by providing important biological corridors in alternative EC is a feature that both helps to retain wildlife diversity in the county and enriches county residents experiences by providing the opportunity to view a more diverse wildlife community than is likely to exist if these corridors are not identified and encouraged to continue to exist. Preserving the diversity of wildlife species currently present in the county cannot be done by the National Forest alone, simply because the Forest does not contain suitable habitat areas for all of the species found in the county, especially species that are native to lower elevations or species that have altitude-dependent migration patterns. The County would benefit by defining which agricultural uses compliment or detract from preserving wildlife habitat in this analysis.

187-14

The same principle holds true for special status plant and animal species. The designation of Ecological Preserves found in alternatives RC and EC could also perpetuate the rich bio-diversity found in El Dorado County.

187-15

Designation of Agricultural District lands on the county's most productive soils provides an appropriate decision factor to be considered for development proposals, and direction in the plan to discourage incompatible uses such as high density residential or commercial development is an excellent feature of both LC & EC alternatives.

187-16

Comments on the No Project and 1996 General Plan Alternatives:

Designation of Agricultural and Forest lands on the county's most productive soils provides an appropriate decision factor to be considered for development proposals, and direction in the plan to discourage incompatible uses such as high density residential or commercial development by limiting future parcel creation sizes is an excellent feature of both these alternatives.

187-17

Recognition of wildlife habitat needs does not appear to be included in either alternative. Special status plant species are addressed as plant preserves, which could help preserve the bio-diversity of the county. The County would benefit by defining a list of management indicator species that are focal to wildlife habitat needs.

187-18

Transportation:

Comments common to both the Draft Environmentally Constrained Alternative and the Roadway Constrained Six-Lane "Plus" Alternative:

Adding some emphasis on the maintenance of county roads crossing National Forest lands would improve service to county residents and has the benefit of reducing impact to watersheds and water quality. Road maintenance affects domestic water supplies and increases the costs of treatment for domestic water where inadequate maintenance contributes to stream sedimentation.

187-19

Comments on the No Project and 1996 General Plan Alternatives:

The same comment applies to the No Project and 1996 GP, please see above.

187-20

Open Space, Parks and Recreation:

Comments common to both the Draft Environmentally Constrained Alternative and the Roadway Constrained Six-Lane "Plus" Alternative:

Recognition of the value of Open Space, and the emphasis to maintain significant areas of open space in the goals and implementation measures of the General Plan, alts RC & EC are necessary to maintain the character of the county.

187-21

Inclusion of direction to provide trail systems that connect to other public and private systems is a feature that will enhance the recreational value of all of the trails involved.

187-22

While parks and recreation may be an optional element for county planning under state law, El Dorado County is to be commended for recognizing the importance of parks and recreation to the quality of life for those who live in the county or visit here. Recognition of the need for more intensely developed parks as the population density increases shows the long-range usefulness of the county general planning efforts. While the National Forest provides outstanding recreation opportunities that are appropriate for the National Forest, it does not, and cannot, provide for all types of recreation experiences needed and demanded by the public. Recognition of the county's role to provide quality recreation for its residents and tourists over the long-range is well addressed in alternatives EC and RC.

187-23

New developments that will increase the county population should be required to provide parks to serve their increase in population, as well as meet the open space requirements currently in Alts RC & EC.

187-24

The trade-off of increased open space for increased density could also be applied to providing adequate parks, including playground space and sports field space. The same formula as used to determine acreage by population for county facilities seems appropriate to apply to new development.



187-24

Comments on the No Project and 1996 General Plan Alternatives:

Inclusion of direction to provide trail systems that connect to other public and private systems is a feature that will enhance the recreational value of all of the trails involved.



187-25

While the National Forest provides outstanding recreation opportunities that are appropriate for the National Forest, it does not, and cannot, provide for all types of recreation experiences needed and demanded by the public. Recognition of the county's role to provide quality recreation for its residents and tourists over the long-range is well addressed in all of the alternatives, including the No Project & 1996 GP.



187-26

These alternatives recommend that developed parks be preferred for funding over open space. This recommendation appears to under-value the importance of open space, which has the potential to be detrimental to wildlife habitat needs.



187-27

Agriculture and Forestry:

Comments common to all of the Alternatives:

Recognition of agriculture and forestry as important elements for land use in El Dorado County, and goals to support and maintain these land uses over the long-term are well documented in these alternatives.



187-28

The recommendation to add grazing land to agricultural base lands would provide additional open space, as well as to provide a higher quality wildlife habitat possibilities than can be provided by many agricultural uses where certain terrestrial and avian wildlife are excluded to protect crops.



187-29

A side comment on data is that the Brockliss Bridge is not a 2-lane motorized route. In fact the bridge does not currently exist. The current Eldorado Forest Plan identifies this route as part of the corridor for the Pony Express Trail, and recommends that it be a non-motorized trail.



187-30

We appreciate the opportunity to comment on the El Dorado County General Plan Alternatives, and hope that our comments are helpful to the county.

Sincerely,

JOHN D. BERRY
Forest Supervisor

LAW OFFICE OF
J. WILLIAM YEATES

8002 CALIFORNIA AVENUE
FAIR OAKS, CALIFORNIA 95628
TELEPHONE: (916) 860-2003
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RECEIVED
PLANNING DEPARTMENT

MARY U. AKENS
KEITH G. WAGNER

J. WILLIAM YEATES

July 11, 2003

Ms. Heidi Tschudin
General Plan Project Manager
El Dorado County Planning Department
General Plan Team
2850 Fairlane Ct.
Placerville, CA 95667

Re: Comment on El Dorado County General Plan, Draft Environmental Impact Report (May 2003) State Clearinghouse No. 20001082030 / Draft General Plans (April 2003) – Measure Y Remains In Effect, And Cannot Be Excluded From, or Amended In, the County’s New General Plan.

Dear Ms. Tschudin:

This letter, on behalf of our client, the Measure Y Committee, explains the current status of Measure Y, and why its policies must be fully and faithfully incorporated into the County’s new general plan. These comments are in addition to, and do not supersede or otherwise replace any comments that may have been, or may be, filed by the Measure Y Committee or its individual members regarding the County’s preparation and environmental analysis of its new general plan.

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Individual members of the Measure Y Committee have informed us that the County’s General Plan Team may have been advised 1) that Measure Y no longer has force or effect, or 2) that Measure Y’s policies are “suspended” until the County adopts its new general plan, allowing the County to add, in the new general plan, additional road segments to the County’s list of roads that are allowed to operate at Level of Service “F.” Neither is the case.

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As the following discussion demonstrates, Measure Y is an independent ordinance of El Dorado County, duly adopted by the voters in November of 1998 with a mandatory, ten-year term of implementation. Neither Judge Bond’s Writ in *El Dorado Taxpayers for Quality Growth v. El Dorado County Board of Supervisors*, nor Judge Haugner’s Ruling in *Concerned Citizens of El Dorado County v. County of El Dorado*, can reasonably be interpreted to have affected Measure Y’s status as a duly enacted and mandatory set of general plan policies that must be faithfully executed by the County in any new general plan that it may adopt.¹

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¹ *El Dorado Taxpayers for Quality Growth v. El Dorado County Board of Supervisors* (Sacramento County Super. Ct. Case No. 96CS01290) (Writ of Mandate, issued July 19, 1999) (hereinafter “Judge Bond’s Writ”); *Concerned Citizens of El Dorado County v.*

I. FACTS

There have been several intervening events between the voters' adoption of Measure Y in 1998, and the preparation of the draft general plans and EIR currently circulating for public review. A brief recitation of relevant facts is, therefore, necessary for further analysis and discussion.

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A. THE VOTERS' ADOPTION OF MEASURE Y

In November of 1998, the voters of El Dorado County approved Measure Y. Measure Y requires, among other things, that "Developer-paid traffic impact fees shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development . . . in unincorporated areas of the county."² Measure Y states that traffic from residential projects of five (5) or more units shall not result in, or worsen, Level of Service "F" traffic during weekday, peak hour periods on *any* road in unincorporated areas of the County.³ In addition, Measure Y prohibits the County from adding "any additional segments of Highway 50, or any other roads, to the County's list of roads that are allowed to operate at [LOS] 'F' (gridlock) without first getting the voter's approval."⁴

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Under the heading "Implementation" Measure Y contains a "severability" clause, stating that if any part of Measure Y is found invalid by a court, the remaining portions "shall remain in full force and effect."⁵ Measure Y's implementation policies also state that Measure Y "may only be amended by a majority of County voters, and shall remain in effect for 10 years."⁶

B. JUDGE BOND'S WRIT IN *EL DORADO TAXPAYERS FOR QUALITY GROWTH*

In July of 1999, Judge Cecily Bond of the Sacramento Superior Court ordered the issuance of a Writ of Mandate ("Judge Bond's Writ") in *El Dorado Taxpayers for Quality Growth v. El Dorado County Board of Supervisors*, a lawsuit challenging the County's adoption of the 1996 General Plan, certification of the EIR for that General Plan, and other connected actions of the Board in adopting that General Plan.⁷ Judge Bond's writ set aside the County's resolutions 1) certifying the EIR for the County's 1996 General Plan, and 2) adopting Findings of Fact, a Statement of Overriding Consideration, and the General Plan, and 3) remanded all of these actions to the County

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County of El Dorado (Placer County Super. Ct. Case No. PV-004551) (Final Judgment, issued March 6, 2003) (hereinafter "Judge Haugner's Ruling").

² Measure Y (approved by voters of El Dorado County, Nov., 1998).

³ *Id.*

⁴ *Id.*

⁵ Measure Y, *supra*, Implementation Policy (a).

⁶ Measure Y, *supra*, Implementation Policy (b).

⁷ Judge Bond's Writ, *supra*.

for reconsideration.⁸ Nothing in Judge Bond's Writ indicates that the General Plan itself suffered any legal defect, other than the 1996 EIR's inadequate analysis.⁹

In setting aside the 1996 General Plan, Judge Bond recognized the need for some form of "judicial guidance as to the nature of land use activities which may or may not be approved or undertaken" during the time that the County was without a general plan.¹⁰ Accordingly Judge Bond's Writ sets forth criteria allowing the County to approve residential development projects so long as they 1) are consistent with the 1996 General Plan, as amended through July of 1999 (*i.e.*, including Measure Y), 2) are pursuant to a development agreement or vesting map that existed on or before February of 1999, and 3) would not otherwise "significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA"¹¹

C. JUDGE HAUGNER'S RULING IN *CONCERNED CITIZENS OF EL DORADO COUNTY*

In March of 2003, Judge Richard Haugner, sitting by special assignment to the Placer County Superior Court, entered his Final Judgment ("Judge Haugner's Ruling") dismissing *Concerned Citizens of El Dorado County v. County of El Dorado*, a case challenging Measure Y's consistency with the County's 1996 General Plan under the state's Planning and Zoning Law.¹²

Judge Haugner's reason for dismissing the case was strictly on procedural grounds: no cognizeable "case or controversy" existed, because the Petitioners' January 1999 claims had been rendered moot by Judge Bond's July 1999 Writ of Mandate setting aside the County's adoption of the 1996 General Plan. As explained by Judge Haugner:

The Court finds that the Petition is moot because the 1996 El Dorado County General Plan, which Measure Y purports to amend, has been set aside by a writ of mandate issued by the Honorable Cecily Bond of the Sacramento County Superior Court on July 19, 1999. Measure Y cannot stand by itself because it was adopted as an amendment to the 1996 General Plan. As a result of Judge Bond's writ setting aside the 1996 General Plan, Measure Y has no legal effect and Petitioners' various legal challenges to Measure Y do not present an actual case or controversy.¹³

⁸ Judge Bond's Writ, *supra*, at p. 2.

⁹ See Judge Bond's Writ, *supra*, ¶2, at pp. 2-9 (paragraph 2 of Judge Bond's Writ – in several detailed subsections – sets forth *only* CEQA violations, and does not identify any violation of the state's Planning & Zoning Law in the adoption the 1996 General Plan or Measure Y.)

¹⁰ Judge Bond's Writ, *supra*, at p. 10.

¹¹ Judge Bond's Writ, *supra*, at pp. 11, 14.

¹² Judge Haugner's Ruling, *supra*.

¹³ Judge Haugner's Ruling, *supra*, at p. 2.

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D. THE COUNTY'S ATTEMPT TO AMEND MEASURE Y IN ITS NEW GENERAL PLAN

In April of 2003, the County released for public review and comment a series of new, alternative draft general plans – 1) the Draft No Project and 1996 General Plan Alternatives, 2) the Draft Roadway Constrained Six-Lane “Plus” Alternative, and 3) the Draft Environmentally Constrained Alternative.¹⁴ Along with these draft, alternative general plans, the County released a Draft EIR, which proposes a traffic Mitigation Measure 5.4-1(c) that would modify the County’s existing LOS “F” policies, explaining:

Implementation of this mitigation measure would not improve traffic flow, but it would eliminate the identified inconsistencies with applicable LOS policies by revising those policies to match LOS projections. Three of the affected roadway segments would be allowed to operate at LOS F. However, because this impact relates only to inconsistencies between projected traffic levels and applicable LOS policies, implementation of this measure would reduce this impact to a less-than-significant level.¹⁵

The Draft EIR also proposes mitigation measure 5.4-3(a), which would expressly modify Measure Y’s voter-mandated policies by striking the words “shall not” from Measure Y’s policy 3.2.2.5, and replacing them with the word “may,” and stripping the voters of their reserved right to review any proposal to use County tax revenues to offset traffic impacts caused by new development projects:

Revised Policy 3.2.2.5: County tax revenues ~~shall not~~ may be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. ~~Exceptions are allowed if County voters first give their approval.~~¹⁶

On Friday, May 16, 2003, members of the Measure Y Committee met with you to discuss their concern that these proposals unlawfully amend Measure Y, by proposing to *add* to the 1996 General Plan’s list of traffic segments that can go to LOS “F” in the draft general plan proposals currently under public review, and by modifying Measure Y’s prohibition on the use of County tax revenues to offset traffic impacts of new development.¹⁷

As best understood by Measure Y’s members, your response on this point was that the General Plan Team has been advised by County Counsel’s office either 1) that Measure

¹⁴ El Dorado County General Plan, Draft No Project and 1996 General Plan Alternatives (April 2003); El Dorado County General Plan, Draft Roadway Constrained Six-Lane “Plus” Alternative (April 2003); and El Dorado County General Plan, Draft Environmentally Constrained Alternative (April 2003).

¹⁵ El Dorado County General Plan, Draft Environmental Impact Report (May 2003) (State Clearinghouse No. 2001082030) (“General Plan DEIR”) at p. 5.4-46.

¹⁶ General Plan DEIR, *supra*, at p. 5.4-62.

¹⁷ General Plan DEIR, *supra*, at p. 5.4-28, Table 5.4-6.

Y exists only so long as Judge Bond's Writ is in force, but that inclusion or revision of Measure Y's policies in the new general plan is subject to the discretion of the Board; or 2) that Measure Y is presently "in suspense" pending approval of a new general plan, allowing the County to add new road segments acceptable at LOS "F" into the proposed general plans, but that once the new general plan is adopted, Measure Y must be included without further modification to prohibit *further* additions to the new expanded list of roads acceptable at LOS F.

The result of the second option, in light of the Draft EIR's proposed mitigation measure 5.4-1(c), would be to effectively allow the entire length of Highway 50 from Cambridge Road to the west county line to operate at LOS "F," which would not only contravene Measure Y's provisions by adding new segments of Highway 50 to the County's list of roads that can permissibly operate at LOS "F" in the proposed "Roadway Constrained" general plan, but also would effectively undercut the express stated purpose of that version of the draft general plan.¹⁸

II. ANALYSIS

Below, we analyze state law applicable to the adoption, implementation, amendment and repeal of county initiatives, and the nature and language of Judge Bond's Writ and Judge Haugner's Ruling. As the application of the law to the foregoing facts demonstrates, the County lacks the legal authority to amend or ignore Measure Y's terms in adopting and implementing a new general plan – notwithstanding the gratuitous statement in Judge Haugner's 2003 Ruling that "Measure Y has no legal effect."

A. MEASURE Y IS AN ORDINANCE OF EL DORADO COUNTY THAT CANNOT BE LEGISLATIVELY REPEALED

The California Constitution and Elections Code explicitly reserve to county voters the power of initiative.¹⁹ By definition, any law adopted by county voters under their initiative powers is considered an "ordinance" of the County.²⁰ Under these authorities

¹⁸ *Id.*; El Dorado County General Plan, Draft Roadway Constrained Six-Lane "Plus" Alternative (April 2003) at p. 8.

¹⁹ Cal. Const. art. 2, § 11, subd. (a); Elec. Code § 9100 et seq.

²⁰ *See, e.g.*, Elec. Code, §§ 9100 (stating that "ordinances" may be enacted by any county pursuant to the voters' constitutional power of initiative), 9119 (referring to matter being submitted to voters by initiative petition as an "ordinance"), 9121 (same), 9122 (same), 9123 (same), 9124 (requiring enacting clause of any initiative submitted to voters to state "The people of the County of _____ ordain as follows" [emphasis added]); 9125 (prohibiting repeal or amendment of "ordinance" that is proposed by initiative and adopted either by a county board of supervisors or by the people). *Cf. Midway Orchards v. county of Butte* (1990) 200 Cal.App.3d 765, 774 (stating, in the context of reviewing peoples' constitutional authority to referend county board of supervisors' resolution approving general plan amendments, that the terms "ordinance" and "resolution" are not



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the people of El Dorado County adopted Measure Y in November of 1998 as an independent ordinance of the County, stating “the El Dorado County General Plan is hereby amended by adding the following policies as follows”²¹ After this statement, several specific policies are set forth including, “The County shall not add any additional segments of Highway 50, or any other roads, to the County’s list of roads that are allowed to operate at Level of Service “F” (gridlock) *without first getting the voter’s approval.*”²²

The Elections Code states that “[n]o ordinance proposed by initiative petition and adopted . . . by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.”²³ California’s Supreme Court has flatly stated that 1) the people of a county have the constitutional authority to adopt an ordinance amending their general plan, and 2) that any future general plan approved by a board of supervisors must contain the provisions specified in a duly adopted voter initiative for any term that might be stated in the initiative, or, if the initiative does not specify a time limit, indefinitely.²⁴

The Supreme Court has also made it clear that if any inconsistency might be perceived between a legislatively proposed general plan and a voter-adopted ordinance mandating specific general plan policies be included in the general plan, the duty is on “the board of supervisors . . . to amend the general plan in ways that do not conflict with the provisions of [the voter-adopted policies].”²⁵ Furthermore, the Court has explained that where a legislative body finds that it simply cannot adopt measures that are consistent with the voter-mandated policies, the remedy is to submit the matter back to the voters, rather than legislatively amending or repealing the voter’s enactment:

If a future board determines that a part of the general plan enacted by voter initiative must be amended for the sake of general plan currency, then the board can propose such an amendment to the electorate as [the voter-adopted measure] provides. We should not presume – nor, given the rule that doubts should be resolved in favor of the initiative and referendum power, should we assume the Legislature presumed – that the electorate

synonymous, and that an ordinance “is a local law which is adopted with all the legal formality of a statute.” [citations omitted]).

²¹ Measure Y, *supra*.

²² *Id.* (emphasis added).

²³ Elec. Code, § 9125.

²⁴ *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 775, 796. *See also, Committee of Seven Thousand v. Superior Court* (1988) 45 Cal.3d 491, 504. *But see Leshar Communication v. City of Walnut Creek* (1990) 52 Cal.3d 531, 538 (voter-adopted initiative that fails to clearly state that it is amending general plan will only be construed as zoning ordinance subject to statutory requirement of being vertically consistent with overlying general plan). In this case the rule in *Leshar* is inapposite, where Measure Y plainly states in its preamble that it is an amendment to “the El Dorado County General Plan.” (Measure Y.)

²⁵ *DeVita, supra*, 9 Cal.4th at p. 792.

will fail to do the legally proper thing. We see no reason to suppose that if the [voter-adopted measure] at some point causes the [county's general plan] to become inadequate – a scenario that is by no means inevitable – the electorate will not approve a proper corrective amendment proposed by the board. If, down the road, the electorate fails to act appropriately, courts may then be asked to intervene to remedy deficiencies in the general plan, as they would likely act if the board itself failed to properly revise the general plan.²⁶

In short, the high court has expressly confirmed 1) that the California Constitution's and the Election Code's prohibitions on legislative repeal of ordinances adopted by initiative apply to initiatives that impose voter-mandated, county general plan policies for a term of years, and 2) that such voter-mandated policies may only be changed by a board of supervisors by presenting the amendment to the electorate.²⁷ In this case, Measure Y expressly states that its voter-enacted policies "shall remain in effect for 10 years" and that "[p]rior to expiration, [Measure Y] shall be placed on the ballot again" for a possible ten-year extension by the voters.²⁸

Based on the foregoing authorities, then, it is clear that 1) the El Dorado County Board of Supervisors has no authority of its own to amend or repeal Measure Y – including Measure Y's provision that the County cannot add to its list of LOS "F" roads, or use County revenue to fund traffic impacts caused by new development, without voter approval – and 2) that Measure Y is not subservient to the 1996 General Plan, or any other general plan, but rather *stands on its own* as an independent ordinance of the County, duly adopted under the peoples' constitutionally reserved right of initiative in November of 1998, requiring that *any* general plan the County might adopt for the following ten years comply with Measure Y's express policies, unless changes are approved by the *electorate* of El Dorado County.

B. THE COURTS' DECISIONS IN *EL DORADO TAXPAYERS FOR QUALITY GROWTH, AND CONCERNED CITIZENS OF EL DORADO COUNTY* DID NOT AFFECT MEASURE Y'S STATUS

i. MEASURE Y'S POLICIES ARE CURRENTLY AN INTEGRAL PART OF LAND USE APPROVALS UNDER JUDGE BOND'S WRIT

Judge Bond's Writ, setting aside the 1996 General Plan, was quite clear in stating that any residential land use that might be approved under an existing development agreement or vesting map, would have to demonstrate compliance with the 1996 General Plan, as amended through February of 1999.²⁹ Measure Y was adopted in November of 1998. As a result, although the 1996 General Plan was set aside by Judge Bond, land use approvals

²⁶ DeVita, *supra*, 9 Cal.4th at pp. 792-793.

²⁷ DeVita, *supra*, 9 Cal.4th at p. 792-793.

²⁸ Measure Y, *supra* (emphasis added).

²⁹ Judge Bond's Writ, *supra*, at p. 14.

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in the absence of a new general plan continue to be subject to Measure Y's policies – which were enacted by the voters prior to February of 1999 – by virtue of this express language in Judge Bond's writ.

The Measure Y Committee has had ongoing discussions with the County over the extent to which Measure Y was a "self-executing" measure, effectively amending existing development agreements and vesting maps that were approved before the adoption of Measure Y. However, we have been informed that even County Counsel agrees and has advised the Board that, until a new general plan is adopted, Judge Bond's Writ governs residential land use approvals in the County, and that Measure Y's policies are an integral part of Judge Bond's Writ.

ii. JUDGE HAUGNER'S RULING DID NOT INVALIDATE OR SUSPEND MEASURE Y

The *Concerned Citizens of El Dorado* case was filed in Placer County Superior Court in January of 1999, challenging the voters' November 1998 adoption of Measure Y as inconsistent with the County's 1996 General Plan. Six months later, in July of 1999, Judge Bond invalidated the 1996 General Plan, due to the County's numerous violations of CEQA in analyzing the 1996 General Plan's impacts on the environment and making unsupported findings regarding the significance of those impacts.

Based on Judge Bond's Writ – issued *after* the complaint in *Concerned Citizens of El Dorado* was filed, but before its trial – both the County and the Measure Y Committee argued before Judge Haugner that the *Concerned Citizens* case should be summarily dismissed, strictly on the procedural grounds that the case was moot: the Concerned Citizens were effectively asking Judge Haugner to determine whether Measure Y was consistent with a general plan that *no longer existed* by virtue of the issuance of Judge Bond's Writ.

Agreeing with the County and the Measure Y Committee, Judge Haugner, in March of 2003, dismissed the Concerned Citizens' case, stating that because Judge Bond's Writ had invalidated the County's approval of the 1996 General Plan, there was no "case or controversy" existing before the Court on the facts alleged in the Concerned Citizens' petition.³⁰ Unfortunately, in dicta, Judge Haugner also stated, "Measure Y cannot stand by itself because it was adopted as an amendment to the 1996 General Plan."³¹

Apparently seizing on this language, the County's General Plan Team appears to have been advised that it is now free to craft draft general plans, and mitigation measures in the EIR for those plans, that do not follow and incorporate Measure Y's mandatory policies, or that otherwise amend Measure Y's policies to allow County revenues to be used to offset impacts cause by new development, and to allow new, additional road segments along Highway 50 to operate as LOS F conditions. While this view of Measure

³⁰ Judge Haugner's Ruling, *supra*, at p. 2.

³¹ *Id.*

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Y appears to be supported by the dicta in Judge Haugner’s Ruling, it is incorrect for the following reasons:

a. JUDGE HAUGNER’S RULING WAS BASED STRICTLY ON THE PROCEDURAL GROUND OF MOOTNESS

Despite Judge Haugner’s musings about the status of Measure Y in his Ruling, the *Concerned Citizens of El Dorado* case was dismissed *strictly* on the procedural ground of mootness – *i.e.*, that there was no controversy before the court because the general plan against which Measure Y was to be compared, had been set aside by Judge Bond in 1999. Thus, as a procedural matter, Judge Haugner’s Ruling did not, and could not, “invalidate” Measure Y, because the grounds upon which the lawsuit was dismissed necessarily indicate that there were no legal issues (including the validity of Measure Y) for the Court to consider after Judge Bond set aside the 1996 General Plan.

b. JUDGE HAUGNER’S RULING FUNDAMENTALLY MISCHARACTERIZED THE STATUS AND EFFECT OF MEASURE Y

Judge Haugner’s Ruling states that “Measure Y cannot stand by itself, because it was adopted as an amendment to the 1996 General Plan.”³² This statement is legally and factually inaccurate.

Judge Haugner’s dicta is factually inaccurate because Measure Y, by its precise terms, states that it amends “the” El Dorado County General Plan, without reference to *any particular version* of the County’s general plan, and that it “shall remain in effect for 10 years.”³³ Judge Haugner’s dicta is legally defective, because – as explained in Part II.A, above – Measure Y is *not* simply an “amendment to,” and therefore subservient to, the particular general plan that was in effect in November of 1998. Measure Y is an initiative that was duly adopted under the voters’ reserved constitutional and statutory authority. Measure Y is *by definition* a separate and distinct voter-adopted *ordinance* of the County 1) mandating a set of traffic congestion policies that must be included by the Board in *any and every* general plan it may adopt during the ten-year period following Measure Y’s approval in November of 1998, and 2) that cannot be amended or repealed by the Board without voter approval.³⁴

In short, Judge Haugner was in error, to the extent of his legally and factually unsupported assertion that Measure Y is a mere “amendment to the 1996 General Plan.”³⁵ The truth of the matter is that Measure Y is an *existing ordinance* of the County, *separate and apart from* any particular general plan adopted on any particular date, that places a mandatory duty on the Board of Supervisors to include Measure Y’s policies in *any*

³² Judge Haugner’s Ruling, *supra*, at p. 2.

³³ Measure Y, *supra*.

³⁴ Elec. Code, §§ 9100, 9125; *DeVita, supra*, 9 Cal.4th at pp. 775, 792-793; *Midway Orchards, supra*, 200 Cal.App.3d at p. 774. See discussion at Part II.A, *supra*.

³⁵ Judge Haugner’s Ruling, *supra*, at p. 2.



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general plan the County may adopt for at least the ten-year period following Measure Y's adoption in November of 1998.

C. THE COUNTY CANNOT "AMEND" MEASURE Y BY ADOPTING A NEW GENERAL PLAN THAT ALLOWS NEW SEGMENTS OF HIGHWAY 50 AND OTHER ROADS TO OPERATE AT LOS "F"

Finally, any impression that the General Plan Team may have that it is free to add new segments of Highway 50 and other roads to the draft general plans' lists of roads that can go to LOS "F" conditions, so long as the County otherwise "reincorporates" Measure Y's policies to apply to this new list of LOS "F" roads when a new general plan is finally adopted, is also mistaken.

First, as explained above, California's Supreme Court has clearly held that a board of supervisors that seeks to amend an ordinance adopted by initiative that sets forth mandatory general plan policies for a term of years must submit any such proposals to the electorate.³⁶ Second, as a fundamental matter of constitutional construction, California's courts have declared that the power of initiative and referendum is "one of the most precious rights of our democratic process,"³⁷ and that it is the courts' duty "to jealously guard this right of the people."³⁸ "[I]t has long been our judicial policy to apply a liberal construction to this power wherever it is challenged in order that the right be not improperly annulled. If doubts can reasonably be resolved in favor of the use of this reserve power, courts will preserve it."³⁹

In light of the courts' direction, the only reasonable interpretation of Measure Y's LOS "F" policy is that it applies to the list of roads that could allowably go to LOS "F" *as of the day Measure Y was adopted* in November of 1998.⁴⁰ Furthermore, per the express terms of Measure Y and the courts' direction, the only way to change that list, is by submitting a new list to the electorate.⁴¹ Any other interpretation would impermissibly infringe on the voters constitutional right of self-determination, by allowing the County to continuously amend (*i.e.*, effectively repeal) Measure Y's LOS "F" policy by serially adopting "new" general plans with ever-expanding lists of "acceptable" LOS "F" segments.⁴²

³⁶ *DeVita, supra*, 9 Cal.4th at p. 796

³⁷ *Associated Home Builders, Inc. v. City of Livermore* (1976) 18 Cal.3d 582, 591; *Mervynne v. Acker* (1961) 189 Cal.App.2d 558, 563.

³⁸ *DeVita, supra*, 9 Cal.4th at p. 776; *Martin v. Smith* (1959) 176 Cal.App.2d 115, 117.

³⁹ *Associated Home Builders, supra*, 18 Cal.3d at p. 591; *Gayle v. Hamm* (1972) 25 Cal.App.3d 250, 258; *Mervynne v. Acker, supra*, 189 Cal.App.2d at pp. 563-64; see also *DeVita, supra*, 9 Cal.4th at p. 776.

⁴⁰ See discussion at Part I.A, *supra*.

⁴¹ *DeVita, supra*, 9 Cal.4th at p. 796.

⁴² Elec. Code, § 9125; Measure Y, *supra*, Implementation Policy (b).

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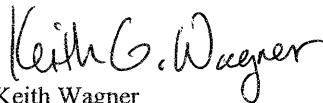
188-15

III. CONCLUSION

As these comments have demonstrated, Measure Y is an independent ordinance of El Dorado County, duly adopted in November of 1998 by the County's voters for a mandatory, minimum implementation period of ten years. During this minimum ten-year period, any general plan adopted by the County must contain each and every one of Measure Y's mandatory, traffic control policies. In addition, the list of acceptable LOS "F" roads in any new general plan must adhere faithfully, and not add to, the County's list of roads that could operate at LOS "F" on the day that Measure Y was adopted. This would preclude the County from adopting Mitigation Measure 5.4-1(c), as it is presently described in the Draft EIR for the proposed general plans currently being circulated for public review.

Despite speculation to the contrary, neither Judge Bond's Writ in 1999, nor Judge Haugner's Ruling in 2003, have affected the present and ongoing effect of Measure Y's mandatory, traffic control policies. When considering 1) the actual nature of Judge Haugner's ruling – which was based only in procedure, not in substance – 2) the true status of Measure Y as an independent ordinance of the County, 3) the constitutional and statutory prohibitions on legislative amendment of ordinances adopted by initiative, and 4) the courts' guidance to apply liberal construction to the power of initiative "in order that the right be not improperly annulled," the County is bound to implement, in its new general plan, the *precise* standards and policies set forth in Measure Y as they would have applied at the time of Measure Y's adoption in 1998.

Sincerely,



Keith Wagner
Attorney at Law

cc: Measure Y Committee
El Dorado County Board of Supervisors
Louis B. Green, County Counsel

188-16

Camino Community Advisory Committee
 2569 Larsen Drive • Camino, CA 95709 • 530-644-1594

July 12, 2003

03 JUL 15 PM 2:53
 RECEIVED
 PLANNING DEPARTMENT

Peter N. Maurer, Principal Planner
 EDC Planning Department
 2850 Fairlane Court, Placerville, CA 95776

Dear Peter:

Thank you for reviewing the land use element of the General Plan with our Committee. As discussed on Wednesday, the preservation of Camino's historic commercial and agricultural centers is the cornerstone of our Community Action Plan established in 1991.

With this in mind, our committee is requesting that the three-Block section of the NE portion of Sect. 8 in the Sullivan Subdivision be preserved as a Commercial (live/work) District within our historic downtown.

More specifically, Blocks 2 and 3 (2nd and 3rd Sts. between Larsen and B Sts.) which have a proposed HDR (high density residential) designation in the General Plan, will require a re-designation as Commercial, in order to effectively implement our Community Action Plan. Block 1 (North/South of Carson Road) is currently designated CDC (commercial design control) in all General Plan alternatives.

REFERENCE DOWNTOWN CAMINO MAP 43:22 POR NE 1/4 SEC. 8 — SULLIVAN SUBDIVISION

APN#	ADDRESS	LOT/BLOCK	OWNER	DESCRIPTION
<u>BLOCK 1 (Parcels on North side of Carson Rd. between Larsen & B Sts. listed West to East.)</u>				
unknown	4077 Carson	L7 B1	Degleman	Coffee House
043-222-01-100	4087 Carson	L1 B1	Miller	Animal Clinic
043-222-02-100	4089 Carson	L2 B1	Lewis	Bar/Café
043-222-17-100	4095 Carson	L3 & 4 B1	Green	Auto Mechanic
043-222-04-100	4103 Carson	L5 B1	Nobert	Hotel
043-222-05-100	4109 Carson	L6 B1	JenningsHouse	
043-222-06-100	4111 Carson	L7 B1	Londa	House
043-222-07-100	4121 Carson	L8 B2	Riesenhuber	House/Retail Shop
043-222-08-100	4123 Carson	L9 B1	Torar	Book/Antique Store
<u>BLOCK 2 (Parcels on North side of 2nd St. between Larsen & B Sts. listed West to East.)</u>				
043-221-01-100	4095 2nd St.	L1 B1	Vierra	Cabin #1
043-221-01-100	4097 2nd St.	L1 B1	Vierra	Cabin #2
043-221-01-100	4099 2nd St.	L1 B1	Vierra	Cabin #3
043-221-14-100	4105 2nd St.	L2 B2	Green	Vacant Lot
043-221-03-100	4107 2nd St.	L3 B2	Williamson	House
043-221-04-100	4111 2nd St.	L4 B2	Cox	House
043-221-05-100	4121 2nd St.	L5 & 6 B2	Nobert	Garage/House
<u>BLOCK 3 (Parcels on North side of 3rd St. between Larsen & B Sts. listed West to East.)</u>				
043-221-15-100	4091 3rd St.	L7 B3	Clith	Cabin
043-211-16-100	? 3rd St.	POR L1 & L2 B3	Williamson	Vacant Land
043-211-14-100	4117 3rd St.	POR L2 & L3 B3	Boullanger	House w/Cabins
043-211-06-100	2882 3rd St.	L4 B3	Smith	House

CAMINO COMMUNITY ADVISORY COMMITTEE

Christa Campbell, Honorary Chair	Maryann Argyres	Betty Linville
Barbara Nilsson	Rich Jackson	Ede Riesenhuber
Paula Nobert	Rob Schramberg	Victoria Croft

189-1

LEWIS HACKETT
1881 Lakehills Drive
EL DORADO HILLS, CA 95762
(916) 933-1682
FAX (916) 933-1406

03 JUL 15 PM 2:53
RECEIVED
PLANNING DEPARTMENT

July 12, 2003

El Dorado Planning Commission
330 Fair Lane
Placerville, CA 95667

Re: General Plan Comments, Our parcel # 110-020-131

Dear Board Members:


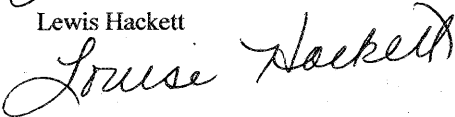
My wife and I moved to El Dorado Hills in 1987 and have watched with concern the changes taking place in the area. We live in the area between Salmon Falls Road and Lakehills Drive. The bulk of these properties are ten plus acres with a few five acre parcels and a few three acre parcels. A large portion of this area is under a set of CC&R's that were adopted in 1967 and limit the minimum size of a property to three acres. To rezone this area to high density one acre parcels would be the first step in defeating our interests in maintaining our CC&R's.

Our moderate size properties make a natural barrier/division between the high density of Waterford and the low density on the Salmon Falls Road.

We want to retain the pastoral setting and have our horses and pets. We do not want to have restrictions, other than those we agreed to in the CC&R's.

We therefore request that either alternative 2 or 3 be adopted OR, in the alternative, our area be designated as low. Either of these designations would allow the existing properties to be in conformance with the plan and uphold our CC&R's without penalizing those property owners that wish to divide their land.

Very Truly Yours,


Lewis Hackett


190-1

July 12, 2003

Peter Maurer
El Dorado County Planning Dept.
2850 Fairlane Court
Placerville, CA 95667

03 JUL 14 PM 12:21

RECEIVED
PLANNING DEPARTMENT

RE: General Plan Alternative Selection
El Dorado Hills Community Boundary Line

Dear Mr. Maurer:

We, the attached signed El Dorado Hills property owners, wish to provide our input regarding the General Plan designation for 'Equestrian Village'; the triangular acreage between Lakehills Drive and Salmon Falls Road. Our properties were purchased and developed to enjoy and protect the existing rural, open-space atmosphere and allow for horses.

It is our strong recommendation that the Board adopt the **Roadway Constrained** alternative and **keep the community boundary line on Lakehills Drive and not move it to Salmon Falls Road.**

It is our belief that the character of our neighborhood would be completely changed if the required minimum parcel size in 'Equestrian Village' is reduced. Deer, turkeys, migrating geese and other wildlife seek refuge here because of the housing developments that surround us. We also provide an environmental buffer for New York Creek and nearby Folsom Lake.

In addition, increased traffic associated with additional homes would negatively affect the existing quality of life in El Dorado Hills. With the development of Waterford and Southpointe, Lakehills Drive is already very busy and dangerous. Deaths have occurred on this roadway.

Again, please adopt the **Roadway Constrained** alternative and **keep the community boundary line on Lakehills Drive and not move it to Salmon Falls Road.** Thank you for incorporating our concerns into your decision.

cc: All Board Members and Heidi Tschudin

191-1

Sincerely,

Ron & Terry HIGBINS 1220 Lexington Ct.
Name Address

[Signature] Jerry Higgins 3 ACRES (20)
Signature Parcel Size

FRITS P.J.M. ALBADA JELGERSMA

JILL E. ALBADA JELGERSMA 1221 LEXINGTON CT
Name Address

[Signature] 3 Acres (22)
Signature Parcel Size

[Signature] 1210 Lexington Court
Name Address

EMMA & Janet Anneson 3 acres (21)
Signature Parcel Size

Jay Dennis Linda Dennis (7)
Signature Parcel Size

Jay & Linda Dennis 1691 Lakehills 10 acres
Name Address

[Signature] 16 acres (24)
Signature Parcel Size

Richard & Karen Monhouse 1191 Lakehills Ct
Name Address

[Signature] 5 acres (35)
Signature Parcel Size

Gary P. Fletcher 1781 Lakehills Dr.
Name Address

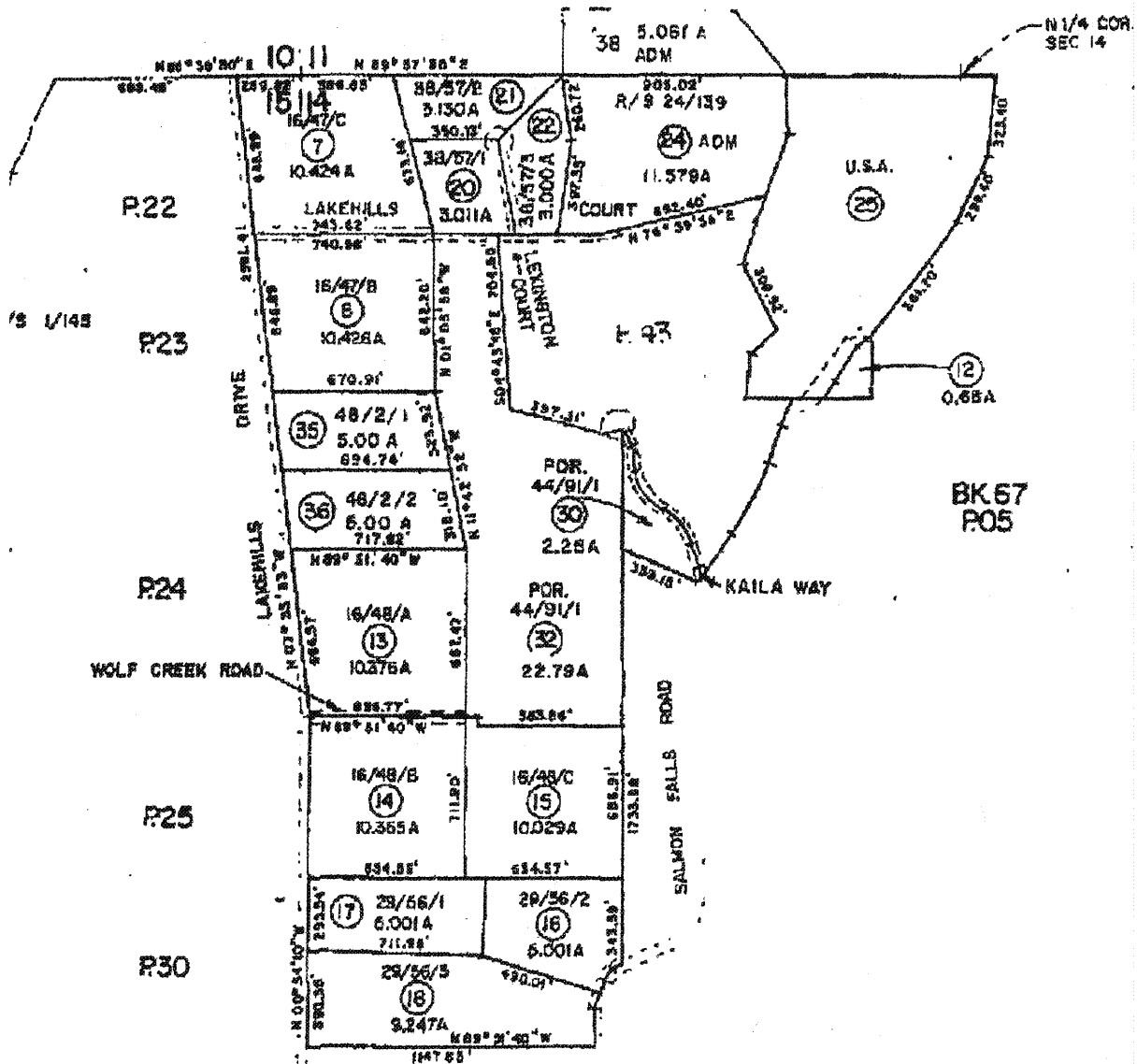
[Signature] 1881 Lakehills Dr (13) 10 acres
Signature Parcel Size

[Signature] Lake Hills Dr. 10 ACRES
Linda Green Lake Hills Dr. (14)

1/4 N., R.8E., M.D.M.

Tax Area Code

110:02



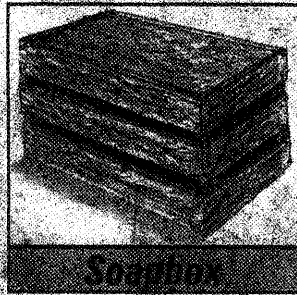
BK.67
P.31

An El Dorado Hills view of General Plan alternatives

Writers Tom Mahsch and Bahman Fouzouni have offered perspectives disparaging the new alternatives to the County's General Plan. I disagree with several of their points, which are inconsistent with values and opinions unanimously expressed to me by El Dorado Hills residents throughout the 12 years I've lived here. I believe that on balance, the new alternatives are a better answer to the concerns and community visions of an overwhelming majority of the people of El Dorado Hills.

My personal preference is the Roadway Constrained alternative, whose land use plan focuses on a goal of limiting traffic congestion. The largest risks to our community are consequences of overgrowth: traffic congestion, water supply shortages, and general erosion of quality of life through urbanization. Additional material on this topic is available in a new addition to my web site, www.sierrafoot.org.

General Plan evolution began in the early 1990's, starting with preparation by consultants of the First Administrative Draft. This may have been the best draft -- it presented a vision of the El Dorado Hills area consistent with its origins, as a community of villages at the edge of rural countryside, and it sought to balance commercial development with residential development. Its plans for future



growth supplied sufficient limits to reasonably protect against overdevelopment. I thought this was a good document, deserving bits of minor language-tweaking but definitely on the right track.

The first General Plan public hearing that I attended was a bit strange. Members of the public who spoke numbered at least 10 from Latrobe for each one from El Dorado Hills. The dominant theme of public comments was to complain about limited ability to subdivide parcels of land. A fair number had intended to subdivide and sell part of the original parcel, either to finance their retirements or simply for financial gain. El Dorado Hills residents were either far less numerous or far quieter at this meeting.

In response to rural interests such as Latrobe's, the County Planning Department took over from the consultants and produced the Second Administrative Draft.

In answering the complaints of rural owners it authorized more growth and began to increase risks of overdevelopment. My impression of comments at a public hearing on this draft were that about half of the speakers were satisfied with it, the other half complained that it authorized excessive growth.

In response, the County Planning Commission took over and produced the Third Administrative Draft. This not only authorized growth but encouraged it, including urbanization in the west end of the county. It literally changed language that had called for limiting growth to language "providing for" growth. Land use maps in this draft would permit roughly tripling the county's population. Almost all growth would be on the west slope (not Tahoe) and virtually all of it would generate traffic funneling through El Dorado Hills. This finally raised the level of protests from El Dorado Hills, as well as producing outrage among environmental activists.

Meanwhile, from the 1980's through recent years much of El Dorado Hills was being sold out to higher density residential development through legal agreements exempt from the General Plan. The main examples are specific plans. For example, the El Dorado Hills Specific plan authorized several component developments

built to a density of six homes per acre within Serrano. Even the current General Plan drafts limit High Density Residential areas to five per acre. The First Administrative Draft specified four per acre, and my own village, Waterford, averages 2.05 per acre.

What Dr. Fouzouni attributed to extreme environmentalism was in fact a broad movement in El Dorado Hills public opinion. One sign of this was election and reflection of Sam Bradley as our District 1 County Supervisor on a platform focused on restraining development. In my personal contact with El Dorado Hills residents our values remain the same, seeking to protect our quality of life.

Due to the Specific Plans, any new General Plan has limited opportunity to change El Dorado Hills itself. One example where it can make a difference is in a triangular area with a rarely used name of "Equestrian Village," between Lakehills Drive and Salmon Falls Road. The first is very limited, built as a narrow rural road with no shoulders. The second is a relatively good rural road that winds

See SOAPBOX, page 33

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Senior 4th of July party Friday

It's not too late to make reservations for the EDHCSD Senior Council's 4th of July party on Friday, July 4, in the CSD gym, located at 1021 Harvard Way in El Dorado Hills. The doors open at 10:30 a.m. with entertainment at 11 a.m. An old-fashioned picnic style buffet will serve all you can eat fried chicken, salads,

watermelon and ice cream at noon, followed by more music, dancing, singing, prizes and entertainment. No charge for seniors age 55 or older who reside in El Dorado Hills. Younger adults or seniors from other areas are welcome to attend but will be asked to pay \$10 at the door. For reservations call Millie at 933-3931.

Oops...

In the Entertainment section story on Folsom City Zoo Sanctuary (Village Life page 18), the zoo's founder, Gordon Brong, was referred to as "late." Mr. Brong is very much alive and living in Folsom.

In the review of "Aladdin and the Magic Lamp" which ran in the same Entertainment section, it was written that Christy Cunningham played the part of Scheherazade. She did not. The part was performed by Katie Malone.

SOAPBOX *continued from page 11*

enough to produce a high accident rate, especially among motorcyclists. An accident at their intersection was the featured topic of an article I wrote for the Waterford newsletter, titled "Two Months, Four Dead." Lakehills Drive is particularly dangerous for animals due to limited visibility. Two of the more memorable deer roadkills were one laid down exactly on a schoolbus stop and another with an impact speed high enough that it literally cut the animal in half.

Land in this triangle had been zoned for 10-acre minimum parcels, then in the early 1990's two 5-acre parcels were created by subdivision. The 1996 General Plan changed this area's land use designation to Medium Density Residential, permitting subdivision to 1-acre parcels. Such subdivision would increase the traffic density, the frequency of animal roadkills,

and the risk of collisions with intersecting traffic on Lakehills Drive. It would also destroy the semi-rural character of this land. The new Roadway Constrained and Environmentally Constrained General Plan alternatives reduce this risk by permitting subdivision to parcels no smaller than 5 acres.

There is an enormous amount of detailed information available about the General Plan alternatives and time is short to offer public comment. Materials on the SierraFoot web site are intended to facilitate finding full detailed information at the County web site and to present nutshell summaries of several important considerations. I urge all citizens to investigate as much as their time allows and to offer their own comments to our Board of Supervisors before the July 15 deadline for public comment.

Paul Raveling is a resident of El Dorado Hills.

HOUSECALLS *continued from page 9*

"He came to help me when I needed help," Franklin said that she felt she couldn't walk away from him, and that it would be "unjust" to sack him away in some convalescent home after he came to help me. People who don't have

disabilities, "We try to respect the wishes of the patient. We ask, 'What do you want?'" said Katz. They're happy to serve patients who are choosing alternative health treatments, as well,

to those who are housebound or prefer to be treated at home. You can reach Dr. David Katz and

Mardana Locke of Housecall Medical Associates, Inc. at (916) 863-1223.

COLDWELL BANKER

Office: 916-933-3161
530-676-0881
Cell: 530-466-5276

Brand new construction, 3800 sq. ft., 73 acre, cherry wood cabinets throughout, granite counter to walls, wall cherry china cabinet, dining room, large inside lawn storage, master suite with sitting room. \$695,000

El Dorado Hills Paradise — 1/2 acre, 3 car gar., hardwood floors, large yard, inground pool, waterfalls, Quiet cul-de-sac location, formal dining, large master suite.

Jul 14 03 03:31p

sal orosco

(916) 939-7939

p.2

July 12, 2003

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, Ca. 95667

General Plan Team:

After reading and studying the many written comments about the proposed El Dorado County General Plan changes and the so called "alternatives (?)" we have come to the conclusion that " spinning" of the facts and realities is being used to reflect the personal agenda of a small special group with little concern for the interest and welfare of the TOTAL COMMUNITY.

The most helpful and most balanced comments were those offered by Mr. Tom Mahach (Village Life, June 4, 2003) and by Mr. Bahman Fozouni (El Dorado Hills Telegraph, June 11 2003).

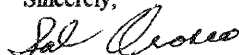
The 1996 General Plan was put together by community planners and high priced professional consultants. The final General Plan must be responsive to the vast SILENT MAJORITY and not be soiled by small special interest groups with a " gated mentality "

Having expressed the above comments, please refer to my letter to Mr. Conrad Montgomery dated August 30, 2002 concerning my property at 230 Green Valley Road, El Dorado Hills, Ca.. A copy is attached for your convenience.

192-1

192-2

Sincerely,



S. G. Orosco
1000 Orosco Drive
El Dorado Hills, Ca. 95762
Phone: 916-933-2518
FAX: 916-939-7939

CC;
General Plan Team
Rusty Dupray, County Supervisor
Charlie Paine, County Supervisor

August 30, 2002

Conrad B. Montgomery
Planning Director
El Dorado County Planning Department
2850 Fairlane Court
Placerville, Ca. 95667

Dear Mr. Montgomery:

Today, August 30, 2002 I was informed by a Neighbor that the County was again considering requests for land use designations in the New version of the General Plan which could effect the established General Plan land designations completed in 1996. This new requirement to resubmit new requests for land use designations seems to be a little known secret because few people I know are aware of this.

I spent hundreds of hours and tens of thousands of hard earned dollars to obtain the existing COMMERCIAL DESIGNATION as indicated by the EL DORADO COUNTY GENERAL PLAN LAND USE Multi-colored General Plan Map I purchased from the Planning Department.

On July 19, 2001 I met with two representatives at the Planning Department to submit my Zone Change and General Plan Amendment Application and pay the required fees. I was informed that my application could not be processed until the General Plan was again updated. Also I was informed that the up dated General Plan would affect the existing residential designations and NOT EFFECT the existing COMMERCIAL DESIGNATIONS.

On April 1, 2002, I again called the Planning Department and discussed my concerns with two Planning Department Managers that my existing property designation not be changed.

In addition, I negotiated and offered my full cooperation with several County officials for the taking of part of my property frontage for the Green Valley Road Improvement Project during the period of October 2001 to the present. The entire time all parties agreed and understood that my property would be Appraised, priced, and paid for on the basis that my property would be zoned commercial as soon as my Zone Change Application could be accepted and processed by the County. This one transaction alone cost me over \$38,000.00 for improvements.

On August 1, 2001 I met with my Supervisor (Mr. Dusty Dupray) on my property sight to discuss my intentions for the use of my property (230 Green Valley Road, APN# 067-260-15-100). The discussion was entirely in the affirmative.

My neighbor (Richard Kniesel APN #067-260-57-100, 280 Green Valley Road) adjacent to and East of my property requested I mention that my concerns about my property designation applies to his also. As the saying goes, I have dotted every 'I' and crossed every 'T' as requested to insure that my property designation remain commercial. There is much more "home work" I have done towards my property use goal to rezone commercial.

Please inform me of anything else I should do to secure my commercial property designation.

Sincerely,



Sal G. Orosco, 1000 Orosco Drive, El Dorado Hills, Ca. 95762 Phone: 916-933-2518 FAX: 916-939-7939

Intentionally Blank

David C. Sederquist
2485 Kingsgate Road
Placerville, CA 95667

03 JUL 14 AM 7:57
RECEIVED
PLANNING DEPARTMENT

12 July 2003

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

Subject: Draft El Dorado County General Plan Comments

Dear General Plan Team:

I am a California Registered Geologist, a licensed Engineering Geologist, and a Certified Hydrogeologist. I consult on groundwater resources and on on-site wastewater disposal on a professional basis. I have been doing so in El Dorado County (and other Sierra Nevada Foothill counties) for more than 13 years. I would like to make the following comments in regards to the four general plan alternatives in regards to these areas.

The Public Services and Utilities Element of all four alternatives addresses groundwater resources and/or on-site wastewater disposal.

Draft No Project and 1996 General Plan Alternatives Public Services and Utilities Element

Policy 5.2.3.5, which discusses average residential density, requires that residential density be limited due to groundwater impacts within a given area. In my experience, a more accurate portrayal would be limitations may be appropriate due to groundwater availability. Lots with varying fractured rock aquifer conditions and constraints such as septic systems, steep topography, etc., result in limitations on drilling. This general constraint usually far outweighs the constraint of regional groundwater availability.

194-1

Policy 5.2.3.6 discusses well data analysis. Well data analysis, as discussed in this policy, should be performed by professionally qualified individuals, such as by licensed hydrogeologists. Where such analysis requires the practice of geology, it is law that at least a Registered Geologist performs or supervises such work.

194-2

Policy 5.3.1.4 discusses public community wastewater disposal systems and remote onsite wastewater disposal systems. There may be instances where onsite wastewater disposal systems (or just replacement areas) in projects with open space, may be able to use open space for disposal fields.

194-3

Draft Environmentally Constrained Alternative Public Services and Utilities Element

Page 211, under the heading "Groundwater Resources", concludes that specific conclusions about groundwater availability are not possible due to complex geology. As a practicing Hydrogeologist, I have estimated the availability of groundwater for projects

194-4

in the El Dorado County and find this statement indefensible. Yes, fractured rock aquifers are different from alluvial aquifers. There is a large body of knowledge that is used worldwide for the evaluation of groundwater resources in fractured rock aquifers. Hydrogeologists are able to estimate, within varying parameters, the availability of groundwater.

Page 213, under the heading "Wastewater Collection and Treatment" discusses the geology of septic systems on page 214. Under normal conditions approved by El Dorado County, only soil is allowable for installing septic systems. In some instances, weathered rock with effective filtration properties may be accepted below a leaching trench. Shear zones, serpentine, or mélangé (which is not a specific rock type or structure) are not considered when designing septic systems.

Draft Roadway Constrained Six-Lane "Plus" Alternative Public Services and Utilities Element

The comments for the Environmentally Constrained Alternative in regards to groundwater also apply here. There seems to be no discussion of on-site wastewater disposal in this alternative.

Closure

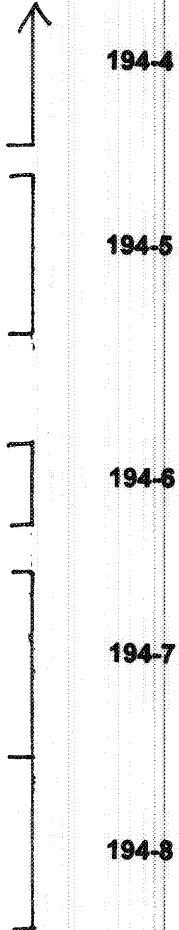
In my experience number one problem with the utilization of groundwater resources is unrealistic expectations on the part of home builders/buyers. This gets compounded by developers who do not understand how some lots can be limited and others have an abundance of groundwater. The mitigation of this problem is very easy. When I do find that most lots in a subdivision are likely to have adequate groundwater (defined by a minimum of 1,200 gallons per day of production), I recommend that every lot have a successful well drilled as a condition of sale. In a probabilistic sense, some lots can be expected which are not saleable. Secondly, new rural homeowners must be educated to realize that it is not possible to irrigate large extents of landscaping or crops with a supply of 1,200 gallons per day. El Dorado County should utilize existing brochures or develop new ones explaining water demands of a typical rural residential household, to be given to clients of well drillers and as disclosure to buyers of homes and businesses that utilize wells.

I will be happy to further discuss my comments in person if requested.

Sincerely,

David C. Sederquist

David C. Sederquist
California Certified Hydrogeologist No. 619



N. Bruce Ashwill

July 13, 2003

General Plan Project Team
 Planning Department
 County of El Dorado
 360 Fairlane Court
 Placerville, CA 95667

03 JUL 14 AM 10:58
 RECEIVED
 PLANNING DEPARTMENT

Attn: Heidi Tschudin, General Plan Project Manager
 Re: Request for Consideration of Land Use Designations

Dear Ms. Tschudin:

The Ashwill Trust owns approximately 585 acres designated by the following Assessor Parcel Numbers (APN):

- APN 091-090-17
- APN 091-010-33
- APN 091-010-45 thru 48 (inclusive)

Assessor's Maps are attached for your reference. We acquired the subject property in separate purchases beginning in 1979 with subsequent acquisitions in 1984 and 1991. Our primary residence is located on APN 091-010-47 at 5221 Big Canyon Rd..

The subject property is located south of Shingle Springs, and is reached via French Creek Road and Big Canyon Road. The subject property is shown on the Shingle Springs Quadrangle and includes portions of sections 6 thru 21, township 9N and range 10E. The subject property is situated at an elevation of about 1,400 above MSL.

The information contained in the table shown below is based on how the land use designations under each of the General Plan Alternatives treat our property.

Parcel # (Acres)	1996 General Plan (#Parcels)	Roadway Constrained General Plan (#Parcels)	Environmental Constrained General Plan (#Parcels)
091-090-17 (276)	RR (27)	NR (4)	NR (6)
091-010-33 (5)	RR	RL	RL with IBC overlay
091-010-45 (5)	RR	RL	RL with IBC overlay
091-010-46 (10)	RR	RL	RL with IBC overlay
091-010-47 (10)	RR	NR	RL with IBC overlay
091-010-48 (279)	RR (27)	NR (4)	NR (6)

195-1

3181 Cameron Park Dr., ste. 105, Cameron Park, CA 95682

A comparison of the General Plan Alternatives shows that the land use designations vary dramatically. Under the 1996 General Plan Alternative the RR land use designation would remain in place allowing parcels with a minimum size of 10 acres netting up to 57 parcels. Under the Roadway Constrained Alternative the NR designation would limit parcel size to a minimum of 40 acres, the RL designation allows 10 acre minimum parcel size, and no more than 4 parcel splits would be allowed netting a total of 8 to 10 parcels over the subject property. Under the Environmental Constrained Alternative the NR designation would limit parcel size to 40 acres and the RL designation would allow 10 acre minimum parcel size netting a total of 12 to 15 parcels over the subject property.

We acquired the property more than 24 years ago knowing then, and until recently, that subdivision of the subject property remained an option of our choosing to exercise or not. Many of our subsequent financial decisions have been based on the underlying value associated with subdividing the subject property. In approximately 1994, we initiated preparation of a Tentative Map Application but because of El Dorado County's inability to complete its General Plan and a national recession, we were forced to forfeit more than \$350,000 and abandon our effort. We have been unable to subdivide the subject property since the General Plan was set aside in 1999.

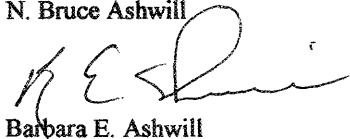
The land use designations resulting from the adoption of either the Roadway or Environmental Constrained General Plan Alternatives would result in the loss of significant economic benefit we anticipated to realize. We would also experience the loss of investment of the previously prepared tentative map. We have invested in over 39 properties in El Dorado county contributing not only a significant amount of property tax revenue, but demonstrating a significant amount of good faith in El Dorado County.

We request that the RR land use designation as presented in the 1996 General Plan Alternative be maintained for the subject property. Thank you for considering our request.

Very truly yours,



N. Bruce Ashwill



Barbara E. Ashwill

cc: El Dorado County Board of Supervisors
El Dorado County Planning Commission
Mr. Conrad Montgomery, Planning Director
Craig Sandberg, Esq.

195-1

main identity

From: "Camino Community Advisory Committee" <camino@snowcrest.net>
 To: <pmaurer@co.el-dorado.ca.us>
 Cc: <ederiesenhuber@mindspring.com>; "Betty Linville" <bhlinville@hotmail.com>;
 <argyres@mindspring.com>; <rainboworch@jps.net>; <rschamberg@camino.k12ca.us>;
 <paula@caminohotel.com>; <bosthree@co.el-dorado.ca.us>; <barrichvin@earthlink.net>
 Sent: Sunday, July 13, 2003 3:20 PM
 Subject: Comments on Environmental Elements of General Plan Alternatives

03 JUL 15 PM 2:53
 RECEIVED
 PLANNING DEPARTMENT

Camino Community Advisory Committee
 2569 Larsen Drive, Camino, CA 95709 530-644-1594

July 13, 2003

Peter N. Maurer, Principal Planner
 EDC Planning Department
 2850 Fairlane Court, Placerville, CA 95776

Dear Peter:

The following are comments on the Environmental element of the General Plan Alternatives:

Environmental Issues:

- 5.10 Noise: This section covers noise by decibels and hours of the day. Based on this section, agriculture could not make noise between the hours of 7PM and 7AM Mon-Fri, and on the weekends could only make noise between 8AM - 5PM. This is too restrictive and could force the closure of the lumber mill in Camino. This is too restrictive to the Ag and construction communities as well. When temperatures are high it is wise and necessary to take care of labor cores outside these hours when it is cooler. This is especially critical for Ag spraying.
- 2.7 Cumulative Impact: This section tells that there will be irreversible impact to Ag & Forestry with no way to change this. Ag Districts need further protection.
- Right to farm ordinance County Code 17.13 needs to be expanded to cover ALL properties RE5 and above in agricultural districts to preserve farming within the districts. Active farming, and ranch Marketing is actively occurring on these properties.
- Ranch marketing ordinance needs to cover all zoning in Ag districts with the exception of residential. This will help to preserve the Ag districts. QUICK SUMMARY: IF THERE IS NO PROTECTION IN PLACE FOR THE SMALLER ZONED PARCELS IN ACTIVE AGRICULTURE THEY WILL NO LONGER EXIST, AND THE NEW OWNERS WILL ENCROACH ON THE USE OF THE FULLY PROTECTED AG PROPERTIES, AND THEY WILL IN TURN LOOSE PROTECTION.
- The Agricultural Commission has the right and duty to recommend to the Board of supervisors that Ag districts should be zoned in such a manner that the right to farm ordinance covers all zoned land in the Ag District. In the general plan it states "The purpose of the Agricultural districts is to develop agricultural lands in an orderly manner"
- In the no project alternative the 200' setbacks are not enforced (Policy 8.1.3.2) and may not be sufficient.
- Land in Agricultural Production
 With many five acre parcels in agriculturewith new complaints about agricultural uses this will result in converting these parcels from Ag use to residential.
- The environmentally constrained General Plan would provide greater protection to Agriculture than the six lane alternative plan.
- Land in Production (IMPORTANT!)
 Measure AF-E provides for discretion by the Ag commission in approvals of use, but provides NO mechanism for compatibility of use by right in Ag areas.
- Policy 8.1.3.3 would strengthen the right to farm ordinance, however agriculture MUST change the ways that they do spraying etc.
- POLICY 5.2-1-(f) this policy from the 96 Plan would require Ag fencing on properties adjacent to grazing land.
- Under the ranch marketing ordinance the Ag commission needs to identify "Christmas Tree Farming" as an

196-1
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196-12

agricultural practice and give all the rights to the Christmas tree farmers under the ranch marketing ordinance.

- County Ordinance 17.14.180, 17.14.190 discusses ranch marketing parcel sizes. This should be amended to allow all parcels within an Ag district to market Ag products with the exception of residential lots (not acreage). The current practice of requiring wineries to have 20 acres, and five planted is too restrictive particularly in a grape glut. No requirement should be made on planting of a new vineyard prior to opening a winery.
- In addition there should be an allowance of wineries by right in SA-10. Smaller parcels in an Ag district should be allowed by right a winery "without a tasting room", "without special events" with a production limitation of 1,249 cases or less produced per year. There should be NO limitation on such things as pony rides which provide a family atmosphere to Ranch Marketing which helps to preserve the family unit in the American tradition. All the above would help to preserve agriculture, and agritourism in EL Dorado County.
- Water: Mitigation Factors 5.5-1(a), 5.1-3(a), 5.5-1(c) do not adequately address the issues that more storage capacity for water is needed, and that residential development should have water saving methods such as drip irrigation, percentage maximum for water hungry lawns in residential subdivisions, and commercial/industrial parks. Golf courses, Parks, and large public areas should utilize recycled public water for irrigation of facilities. efforts should be made through planning to locate future such facilities near water treatment plants. When a water treatment plant is established in Camino there are two golf courses close by that could utilize recycled water.
- We support installing 2' flash boards at Jenkinson lake to increase the storage capacity by 1,280 acre feet. We support any increase in storage capacity, piping of water and eliminating ditch water to prevent loss from evaporation etc.
- Impact 5.5-6 discusses impact of Ag runoff particularly from vineyards regarding nitrogen discharges, and pesticide runoffs. The county needs to encourage the use of approved organic alternatives to pesticides and fungicides. The important concern is Nitrogen *as it affects babies uptake of oxygen*. It should be noted that there is no documented problem from this in EL Dorado County. Education through Grape Growers, Winemakers, Home Winemakers should be encouraged.
- Visual resources: 2.6.1.1, 2.6.1.6 in this section it describes visual corridors, etc. Agriculture, Signage for agritourism should be exempt from this section as it is part of the scenery, and people come for ranch marketing, wine tasting etc. and need to know where to go. In addition the low profile signage prevent unnecessary stopping on highways, rubbernecking, traffic slowdowns etc.

196-13

196-14

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196-17

196-18

* Please contact Rich Jackson at 530-644-2594, if you have any questions or require clarification.

7/13/03

main identity

From: "Camino Community Advisory Committee" <camino@snowcrest.net>
To: <pmaurer@co.el-dorado.ca.us>
Cc: <ederiesenhuber@mindspring.com>; "Betty Linville" <bnhlinville@hotmail.com>;
 <argyres@mindspring.com>; <rainboworch@jps.net>; <rschamberg@camino.k12.ca.us>;
 <paula@caminohotel.com>; <bostthree@co.el-dorado.ca.us>; <barrichvin@earthlink.net>
Sent: Sunday, July 13, 2003 3:44 PM
Subject: Comments on Ag and Forestry Elements of General Plan Alternatives

Camino Community Advisory Committee
 2569 Larsen Drive, Camino, CA 95709 530-644-1594

July 13, 2003

Peter N. Maurer, Principal Planner
 EDC Planning Department
 2850 Fairlane Court, Placerville, CA 95776

Dear Peter:

The following are comments on the Agriculture and Forestry Elements of the General Plan Alternatives.

AF-1 D. The lands "possesses topographical and other features that make them suitable for agricultural production".
 COMMENT: Make sure that "topographical and other features" does not limit vineyard development that may require terracing.

197-1

F. That the Board of Supervisors has determined that the lands are best suited for Agricultural production rather than other uses. COMMENT: The board may have zoning responsibilities, however they are not qualified to decide what lands are best for agriculture as well as what type.

197-2

AF-2e. The County "shall revise the Right to Farm Ordinance to include a provision to place a deed restriction on all new parcels created adjacent to agricultural lands requiring the new owner to sign a statement acknowledging that his or her parcel is adjacent to a parcel engaging in agricultural activities. STRONG COMMENT: While the El Dorado Wine Grape Growers supports this in principal it does not completely address the whole issue. For example:

197-3

- 1.) The Real Estate disclosure should also cover agricultural districts.
- 2.) The Right to Farm ordinance should cover all deeded by right zoning such as RE-5, RE-10, SA-10, PA etc. It should be noted that for example that the majority of the members of the El Dorado Wine Grape Growers Association have small vineyards that are not always zoned "Agricultural with 20 plus acres." On table one in the "Environmentally Constrained Alternative" in table AF-1 it notes that under the percentage of commercial production that wine grapes account for 47.80 percent of commercial commodities produced in El Dorado County.
- 3.) In present zoning in for example, there are many parcels that are noted in Agricultural production in Camino, Fairplay etc. that have zoning such as noted in comment #2 above. What makes the quality of the grapes so high here is that there are true small farms that are watched carefully by owners in residence.
- 4.) Within the agricultural districts we support combining properties when neighboring properties do boundary line adjustments regardless of zoning without a rezoning process. The process shall allow the new property to become the parcel that is most likely to be more favorable to agricultural production. Example: (RE-5 to SA-10 or PA.)

Mitigation Measure 5.3-1(c)

Limiting the ranch marketing activities such as wineries are a threat to viticulture in El Dorado County. For thousands of years wineries have always been associated with viticulture. These two go hand in hand and there should be no such restrictions in Agricultural zones. The general plan should be just that general as opposed to an ordinance in nature. Restricting crop percentages on Ag property goes against freedom of enterprise. Would you need five acres of worms on a ten acre parcel if you were farming worms? This section of the general plan(s) would damage agritourism which has proven to be a real strong economic base in the "Apple Hill/Camino" area.

197-4

Mitigation measure 5.12-1 (g)

197-5

7/13/03

Restricting the removal of oak trees on farm lands is too restrictive for agriculture regardless of the size of the tree. The intent of such wording should be restricted to commercial Industrial/residential development. In residential development for example it is shown that by leaving oak trees on site, and planning properly housing has a greater value for both developer, and the new property owner. Agriculture should be encouraged, but not required to adhere to this.

197-5

Mitigation Measure 5.6-3 (Recycling of construction debris)

Requiring a percent of debris from a building site to be recycled set at 50 % is too specific, and should be struck from the general plan. Would you require recycling of materials for a barn if 80 percent was dry rot or termite ridden?

197-6

AF2f. A "threshold of significance and monitoring program for loss of agricultural land shall be establishedshall be applied to rezoned applications requesting conversion of water currently allocated for agricultural uses to nonagricultural consumption uses." COMMENT: We support this type of protection. We do not know how the water use is currently applied to the Ag community, and this should be publicly reviewed through the Ag commission as well as planning and related public forums.

197-7

Housing: Goal HO-4. We support housing for all workers in the county of low income including agricultural workers as a specific group.

197-8

Water Resources: Mitigation measure 5.5-1(b) ... making sure that surface water supplies are available before new development occurs...COMMENT: This is too restrictive to agriculture and makes an impossible burden on farming, ranching etc. agriculture should be exempt from this.

197-9

Mitigation Measure 5.5-3. Permits issued only after a study is made by an engineer for use of ground water does not make agriculture feasible in El Dorado County. COMMENT: This is too restrictive to agriculture and forces an end to agriculture. The intent of the mitigation measure should be for residential/commercial/industrial development.

197-10

Air Quality: Mitigation Measure 5.12-1(d)

This measure encourages the use of natural gas fireplaces etc. COMMENT: The county government should encourage/demand that P.G. & E. extends its gas transmission/distribution lines as far as Pollock Pines. The energy savings to the county government would be tremendous, and would drop costs of heating for residential developments by 40% over propane. An even more substantial amount for homes heated by electrical methods. In addition to this the road franchise agreements that are already in place would generate income for the county government from P.G. & E. Obtaining natural gas in El Dorado County would help save oak trees as in Mitigation Measure 5.12-1(g) We do support EPA approved fireplaces etc. However there are already federal mandates in place for these uses.

197-11

Grading (DIER. p. 5.9-31) (earth moving activities/grading) COMMENT: Restricting grading for agriculture is too restrictive, particularly when dates of rainy seasons are integrated into the picture. This calendar year for example you could have graded in January, and February no problem, however you could not have during April. Remove grading applications to agriculture, as well as dates of allowance.

197-12

Community Region, Rural Center, and Rural Regions. COMMENT: Regarding rural centers, we support the historical preservation of such communities such as Camino, Georgetown, etc. We further encourage the County Government to designate the areas as historical districts which helps the agritourism of the county which benefits agriculture.

197-13

Conservation and open space. CO-2b. COMMENT: Slopes of 30 percent or greater can be utilized by vineyards, and similar agricultural practices. This is commonplace in Europe as well as Napa, CA. where hillsides are producing High quality grapes. Any prohibition would impair a potential high quality production area.

197-14

CO-15d. COMMENT: Agricultural practices should not be reviewed in scenic corridors. Some of the most scenic areas in this county as well as the state contain agricultural areas which is one of the main attraction for tourists, artists, and photographers.

197-15

CO-19. COMMENT: When determining "Visual appeal" this term is subjective at best. It needs to be defined in a specific manner that does not delete common sense.

197-16

GENERAL COMMENTS:

When describing what a Agricultural District should be based on soil maps alone can be total folly when it comes to vineyards. some of the highest quality grapes can come from poor soils. We can not describe nor categorize the best by survey. Use can best determine what is Agricultural also. Our "Agricultural Districts" must have the same protection as pure Ag zoned lands despite the parcel size, and zoning. AG districts must be protected from the ever advancing suburban resident. By protecting the Ag District we are protecting society as well, as everyone has to eat.

197-17

As Grape growers we are stewards of the land. We seek active protection in the form of a more broad "Right to Farm Ordinance". By doing this it will help to preserve more open space weather it is in the form of grazing land, row crops, orchard, or vineyard land.

197-18

We support the county in actively pursuing additional water storage and water supply. It has been so noted by Dr. Jones of Lava Cap Winery, and Doug Leisz of the Grape Growers that we are all courting disaster without getting new storage facilities.

197-19

We support a review policy of any demolition of historical buildings in the county (Policy CO-9c) We support districts that are historically significant the ones now on the books, as well as ones in future application.

197-20

It is the recommendation of the El Dorado Wine Grape Growers Association that all agricultural districts be protected by the right to farm ordinance regardless of parcel size within the district (with the exception of residential property existing). In addition to this we request that all parcels within the districts be afforded the opportunity to rezone to Agriculture, or any other parcel designation that the County of El Dorado decides to designate for the agriculture district. This one time change should be made without fees in order to promote land use as agriculture. In addition to this regardless of parcel size the area becomes one continuous Ag zone therefore not discriminating against small Ag parcels such as RE-5 etc.

197-21

We also recommend that on all sales of real property in El Dorado County that are made that there be disclosure made to buyers indicating that there either is active farming/ranching occurring, or the potential could be there by the adjacent zoned lands of RE-5, RE-10, SA-10, PA. etc. We make this recommendation knowing that many of the members of this organization as well as other Agricultural organizations practice active farming/ranching within the zoning mentioned above. In addition this has a STRONG potential of relieving the courts of civil litigation down the road which would save the county, realtors, property owners from incurring legal costs down the road.

197-22

Agricultural study areas that will show / identify lands with agricultural potential and will be made into districts as the information/fact finding is completed.

197-23

The county needs to acknowledge that timber farming is indeed farming.

197-24

For future water use in Agriculture there should not be any restrictions made in available water use. What we are saying by this is that there should not be strings attached by mandating studies for water sources, or any other restriction on Ag districts / Ag land in the future. Any of the potential general plans that have any verbiage incorporated into the water use section(s) should be deleted.

197-25

Please contact Rich Jackson at 530-644-2594 for clarification or additional information on these comments.

7/13/03

EL DORADO COUNTY
TAXPAYERS FOR

Quality Growth



POST OFFICE BOX 141 • RESCUE, CALIFORNIA 95672 • TELEPHONE/FACSIMILE: 530/823.1503

July 13, 2003

Heidi Tschudin, Contract Planner
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667
(530) 621.5712
(916) 447.1809

03 JUL 15 PM 2:21
RECEIVED
PLANNING DEPARTMENT

Re: Comments on the EDC Draft General Plan Alternatives and Draft EIR.

Dear Ms. Tschudin,

Please find enclosed comments on the El Dorado County Draft Environmental Impact Report and General Plan Alternatives. Thank you for this opportunity to comment.



Keith Johnson
EDC Taxpayers for Quality Growth

INDEX FOR COMMENTS

1. Maps
2. Density
3. Scenic Corridor
4. Separation of Community
5. Street Width Standards
6. Water Resources
7. Slopes
8. Oak Woodland Canopy Protection Policies
9. Critical Deer Habitat
10. Parks

INDEX FOR ATTACHMENTS

1. Street Width Standards
2. Waterway Setbacks
3. Waterway Setbacks
4. Waterway Setbacks
5. Waterway Setbacks
6. Culverting
7. Culverting
8. Slopes

INDEX FOR APPENDIX A

1. Writ and Matrix Comments from July 2001

INDEX FOR APPENDIX B

1. Watersheds, Stormwater, and Stream Restoration
2. Energy Aware Planning Guide -
 - Street Widths and
 - Pavement and Street Trees
3. Design of Filtering Systems
4. Re-Evaluating Stormwater
5. Daylighting – New Life for Buried Streams
6. Nutrient Loading from Conventional and Innovative Site Development
7. Impacts of Impervious Cover on Aquatic Systems
8. Separation of Community
9. Watershed Management Measures

APPENDIX A

EL DORADO COUNTY
TAXPAYERS FOR

Quality Growth



POST OFFICE BOX 141 • RESCUE, CALIFORNIA 95672 * TELEPHONE/FACSIMILE: 530/823.1503

July 13, 2003

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Re: 2025 EDC GP DEIR

Chairperson Bauman, Members of the Board,

Quality Growth submitted this document on July 2, 2001, July 10, 2001, September 7th 2001, and again on July 15th 2003. It includes multiple Writ-related policies and watershed protection measures that we would like to see included as part of the 2025 General Plan.

We are uncertain that you have received these documents. Therefore we are resubmitting them.

Thank you for your time and consideration.



Keith Johnson
EDC Taxpayers for Quality Growth

EL DORADO COUNTY
TAXPAYERS FOR

Quality Growth



POST OFFICE BOX 141 • RESCUE, CALIFORNIA 95672 * TELEPHONE/FACSIMILE: 530/823.1503

July 10, 2001

Supervisor Penny Humpherys, Chair
Board of Supervisors
El Dorado County
330 Fairlane
Placerville, CA 95667

Re Quality Growth Priorities; Working Draft Matrix.

Dear Supervisor Humpherys,

Quality Growth submitted this document on July 2nd, 2001, to EDC along with a recommended Land Use Map for the Project Description.

We are uncertain that you have received these documents, therefore we are resubmitting them.

Thank you for your time and consideration.

Keith Johnson

For Taxpayers for Quality Growth

EXECUTIVE SUMMARY

In July of 1999 Judge Cecily Bond of the Superior Court, of the State of California issued a Writ of Mandate to El Dorado County delineating 11 court orders related to Judge Bonds ruling on a 1996 legal challenge by El Dorado County Taxpayers for Quality Growth of the legality of El Dorado County's 1996 General Plan.

Recently the County agreed to meet with Taxpayers for Quality Growth for the purpose of exploring the potential for avoiding future General Plan litigation.

This document contains "General Plan Issues" of recommended policies, text and map. Compiled by Taxpayers for presentation at this meeting.

FORMAT

With brevity and clarity uppermost in our minds, we have elected to:

- 1.) Present our concerns as "General Plan Issues."
- 2.) Indicate within which General Plan element these policies would most likely appear.
- 3.) Eliminate "rationale" and "explanation" to the greatest extent possible.
- 4.) Use a policy enumeration system patterned after the 1996 General Plan so as to allow the County to effectively locate the intended policy "policy change."
- 5.) Change existing 1996 General Plan policies so as to enable the County to easily define Taxpayers/County differences.

This list of "policies" is not a list of demands. Rather, it is intended to define a starting point for discussion and compromise that will alleviate the likelihood of any further Taxpayers litigation regarding the General Plan process.

SAMPLE POLICIES

- 1.) Add new Policy 2.1.2.1: The County shall prohibit piping, culverting, or lining of all streambeds (perennial and ephemeral) except at road crossings (Doc., p. 4).
- 2.) Add Policy 2.2.2.1: High and very high Wildland Fire - 40 - 160. No up-zone allowed, includes Weber Creek Canyon (Doc., p. 7).
- 3.) Add Policy 7,4,2,18: The ecological preserve system must include a long-term management plan that protects the plant species, habitat, and the ecological processes necessary to sustain the plants. Add a funding plan (Doc., p. 24).

- 4.) Add # N under Land Use Maps: Eliminate the Bass Lake Hills Specific Plan and designate Bass Lake Hills land use LDR as defined on the Low Growth Alternative map (Doc., p. 3).
- 5.) Add Policy 5.2.3.7: Contract with US Geological Survey to carry out a scientific survey of groundwater resources to develop basic information about its availability, dependability, recharge areas, interconnectedness of wells, safe distances from septic systems, minimum size of groundwater-dependent parcels, quality, etc. (Doc., p. 18).
- 6.) Add Policy 2.6.1.8: The County shall adopt the 1990 Draft Scenic Corridor ordinance throughout the county, and expand the ordinance to include SR 49 and SR 193. (Doc., p. 8).

INTENT OF SAMPLE POLICIES

- 1.) To protect the integrity of existing well systems, and the quality of El Dorado County groundwater resources.
- 2.) To insulate existing residents, and open space resources from wildland fire hazards.
- 3.) To protect and preserve special status plant species.
- 4.) To protect the natural landscape, natural processes, watershed functions and wildlife habitat to demonstrate that good development and a healthy environment are compatible and reinforcing.
- 5.) To provide for separation of community (protect community identity) between El Dorado Hills and Cameron Park, and to protect and preserve the rural atmosphere and habitat value of the Bass Lake region.
- 6.) To promote the rural flavor of El Dorado County, protect the scenic vistas attract US 50 travelers, and present a non-urban atmosphere that will enhance tourism.

HOW CAN WE MAKE THESE THINGS HAPPEN

- 1.) Through a process of discussion and compromise, include as many of our policies as possible in the El Dorado County General Plan.
- 2.) Establish precise implementation policies that include timelines, methodology and funding mechanisms.
- 3.) Create an independent monitoring program that assures successful implementation of policies.

Summary of Watershed Protection Measures								
Features	Community Region Amenities				Function or Benefit			
	Constraints	Community	Scenic	Habitat	Watershed	Nearby	Open Space/	Circulation/
	Large Lot Areas	Separation Identity	Corridor/ Viewshed	Protection, Creation, and Maintenance	Protection/ Water Quality	Nature/ Livability/ Rural Quality/ Privacy	Community & Neighborhood Parks	Air Quality/ Noise/ Alt. Trans.
1.) Existing Trees, Clusters & Corridors		X		X	X	X	X	X
2.) 80% Street Shade			X		X	X		X
3.) 80% Parking Lot Shade			X		X	X		X
4.) Habitat Connectivity Plan		X	X	X	X	X	X	X
5.) Native Habitat Landscaping				X	X	X		
6.) No disturbance 25% + Slopes	X	X	X	X	X	X	X	X
7.) Setbacks from Ridgetops, Vistas		X	X			X	X	
8.) Setback from Inner-Gorge Areas				X	X	X	X	
9.) No Mass Pad Grading	X		X	X	X	X	X	X
10.) Provide Wildlife Corridors & Crossings		X	X	X	X	X	X	
11.) Narrow Roads/Traffic Calming	X		X	X	X	X	X	X
12.) Curvilinear Routing & Cul-de-Sacs			X		X	X	X	X
13.) Provide for Non-Motorist Needs					X	X	X	X
14.) Separate Pedestrian Pathways/Bikeways			X		X	X	X	X
16.) On-Site Mitigation that Benefits Impacted Wildlife		X	X	X	X	X	X	X
17.) Public Access to Public Spaces						X	X	X
18.) Developed Open Space		X	X	X	X	X	X	X
19.) Undeveloped Open Space		X	X	X	X	X	X	X
20.) Required Open Space 40%		X	X	X	X	X	X	X
21.) Provide Public Spaces		X	X	X	X	X	X	X
22.) Provide Parks at 5 ac/1000 pop.		X	X	X	X	X	X	X
23.) Open Channel Drainages		X		X	X	X	X	
24.) Setbacks from Waterways	X	X	X	X	X	X	X	X
25.) Daylight Drainages, Stormdrains, and Streams		X	X	X	X	X	X	X
26.) Lowest Range of Zone in Areas of LOS F	X	X	X	X	X	X	X	X
27.) Lower Density in MDR, HDR and MF	X	X	X	X	X	X	X	X
28.) Utilized Light Colored Porous Paving Materials		X	X	X	X	X	X	X
29.) Bio-Swales and Bio-Retention				X	X	X	X	
30.) Reduce and Filter Stormwater Runoff				X	X	X	X	X

POLICIES INDEX		
ISSUE	ORIGIN	RULING/WRIT (see attachment)
1. TREES p. 1 Retention p. 2-3 Shading	96 Plan Carson Creek and Promontory	Writ, page 3. 2.2.
2. SCENIC CORRIDOR p. 4-6 Viewshed	93, '94 and '96 Plan	Writ, page 5. 2.6 B.
3. OPEN SPACE p. 7-8 Grading and Slopes p. 9 Separation of Community p. 10-12 Greeways and SOI	93 and '94 Plan 96 Plan 96 Plan	Writ, page 5 2.6 C.
4. CULVERTING p.13-14 Natural Drainages p. 15-18 Waterway Setbacks p. 19 Open Channel Drainage	'93 and '94 Plan 93 and '94 Plan Carson Creek and Promontory	Writ, page 5. 2.6. D.
5. PARKS p. 20 5ac/1000pop.	96 Plan	Writ, page 5. 2.6 N.
6. DENSITY p. 21 HDR and MFR p. 22 1-2 w/out a PD & 4-16MF	96 Plan and '01 Proj. Descrip. Placerville General Plan	Writ, page 5. 2.6. G.
7. TRAFFIC CALMING p. 23-4 Narrow Roads	Carson Creek and Promontory Settlement	Writ, page 5. 2.6 E.

POLICY BENEFITS

"Good development and a healthy environment are compatible and reinforcing"

1. TREES:

Intercepts Rain, absorbs stormwater runoff, improves water quality, produces oxygen, shading/cooling, wildlife habitat, absorbs ozone, particulate matter, and reduces hydrocarbon. Shaded Streets are 10% cooler -- parked vehicular account for 20% of hydrocarbon pollution (vehicles account for 30% of total hydrocarbon pollution), shaded asphalt reduces maintenance and extends life of road (shaded aggregate holds together), trees along streets and in parking lots reduce the heat absorbed by asphalt and can reduce the energy used for cooling in adjacent buildings. Trees provide a better environment for walking and bicycling and increase property values. Trees can reduce peak stormwater runoff in a city by 10-20%. Rainwater adheres to plant surfaces and flows more slowly around plants. Reducing and/or slowing urban runoff can reduce infrastructure needs.

2. SCENIC CORRIDOR:

Preserve scenic viewsheds, encourage tourism, preserve Placerville, Sly Park, South Lake Tahoe and the Sierra as destinations, provide wildlife habitat, buffer residents from highway, avoid strip mall blight.

3. OPEN SPACE:

Separation of Community and Historic Gold Rush Towns (El Dorado, Diamond Springs, Placerville -- links in the hwy 49 chain of historic gold rush towns), aesthetic values, reduces grading, preserves slopes, provides for buffers and Greenways parks, Wildlife habitat, reduces stormwater, Water runoff, absorbs ozone, provides porous surfaces, cools, recreation, ground water recharge, Community Region Buffers, wildlife habitat connectivity.

4. CULVERTING:

Not culverting slows the velocity of runoff and brings the flow into contact with the soil, vegetation, air and sunlight, allowing the natural ecosystem to treat and infiltrate the running water. Bioretention can fit within the 5 - 10% of a parking lot that is typically devoted to landscaping. Property adjacent to a restored stream increases property values by 10%.

5. PARKS:

5ac/1,000pop. (Diamond Springs and El Dorado have lower standards).
impacts Parks and Recreation in Placerville.

6. DENSITY:

HDR Needs 1-2 for standard subdivision. Without this there is no
incentive to do a PD (provide for public benefit). MFR. Placerville is a
city and has 4-16 and an oversupply of MFR

7. TRAFFIC CLAMING:

Narrow and curvilinear roadways minimize impervious cover and runoff,
minimize reflected heat, slow traffic speeds reduce noise and encourage
alternative transportation. Unnecessarily wide streets are unattractive,
increase construction and maintenance costs, and consume valuable land.
When shaded by trees, narrower streets can dramatically reduce air-
conditioning needs. Reducing streets from 40 to 32 feet lowers ambient
temperature 10 to 15 degrees. Each degree increase in temperature can
increase peak cooling demand by 1-2%. Reducing street width, combined
with shading, can reduce air conditioning demand may be by 10 -30%.
Overall, about 7.1% of the electricity and 2.5% of all energy used in
California residents is for air conditioning. Reducing street widths by
20% could save about 16% of construction costs and 12% of maintenance
costs. Reducing street widths makes land available for other purposes.
Reducing street widths by two feet saves about a quarter of an acre per
mile of street reduced.

TREE:

Policy 7.4.4.2

Through the review of discretionary projects, the County, consistent with any limitations imposed by State law, shall encourage the protection, planting, restoration, and regeneration of native trees in new developments and within existing communities.

Policy 7.4.4.3

Utilize the clustering of development to retain the largest contiguous areas possible in wildland (undeveloped) status.

Policy 7.4.4.4

The County shall apply tree canopy coverage standards to discretionary permit review applicable to oak woodland habitats. Parcels having canopy cover by trees of at least 10 percent, as determined from base line aerial photography or by site survey performed by a qualified licensed arborist or botanist, are subject to canopy coverage retention or replacement standards:

Existing Canopy Cover	Percent of Canopy Cover to be Retained or Replaced
80 - 100 percent	.60 of existing canopy
60 - 79 percent	.70 of existing canopy
40 - 59 percent	.80 of existing canopy
20 - 39 percent	.85 of existing canopy
19 percent or less	.90 of existing canopy

Specific standards shall be included in the Zoning Ordinance.

Policy 7.4.4.5

Where existing individual or a group of oak trees are lost within a stand, a corridor of oak trees shall be retained that maintains continuity between all portions of the stand. The retained corridor shall have a tree density that is equal to the density of the stand.

OBJECTIVE 7.4.5: NATIVE VEGETATION AND LANDMARK TREES

Protect and maintain native trees including oaks and landmark and heritage trees.

Policy 7.4.5.1

A tree survey, preservation, and replacement plan shall be required to be filed with the County prior to issuance of a grading permit for discretionary permits on all high-density residential, multifamily residential, commercial, and industrial projects. To ensure that proposed replacement trees survive, a mitigation monitoring plan should be incorporated into discretionary projects when applicable and shall include provisions for necessary replacement of trees.

TREE:

11. COUNTY-LINE BUFFER

(a) Existing Plan

Currently, the Real Parties are obligated to create a 30-foot buffer along the County line.

(b) Discussion

The additional stream and wetland setbacks, explained above in section 10, will substantially increase the county-line buffer.

(c) Proposed Amendment

The Carson Creek Specific Plan shall be amended to reflect the larger county-line buffer, as depicted in Exhibit B.

12. STREET TREE PLANTING

(a) Existing Plan

The Carson Creek Specific Plan currently makes no mention of street-tree planting.

(b) Discussion

Real Parties shall plant and maintain trees as follows:

Trees along roads: Street trees shall be planted along collector and arterial roads. Real Parties shall plant a street tree every 15 feet on center along those roads unless the species selected requires greater spacing. The intent is to plant trees that are quickly growing so that they will provide canopy coverage of at least 75 percent within 15 years. Real Parties shall plant only species on the approved street tree planting list, attached hereto as Exhibit 5. Along residential streets, Real Parties shall plant a minimum of two trees in the residential lots; for corner lots, Real Parties shall plant a minimum of three trees per lot.

Trees in parking lots: Real Parties shall plant trees in all commercial parking

September 24, 1999 (4:35PM)

2

TREES

lots and, upon formation of the regional park district, in all park district parking lots, to ensure 75% canopy coverage within 15 years. The intent is to plant trees that are quickly growing so that they will provide shade within 15 years. Real Parties shall plant only species on the approved street tree planting list, attached hereto as Exhibit 5.

(c) *Proposed Amendments*

None.

7. **OPEN-CHANNEL DRAINAGE**

(a) *Existing Plan*

Currently the Carson Creek Specific Plan relies on natural drainage channels to convey storm water. The plan contemplates that in most instances the system will remain in a natural state but that improvements for conveying peak flows and detention basins may be required.

(b) *Discussion*

Petitioners propose that Real Parties minimize the use of culverts and concrete V-ditches and maximize the use of open, unlined and vegetated channels to facilitate removal of pollutants and sediment and to preserve a more natural, rural feel to the development.

[1] Open Space Areas

Real Parties agree that all drainage in open space corridors shall remain natural, unlined and open. Real Parties will not use culverts in these channels and roadcrossings shall be bridged, except as indicated on Exhibit B.

[2] Residential and Industrial Areas

Within areas designated for residential and industrial use, Real Parties agree that vegetated open-channel drainage shall be the primary means of accommodating stormwater runoff and existing surface water bodies. Real Parties agree further that where natural drainage channels are relocated to accommodate development as depicted on Exhibit B, these

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GOAL 6: CORRIDOR VIEWSHEDS

Protection and improvement of scenic values along designated scenic road corridors.

OBJECTIVE 6.1: SCENIC CORRIDOR IDENTIFICATION

Identification of scenic and historical roads and corridors.

Policy 6.1.1

A Scenic Corridor Ordinance shall be prepared and adopted for the purpose of establishing standards for the protection of identified scenic local roads and State Highways. The ordinance shall incorporate development standards and shall include but not be limited to the following:

- A. Mapped inventory of sensitive views and viewsheds within the entire county
- B. Criteria for designation of scenic corridors
- C. State Scenic Highway criteria
- D. Limitations on incompatible land uses
- E. Design guidelines for project site review, with the exception of single family residential and agricultural uses
- F. Identification of foreground and background
- G. Long distance viewsheds within the built environment
- H. Placement of communication structures
- I. A program for visual resource management for various landscape types

Policy 6.1.2

Until such time as the Scenic Corridor Ordinance is adopted, the County shall review all projects within designated State Scenic Highway corridors for compliance with State criteria.

Policy 6.1.3

At a minimum, all permits and discretionary applications, with the exception of single-family residential units and agricultural uses, located adjacent to a State Highway shall be subject to design review.

Policy 6.1.4

The Board of Supervisors shall determine which of the U.S. Highway 50 interchanges are appropriate for commercial development.

GOAL 2.6: CORRIDOR VIEWSHEDS

Protection and improvement of scenic values along designated scenic road corridors.

OBJECTIVE 2.6.1: SCENIC CORRIDOR IDENTIFICATION

Identification of scenic and historical roads and corridors.

Policy 2.6.1.1

A Scenic Corridor Ordinance shall be prepared and adopted for the purpose of establishing standards for the protection of identified scenic local roads and State highways. The ordinance shall incorporate standards and may include but not be limited to the following:

- A. Mapped inventory of sensitive views and viewsheds within the entire County;
- B. Criteria for designation of scenic corridors;
- C. State Scenic Highway criteria;
- D. Limitations on incompatible land uses;
- E. Design guidelines for project site review, with the exception of single family residential and agricultural uses;
- F. Identification of foreground and background;
- G. Long distance viewsheds within the built environment;
- H. Placement of communication structures;
- I. A program for visual resource management for various landscape types;
- J. Residential setbacks established at the 60 CNEL noise contour line along State highways, the local County scenic roads, and along the roads within the Gold Rush Parkway and Action Program;
- K. Restrict sound walls within the foreground area of a scenic corridor; and
- L. Grading and earthmoving standards for the foreground area.

Policy 2.6.1.2

Until such time as the Scenic Corridor Ordinance is adopted, the County shall review all projects within designated State Scenic Highway corridors for compliance with State criteria.

Policy 2.6.1.3

At a minimum, all permits and discretionary applications, with the exception of single-family residential units and agricultural uses and structures, located adjacent to a State highway shall be subject to design review.

Policy 2.6.1.4

Commercial designations on U.S. Highway 50 interchanges will be considered for commercial development as part of the General Plan review pursuant to Policy 2.9.1.2.

SCEN. CORR

General Plan Alternative

F. A program for visual resource management for various landscape types, where appropriate

Policy 2.6.1.2

Scenic Corridor combining zone district may only be established after a detailed mapped inventory of sensitive views and viewsheds are identified along a road in a scenic setting. The scenic inventory and study shall become a part of Volume II of the General Plan.

Policy 2.6.1.3

All permits and discretionary applications, with the exception of single-family residential units and agricultural uses and structures, located within the foreground viewshed of a State Highway shall be subject to design review. Once the Scenic Corridor combining district zone district is adopted pursuant to Policy 2.6.1.2, the design provisions of this district shall apply.

Policy 2.6.1.4

Discretionary development shall avoid ridgeline placement of structures within identified Scenic Corridor combining zone district areas. Subdivision projects creating parcels smaller than 5 acres shall provide for 100-foot vertical and horizontal non-building setbacks from ridgelines within an identified scenic corridor. Subdivisions utilizing the Planned Development Combining Zone may use other performance standards to minimize the impacts on ridgelines.

Policy 2.6.1.5

A Scenic Corridor (SC) Combining Zone District shall be applied to all lands within an identified scenic corridor as determined by the County Board of Supervisors. Initial consideration shall be given to Highway 50 from the Sacramento County line and Placerville.

Policy 2.6.1.6

Intensive land uses (MF, HDR, C, and I) shall be precluded at the El Dorado Road (south), Greenstone Road, Bass Lake Road, and Shingle Springs Drive interchanges with Highway 50.

GOAL 2.7: SIGNS

Regulation of the size, quantity, and location of signs to maintain and enhance the visual appearance of the County.

OBJECTIVE 2.7.1: SIGNS REGULATION

Regulation of the location, number and size of highway signs and elimination of billboards along identified scenic and historic routes.

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OPEN SPACE
SLOPES

Policy 3.2.1

Disturbance of slopes forty (40) percent or greater shall be prohibited to minimize the visual impacts of grading and vegetation removal. Setback restrictions or building envelopes shall be designated on all development projects prohibiting development on slopes forty (40) percent or greater.

Policy 3.2.2

Stepped pad grading shall be prohibited for residential development on parcels greater than 10,000 square feet in size and/or an average cross slope of 15% or greater. The County shall require a condition of approval on all new major residential land development projects prohibiting stepped pad grading on lots greater than 10,000 square feet in size and/or average 15% cross slope.

Policy 3.2.3

Discretionary development shall avoid ridgeline placement of structures within identified scenic corridors. Subdivision projects shall provide for 100-foot vertical and horizontal non-building setbacks from ridgelines within an identified scenic corridor.

Policy 3.2.4

A Scenic Corridor (SC) Combining Zone District shall be applied to all lands within an identified scenic corridor as determined by the County Board of Supervisors.

GOAL 4: EXISTING COMMUNITY IDENTITY

Maintain and enhance the character of existing rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents.

OBJECTIVE 4.1: COMMUNITY IDENTITY

Identification, maintenance and enhancement of the unique identity of each existing community.

Policy 4.1.1

Design control overlay districts shall be expanded for commercial and multiple family zoning districts to include identified Communities, Rural Centers, historic districts, and scenic corridors.

VISUAL RESOURCES AND COMMUNITY DESIGN

SLOPES

GOAL 2.3: NATURAL LANDSCAPE FEATURES

Maintain the characteristic natural topographic and landscape features unique to each area of the County.

OBJECTIVE 2.3.1: TOPOGRAPHY AND NATIVE VEGETATION

Provide for the retention of distinct topographical features and conservation of the native vegetation of the County.

Policy 2.3.1.1

The County shall provide strict enforcement of the tree protection provisions in the Grading Erosion and Sediment Control Ordinance and utilize the hillside road standards through the application of conditions of approval for discretionary projects. Limitations on mass pad grading and steep slope development shall also be enforced to reduce impacts to tree cover.

OBJECTIVE 2.3.2: HILLSIDES AND RIDGELINES

Maintenance of the visual integrity of hillsides and ridgelines.

Policy 2.3.2.1

Disturbance of slopes thirty-five (35) percent or greater shall be prohibited in order to minimize the visual impacts of grading and vegetation removal. Setback restrictions or building envelopes shall be designated on all discretionary development projects to preclude development on slopes thirty-five (35) percent or greater; except for road connections needed to complete circulation, ministerial permits on existing lots, agricultural and logging activities.

Policy 2.3.2.2

Mass pad grading shall be limited for residential development on parcels greater than 10,000 square feet in size and/or an average cross slope of 15% or greater.

GOAL 2.4: COMMUNITY IDENTITY

Maintain and enhance the character of rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents.

OPEN SPACE
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OBJECTIVE 2.4.1: COMMUNITY IDENTITY

Identification, maintenance and enhancement of the unique identity of existing and new communities.

Policy 2.4.1.1

Design review combining zone districts shall be provided for commercial and multiple family zoning districts within Community Regions, Rural Centers, historic districts, and scenic corridors.

Policy 2.4.1.2

The County shall develop community based design guidelines in concert with members of each community which will detail specific qualities and features unique to the community as staff and funds are available. The design guidelines shall be used in project site review of all project permits except single-family residential. The guidelines shall include, but not be limited to, the following provisions:

- A. Historic preservation
- B. Streetscape elements and improvements
- C. Signage
- D. Maintenance of existing scenic road and riparian corridors
- E. Compatible architectural design
- F. Designs for landmark land uses
- G. Outdoor art
- H. Special setbacks

Policy 2.4.1.3

All properties located within the historic townsite known as Clarksville shall be designated on the zoning maps with an historic design combining zone district.

Policy 2.4.1.4

Street and or security lighting shall be provided within developments in Community Regions. All such lighting shall be designed to contain glare and light spill on site.

Policy 2.4.1.5

Strip commercial development shall be precluded when possible in favor of clustered contiguous facilities.

Policy 2.4.1.6

In order to maintain separation of communities between Diamond Springs and El Dorado, zoning between these two communities shall be maintained at the lowest density range of MDR and design standards shall be utilized that encourage clustering and greenbelts.

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Policy 2.2.2.5

The purpose of the *Non-Jurisdictional Lands (-NJ)* overlay designation is to identify the incorporated cities of Placerville and South Lake Tahoe within the County, other lands under Federal and State ownership, and the Shingle Springs Rancheria. Local land use planning within these areas is the responsibility of that government entity.

- A. The County shall coordinate with the incorporated cities in land use planning and development to:
 - 1. provide compatibility and coordination of land use designations;
 - 2. provide compatibility and coordination of design and development standards and funding programs;
 - 3. provide for a comprehensive and equitable distribution of revenues for all annexations; and
 - 4. provide cooperation with the cities regarding shared responsibilities for improved infrastructure.

- B. The County will actively participate and coordinate with the appropriate Federal and State agencies in land use planning that affects the County's customs, culture, or economic stability. The County shall be represented on joint power authority Boards by elected representatives or their appointees.

- C. Establish a joint County/City task force to develop complementary land use designations, zoning, transportation, and funding plans to protect existing and to encourage new commercial, industrial, and research and development projects in the Missouri Flat-Placerville Drive areas.

- D. The County shall coordinate with the incorporated cities to ensure that compatible development occurs within each city's sphere of influence and/or the Community Region adjacent to each city, which is consistent with the County's and each city's respective General Plans, that development which is incompatible with the city's General Plan and within any city's sphere of influence and/or the Community Region adjacent to each city shall not be permitted by the County, and that urban development shall be discouraged until annexation to the city occurs.

- 1. Except in those instances where residential parcels have already been subdivided into less than five-acre parcels, the County shall zone all lands not developed within a city's sphere of influence and/or the Community Region adjacent to each city so as to permit a density not to exceed one dwelling unit per five acres for these residential parcels.

Property within the city's spheres of influence which cannot be annexed to the city, because of the lack of contiguity, shall not be developed unless the development meets all of the following criteria:

- a. The development provides for the necessary on-site infrastructure;
- b. The development assists in providing solutions to significant infrastructure problems in the surrounding area;
- c. The development is consistent with the city and County General Plans and existing neighborhoods; and
- d. The property is subject to a recorded condition precluding opposition to annexation by the city.

2. The County shall zone all undeveloped lands within a city's sphere of influence and/or the Community Region adjacent to each city so as to not permit the creation of nonresidential lots smaller than one acre in area for these parcels.

Property within the Placerville Community Region which cannot be annexed to the City, because of the lack of contiguity, shall not be developed unless the development meets all of the following criteria:

- a. The development provides for the necessary infrastructure;
- b. The development assists in providing solutions to significant infrastructure problems in surrounding area;
- c. The development is consistent with the City and County General Plans; and
- d. The property is subject to a recorded condition precluding opposition to annexation by the City.

Policy 2.2.2.6

The purpose of the *Planned Community (-PC)* overlay designation is to supersede underlying land use designations, as set forth in Policy 2.1.4.3, and to:

- A. Identify lands suitable for new communities that require a specific plan in accordance with Government Code Sections 65450-65457 and common planning and funding for infrastructure and life cycle costs.

Policy 2.2.5.18

Standards in the form of setbacks and other requirements shall be added to the Zoning Ordinance to buffer incompatible uses (e.g., commercial adjacent to residential).

Policy 2.2.5.19

If an applicant desires to obtain approvals for a zoning designation that is compatible with the General Plan but would provide development below the densities contemplated by the General Plan, the County may, but need not, grant such approvals as being consistent with the General Plan. Where property bears a General Plan designation intended to satisfy the County's obligation to provide land sufficient to meet its fair share of affordable housing, the County shall not grant development approvals that would undermine the County's ability to fulfill that obligation. In assessing whatever such approvals would undermine the obligation, the County shall determine whether, after granting the approvals, the County's inventory of land developable for affordable housing satisfies the County's obligation under State law.

OBJECTIVE 2.2.6: SITE SPECIFIC POLICY SECTION

Establishment of site specific policies are given to provide additional, specific direction for the development of land where circumstances apply to areas of special interest.

Policy 2.2.6.1

Those lands within the El Dorado Hills Specific Plan known as Villages P, Q, and V shall be rezoned to include the Planned Development Overlay (-PD) as part of any development application.

Policy 2.2.6.2

Those lands within the El Dorado Hills Specific Plan known as Villages P, Q, and V shall be subject to the applicable provisions of the El Dorado Hills Specific Plan Design Criteria, the draft (most recent version) Village P Design Guidelines, and the draft (most recent version) Scenic Highway Corridor Ordinance as part of any discretionary design review.

Policy 2.2.6.3

Any rezone of the property identified as Assessor's Parcel No. 111-110-01 shall include the Planned Development (-PD) Combining Zone District.

Policy 2.2.6.4

Future subdivision in the area around Fallen Leaf Lake shall be precluded (Policy 6.3.2.2).

Policy 2.2.6.5

The creation of new parcels adjacent to the Texas Hill Reservoir Take Line as shown on the General Plan land use map shall maintain a minimum size of ten (10) acres. Lands designated Low Density Residential and Rural Residential adjacent to the Texas Hill Reservoir Take Line shall provide a minimum setback of 200 feet from the boundary of the Take Line.

CULVERTING
NAT. PRAIN.

Second Administrative Draft

Policy 3.4.2

Modification of natural stream beds and flow shall be limited to road/bridge crossings, provided that adequate mitigation measures are utilized.

OBJECTIVE 3.5: WATER CONSERVATION

Conservation of water resources, encouragement of water conservation, and construction of wastewater disposal systems designed to reclaim and re-use treated wastewater on agricultural crops, and for other irrigation and wildlife enhancement projects.

Policy 3.5.1

Drought-tolerant and/or native plant species shall be used for landscaping of commercial development.

Policy 3.5.2

A list of appropriate local and indigenous drought tolerant plant materials shall be maintained by the County Planning Department.

Policy 3.5.3

The County Parks and Recreation Division shall use drought-tolerant landscaping for all new parks and park improvement projects.

Policy 3.5.4

Encourage efficient water conveyance systems. Open ditch systems shall be considered for conversion to closed conduits, reclaimed water supplies, or both, as circumstances permit.

Policy 3.5.5

Encourage water reuse programs to conserve raw or potable water supplies. Plan wastewater treatment and disposal facilities, considering the potential of adjacent land uses, to be cost-effectively provided with reclaimed water.

CULVERTING
NAT DRAIN

Policy 7.3.4.1

Natural watercourses shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site without disturbance.

Policy 7.3.4.2

Modification of natural stream beds and flow shall be limited to road and/or bridge crossings and other related activities and shall be regulated to ensure that adequate mitigation measures are utilized.

OBJECTIVE 7.3.5: WATER CONSERVATION

Conservation of water resources, encouragement of water conservation, and construction of wastewater disposal systems designed to reclaim and re-use treated wastewater on agricultural crops, and for other irrigation and wildlife enhancement projects.

Policy 7.3.5.1

Drought-tolerant and/or native plant species shall be used for landscaping of commercial development.

Policy 7.3.5.2

A list of appropriate indigenous drought tolerant plant materials shall be maintained by the County Planning Department and made available to the public.

Policy 7.3.5.3

The County Parks and Recreation Division should use drought-tolerant landscaping for all new parks and park improvement projects.

Policy 7.3.5.4

Open ditch systems shall be considered for conversion to closed conduits, reclaimed water supplies, or both, as circumstances permit.

Policy 7.3.5.5

Encourage water reuse programs to conserve raw or potable water supplies consistent with State Law.

CONSERVATION OF BIOLOGICAL RESOURCES

GOAL 7.4: WILDLIFE AND VEGETATION RESOURCES

Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.

SETBACKS

Second Administrative Draft

Policy 3.1.2

Establish water conservation programs that include both drought tolerant landscaping and efficient building design requirements, as well as incentives for the conservation and wise use of water.

Policy 3.1.3

The County shall study the feasibility to allow and encourage the use of domestic gray water for landscape irrigation purposes.

OBJECTIVE 3.2: WATER QUALITY

Maintenance of and, where possible, improvement of the quality of underground and surface water.

Policy 3.2.1

Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.

Policy 3.2.2

All perennial streams, rivers, and lakes, both natural and man-made, shall be protected by the creation of an undisturbed open space buffer zone. This buffer shall extend 100 feet from the ordinary high water line of each bank or from the outside edge of the riparian zone, whichever is greater.

Intermittent streams shall be protected by the creation of an undisturbed open space buffer zone extending 25 feet from the ordinary high water line of each bank or from the outside edge of the riparian zone, whichever is greater.

Wetlands shall be protected by the creation of an undisturbed open space buffer zone extending 50 feet landward from the boundary of the identified wetland area or from the outside edge of the riparian zone, whichever is greater.

For the purposes of this policy, the following are definitions of surface water:

- A. Perennial stream or river - any watercourse that is either shown on the USGS 7.5 minute map series as a solid blue line or under normal conditions flows year round.
- B. Lake - any natural or man-made water body that impounds water year round under normal conditions. In identifying the high water mark on man-made lakes controlled by dams, the maximum spillway elevation will be used.

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SET BACKS

Second Administrative Draft

- C. Intermittent stream - any watercourse that channels water during normal rainfall periods that has a defined bed and bank.
- D. Wetlands - lands where the water table is at, near or above the surface of the land long enough to promote the formation of hydric soils (as defined by the U.S. Department of Agriculture, Soil Conservation Service) or supports the growth of hydrophytic plants.

Policy 3.2.3

Projects requiring a grading permit shall have an erosion control program approved prior to the issuance of a grading permit.

OBJECTIVE 3.3: WETLANDS

Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

Policy 3.3.1

A site-specific wetland investigation shall be required on all development projects within those areas identified as wetlands on the Important Biological Resources Map. If it is determined that a wetland may exist in an area not identified on the map, a site-specific investigation shall also be required. The study shall determine the boundaries of all wetland areas. For the separation between upland and aquatic habitat, California Department of Fish and Game wetland boundaries identification criteria shall be used in this determination.

Policy 3.3.2

All wetlands shall be protected without disturbance or encroachment. If it is determined after project modification that some impacts to the wetland habitat cannot be avoided, mitigation measures shall be developed. It must be demonstrated to both the County and the concerned State resource agencies that the mitigation measures offset project impacts to ensure that wetland values are not lost. A wetland study and mitigation monitoring program shall be submitted to the County and concerned State agencies for approval prior to permit approval.

OBJECTIVE 3.4: DRAINAGE

Protection and utilization of natural drainage patterns.

Policy 3.4.1

Natural watercourses shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site without disturbance.

Policy 7.3.1.2

Establish water conservation programs that include both drought tolerant landscaping and efficient building design requirements, as well as incentives for the conservation and wise use of water.

Policy 7.3.1.3

The County shall develop the criteria and draft an ordinance to allow and encourage the use of domestic gray water for landscape irrigation purposes. (See Title 22 of the State Water Code and the Graywater Regulations of the Uniform Plumbing Code).

OBJECTIVE 7.3.2: WATER QUALITY

Maintenance of and, where possible, improvement of the quality of underground and surface water.

Policy 7.3.2.1

Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity through the use of setbacks and best management practices. Setbacks shall be included in the zoning ordinance for all ministerial and discretionary development projects.

Policy 7.3.2.2

All perennial streams, rivers, and lakes, both natural and man-made, shall be protected by the creation of an undisturbed buffer zone. This buffer shall extend 100 feet from the ordinary high water line of each bank or from the outside edge of the riparian zone, whichever is greater.

Intermittent streams shall be protected by the creation of an undisturbed open space buffer zone extending 25 feet from the ordinary high water line of each bank or from the outside edge of the riparian zone, whichever is greater.

Wetlands shall be protected by the creation of an undisturbed open space buffer zone extending 50 feet landward from the boundary of the identified wetland area or from the outside edge of the riparian zone, whichever is greater.

For the purposes of this policy, the following are definitions of surface water:

- A. Perennial stream or river - any watercourse that is either shown on the USGS 7.5 minute map series as a solid blue line or under normal conditions flows year round.
- B. Lake - any natural or manmade water body in excess of one acre that impounds water year round under normal conditions. In identifying the high water mark on manmade lakes controlled by dams, the maximum spillway elevation will be used.

- C. Intermittent Stream - a stream that is either shown on the USGS 7.5 minute map series as a dashed blue line or normally flows for at least thirty days after the last major rain of the season and is dry a large part of the year, not including manmade drainage.
- D. Wetlands - land that qualifies as jurisdictional wetlands by displaying hydric soils, hydrophytic plants, and wetland hydrology as defined by the U. S. Army Corps of Engineers.

Policy 7.3.2.3

Projects requiring a grading permit shall have an erosion control program approved, prior to the issuance of a grading permit.

Policy 7.3.2.4

Consistent with Policy 9.1.3.1 in the Parks & Recreation Element, low impact activities, including trails and linear parks may be provided within the buffers provided in Policy 7.3.2.2 if all applicable mitigation measures are incorporated.

OBJECTIVE 7.3.3: WETLANDS

Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

Policy 7.3.3.1

A site-specific wetland investigation shall be required on all development projects within those areas identified as wetlands on the Important Biological Resources Map. When hydrophytic plants and wetland hydrology indicate the presence of wetlands in areas not identified on the map, a site-specific investigation shall be required. This study shall be conducted using the Corps of Engineers Wetland Delineation Manual. The study shall determine the boundaries of all wetland areas that can be classified wetlands under the Corps of Engineers' definition.

Policy 7.3.3.2

All feasible project modification shall be considered to avoid wetland disturbance. If impacts to the wetland habitat cannot be avoided, mitigation measures shall be developed. It must be demonstrated to both the County and the concerned State and federal resource agencies that the mitigation measures offset project impacts to ensure no net loss to wetland values under federal jurisdiction. A wetland study and mitigation monitoring program shall be submitted to the County and concerned State and federal agencies for approval prior to permit approval.

OBJECTIVE 7.3.4: DRAINAGE

Protection and utilization of natural drainage patterns.

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lots and, upon formation of the regional park district, in all park district parking lots, to ensure 75% canopy coverage within 15 years. The intent is to plant trees that are quickly growing so that they will provide shade within 15 years. Real Parties shall plant only species on the approved street tree planting list, attached hereto as Exhibit 5.

(c) *Proposed Amendments*

None.

7. **OPEN-CHANNEL DRAINAGE**

(a) *Existing Plan*

Currently the Carson Creek Specific Plan relies on natural drainage channels to convey storm water. The plan contemplates that in most instances the system will remain in a natural state but that improvements for conveying peak flows and detention basins may be required.

(b) *Discussion*

Petitioners propose that Real Parties minimize the use of culverts and concrete V-ditches and maximize the use of open, unlined and vegetated channels to facilitate removal of pollutants and sediment and to preserve a more natural, rural feel to the development.

[1] Open Space Areas

Real Parties agree that all drainage in open space corridors shall remain natural, unlined and open. Real Parties will not use culverts in these channels and roadcrossings shall be bridged, except as indicated on Exhibit B.

[2] Residential and Industrial Areas

Within areas designated for residential and industrial use, Real Parties agree that vegetated open-channel drainage shall be the primary means of accommodating stormwater runoff and existing surface water bodies. Real Parties agree further that where natural drainage channels are relocated to accommodate development as depicted on Exhibit B, these

September 24, 1999 (4:35PM)

PARKS

POLICY SECTION

PARKS AND RECREATION FACILITIES

GOAL 9.1: PARKS AND RECREATION FACILITIES

Provide adequate recreation opportunities and facilities including developed regional and community parks, trails, and resource-based recreation areas for the health and welfare of all residents and visitors of El Dorado County.

OBJECTIVE 9.1.1: PARK ACQUISITION AND DEVELOPMENT

The County shall assume primary responsibility for the acquisition and development of regional parks and assist in the acquisition and development of neighborhood and community parks to serve County residents and visitors.

Policy 9.1.1.1

The County shall assist in the development of regional, community, and neighborhood parks, ensure a diverse range of recreational opportunities at a regional, community, and neighborhood level, and provide park design guidelines and development standards for park development. The following national standards shall be used as guidelines for the acquisition and development of park facilities:

GUIDELINES FOR ACQUISITION AND DEVELOPMENT OF PARK FACILITIES	
Park Types	Developed
Regional Parks	1.5 ac/1,000 population
Community Parks	1.5 ac/1,000 population
Neighborhood Parks	2.0 ac/1,000 population
<i>Specific Standards (Neighborhood and Community Parks)</i>	
Cameron Park Community Services District	5.0 ac/1,000 population
El Dorado Hills Community Services District	5.0 ac/1,000 population
Planned Communities	5.0 ac/1,000 population

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The parkland dedication/in-lieu fees shall be directed towards the purchase and funding of neighborhood and community parks.

Policy 2.2.1.2

To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined.

Multi-Family Residential (MFR): This land use designation identifies those areas suitable for high density, multifamily structures such as apartments, single-family attached dwelling units (i.e., air-space condominiums, townhouses) and multiplexes. Mobile home parks, as well as existing and proposed manufactured home parks, shall also be permitted under this designation. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities. The minimum allowable density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre. The provision of single-family attached dwelling units in the MFR land use designation is subject to the use of planned development design concepts which may result in zipper-lot zero-lot line, cottage-type, or comparable developments. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

High-Density Residential (HDR): This land use designation identifies those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Allowable residential structure types include single-family attached (i.e., air-space condominiums, townhouses) and detached dwellings and manufactured homes. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers. Standard residential subdivisions shall maintain a density range from one to two dwelling units per acre. Residential subdivisions utilizing the planned development concept shall maintain a density range from one to five dwelling units per acre. Residential development of single-family attached dwelling units are to be designed to satisfy the upper range of the allowable density under this designation. Proponents of single-family detached or manufactured home projects consistent with the HDR designation shall not be subject to the Planned Development combining zone if their projects meet the criteria set forth in Policy 2.2.5.4. (Res. No. 298-98; 12/8/98)

Medium-Density Residential (MDR): This land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density shall be one dwelling unit per 1.0 acre. Parcel sizes shall range from 1.00 to 5.00 acres. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Medium Density Residential (MD)

Purposes

1. Provide for single-family residential and mobilehome park development in areas with urban-level services and facilities.
2. Create conditions conducive to a desirable medium-density residential environment and protect it from encroachment of unrelated and incompatible uses.

Allowable Uses

Detached single-family homes, secondary residential units, mobilehomes and mobilehome parks, public and quasi-public uses, and similar and compatible uses.

Density/Intensity Standards

Density Range: 4.01 to 6.00 dwelling units per gross acre.

Consistent Zoning Districts

Minimum Site Area per Dwelling Unit

R1 - 6,000 (Single-Family Residential)	6,000 square feet
MP (Mobilehome Park)	2,700 square feet
PF (Public Facilities)		

High Density Residential (HD)

Purposes

1. Provide for multi-family residential development in areas with urban-level services and facilities and properly located in relation to commercial and other residential areas.
2. Create conditions conducive to a desirable high-density residential environment and protect it from encroachment by unrelated and incompatible uses.
3. Provide for a range of densities to facilitate transitional densities from lower to higher density neighborhoods.
4. Provide for a range of housing types.

Density/Intensity Standards
 Density Range: 4.01 to 16.00 dwelling units per gross acre.

Allowable Uses

Detached and attached single-family homes, condominiums, apartments, public and quasi-public uses, and similar and compatible uses.

TRAFF CALM
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relocated channels shall be maintained as vegetated open channel drainages. In residential areas, where the homes front the streets, site design shall emphasize drainage to open, vegetated channels away from streets and towards the back and side lots. In instances where such drainage is no engineeringly practical, drainage towards streets shall utilize gutters, A.C. dikes, and /or vertical curbs will be utilized. These drainage facilities shall be kept to a minimum and will convey drainage to open-channel ditches (1) along collectors and other streets where homes do not front the streets and (2) between lots. Piped drainage facilities shall be kept to a minimum. Open channel ditches shall convey the drainage to natural drainage channels in the open space areas but not before ensuring that water quality standards are maintained through the implementation of best management practices.

Real Parties agree that they will employ best management practices to protect water quality and to minimize erosion in the drainage system. Such practices shall include utilizing grassy swales, open ditches, energy dissipaters, water quality ponds, and grease/oil traps.

(c) *Proposed Amendments*

None.

8. ROADWAYS

(a) *Existing Plan*

The Carson Creek Specific Plan currently requires 40-foot-wide community collector roads, 36-foot-wide center collector roads, 40-foot-wide collector roads, and 28-foot-wide residential streets.

(b) *Discussion*

Petitioners prefer narrow and curvilinear roadways to minimize impervious cover and runoff, unshaded surfaces and reflected heat, and traffic speed and noise. Specifically, Petitioners have proposed that Real Parties employ "narrow roadways to minimize run-off - access roads 22 to 24 feet; sub-collector roads 24-26 feet; collector roads, 30 feet if the road fronts homes, 26 feet if not; curvilinear routing and cul-de-sacs."

September 24, 1999 (4:35PM)

23

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The Parties agree that the roadways in the Carson Creek Specific Plan Area shall be curvilinear and separated from pedestrian pathways that run around, over, under, and between structures. Where feasible, cul-de-sacs will be incorporated into circulation system designs. The majority of roads (asphalt portion only) shall be 26 feet or less in width.

Furthermore, the Carson Creek Specific Plan Phase 2, street development standards (asphalt portion only), shall be modified to incorporate the following maximum widths:

- (1) One-way streets shall be no more than 18 feet wide;
- (2) Two-way streets shall be no more than 24 feet wide;
- (3) Minor collectors with less than 350 average daily trips ("ADT") shall be no more than 24 feet wide;
- (4) Minor collectors with more than 350 average daily trips ("ADT") shall be no more than 26 feet wide;
- (5) Major collectors, with homes fronting the street, shall be no more than 30 feet wide;
- (6) Major collectors, without homes fronting the street and with less than 350 ADT, shall be no more than 24 feet wide;
- (7) Major collectors, without homes fronting the street and with more than 350 ADT, shall be no more than 26 feet wide.

Parking bays may be required for emergency parking along collectors and in residential areas where these standards prohibit parking along the streets. The parking bays shall be kept to a minimum and located where topography permits. Street standards are subject to the review of the El Dorado Hills Fire Departments; for public safety reasons, the fire department may require wider roads in some places or turn arounds, hammer heads, or other measures to facilitate the movement of emergency vehicles.

For the Carson Creek Specific Plan, Phase 1, these road standards will be

September 24, 1999 (4:35PM)

24

**General Plan Ruling
Final Writ
Attachment**

FINAL WRIT
OF SUP. CT.

Rec'd 7.

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10 Attorneys for Respondents
 11 EL DORADO COUNTY BOARD OF SUPERVISORS *et al.*

12
 13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 14 IN AND FOR THE COUNTY OF SACRAMENTO

15 EL DORADO COUNTY TAXPAYERS FOR QUALITY
 16 GROWTH LEAGUE TO SAVE SIERRA LAKES,
 ENVIRONMENTAL PLANNING AND
 17 INFORMATION COUNCIL OF WESTERN
 EL DORADO COUNTY, INC., FRIENDS AWARE OF
 18 WILDLIFE NEEDS, SAFEGROW, CALIFORNIA
 NATIVE PLANT SOCIETY, PLASSE HOMESTEAD
 19 HOMEOWNERS' ASSOCIATION, CAPLES LAKE
 HOMEOWNERS ASSOCIATION, KIT CARSON
 20 LODGE, PLASSE'S RESORT, CAPLES LAKE
 RESORT, SORENSEN'S RESORT, KIRKWOOD
 21 MEADOWS PUBLIC UTILITIES DISTRICT,
 NORTHERN SIERRA SUMMER HOMEOWNERS'
 22 ASSOCIATION, SOUTH SILVER LAKE
 HOMEOWNERS' ASSOCIATION, ALPINE
 23 COUNTY, CALIFORNIA SPORTFISHING
 PROTECTION ALLIANCE, and SIERRA CLUB,

Case No. 96CS01290

~~WRIT OF HABEAS CORPUS~~
WRIT OF MANDATE

Dept: 45

Honorable Cecily Bond

Complaint Filed:
February 26, 1996

24 Petitioners,

25 v.

26 EL DORADO COUNTY BOARD OF SUPERVISORS,
 the governing body of El Dorado County,
 27 California, and EL DORADO COUNTY,

28 Respondents.

W. THOMAS AND MOOSE, LLP
2001 14th Street, 110
Sacramento, CA 95811

[Proposed]
Writ of Mandate

1 A judgment having been entered in this action ordering that a writ of mandate be issued from
 2 this Court, and in consideration of the judgment and the Court's "Ruling on Submitted Matter:
 3 Petition for Writ of Mandate" ("Ruling"),

4 IT IS ORDERED that:

5 1. Respondents EL DORADO COUNTY BOARD OF SUPERVISORS and COUNTY
 6 OF EL DORADO ("County") shall void and set aside Resolution No. 7-96 by which the County
 7 certified the final environmental impact report ("EIR") for the El Dorado County General Plan
 8 ("General Plan") and conditionally adopted the General Plan. This resolution is remanded to the
 9 County for reconsideration.

10 2. The County shall void and set aside Resolution No. 10-96 by which the County
 11 adopted Findings of Fact, a Statement of Overriding Considerations, and the General Plan. This
 12 resolution is remanded to the County for reconsideration.

13 Having found in Petitioners' favor on those issues raised in the Petition for Writ of Mandate
 14 described below, the Court finds that the County must take the following actions, also set forth in
 15 the Court's Ruling, in order to fully comply with the provisions of the California Environmental
 16 Quality Act.

17 2.1 Point II(B)(2) of the Ruling: "Changes in Land Use Maps"

18 2.1.1 Court Finding and Decision

19 "[T]he finding that the changes in the land use maps did not require
 20 further environmental review was not supported by substantial
 21 evidence. Accordingly, the Court grants the petition for writ of
 22 mandate on this issue."

(Ruling, p. 68.)

23 2.1.2 Direction to the County

24 The County is directed that, in any reanalysis or supplemental analysis prepared by the
 25 County in response to this writ and the related judgment, the County must "either make a finding,
 26 based on substantial evidence, that the changes in the land use maps did not result in a new
 27 significant environmental impact or a substantial increase in the severity of an environmental impact,
 28

1 or it must review the environmental impacts of the changes pursuant to CEQA." (See also Ruling
2 pp. 68-69.)

3 2.2 Point II(B)(4) of the Ruling: "Change in Oak Woodland Canopy
4 Coverage Policies"

5 2.2.1 Court Finding and Decision

6 "The Draft EIR contained a policy, proposed as an 'additional
7 mitigation measure', that established 'canopy cover retention
8 standards' expressed as stated percentages of existing canopy cover
9 that must be retained on sites under development. This policy was
10 added to the General Plan in the Annotated Project Description dated
11 August 17, 1995. By the time the Final EIR and the Annotated
12 General Plan were issued on December 21, 1995, however, this policy
13 had been altered to establish 'canopy coverage retention or
14 replacement standards'.

15 ".....
16 "[The County] offers no substantial evidence to show that there is no
17 significant environmental impact stemming from the change.
18 Accordingly, the failure to disclose and discuss this change in an EIR,
19 or even to make findings demonstrating that the change would have
20 no significant environmental impact, was a violation of CEQA. The
21 petition for writ of mandate is granted on this issue."

22 (Ruling, pp. 70, 72-73 (footnotes omitted; emphasis in original).)

23 2.2.2 Direction to the County

24 The County is directed that, in any reanalysis or supplemental analysis prepared by the
25 County in response to this writ and the related judgment, the County must

26 "either: 1) readopt its original policy of retention of specified percentages of canopy
27 coverage as proposed in the Annotated Project Description dated August 17, 1995;
28 2) make a finding, based on substantial evidence, that the change in the oak
woodland canopy coverage policies did not result in a new significant environmental
impact or a substantial increase in the severity of an environmental impact previously
disclosed; or 3) review the environmental impacts of the change pursuant to CEQA."

(Ruling, p. 73.)

2.3 Point II(B)(5) of the Ruling: "Changes in Acceptable Levels of Traffic
Congestion"

2.3.1 Court Finding and Decision

"[P]etitioners allege that [the County] changed the General Plan
during the process of environmental review to permit a higher level
of [traffic] congestion—and did so in a manner that evaded meaningful
environmental review.
".....

1 "At the very least, the County's discussion of traffic impacts was
2 unnecessarily complex and obscure. The Court is persuaded that it
3 violated CEQA because it did not fairly disclose one of the significant
4 environmental impacts of the General Plan."

(Ruling, pp. 73, 79.)

2.3.2 Direction to the County

5 The County is directed that, in any reanalysis or supplemental analysis prepared by
6 County in response to this writ and the related judgment, the County must "perform a fi
7 environmental review of the traffic impacts of the General Plan in compliance with the provision
8 of CEQA." (Ruling, p. 80.)

9 2.4 Point II(C)(2) of the Ruling: "Range of Alternatives Considered"

10 2.4.1 Court Finding and Decision

11 "[I]t is not clear how the Low Growth Alternative offered 'substantial
12 environmental advantages over the project proposal'. * * * While
13 CEQA does not, as the Supreme Court has said, impose a 'categorical
14 legal imperative' as to the scope of alternatives, its purposes can be
15 served only where the discussion of alternatives effectively discloses
16 to the public the analytic route the County traveled in arriving at its
17 conclusion that an alternative would offer significant environmental
18 advantages. [¶] Here, the County's discussion of alternatives failed to
19 make that disclosure. Accordingly the Court finds that the County's
20 discussion of alternatives violated CEQA by failing to demonstrate
21 that it had considered a reasonable range of alternatives. The petition
22 for writ of mandate is granted as to this issue."

(Ruling, p. 90 (footnotes and citations omitted).)

19 2.4.2 Direction to the County

20 The County is directed that, in any reanalysis or supplemental analysis prepared by the
21 County in response to this writ and the related judgment, the County must "make a finding,
22 supported by substantial evidence, which adequately discloses the analytic route it traveled in
23 arriving at its conclusion that the 'Low Growth Alternative' offered significant environmental
24 advantages over the General Plan, or, in the alternative, the County shall consider at least one new
25 alternative that does so." (Ruling, p. 91.)

26 2.5 Point II(C)(3) of the Ruling: "Consideration of a 'No Project' Alternative"

27 2.5.1 Court Finding and Decision

1 "The 'No Project' alternative here was faulty, petitioners assert,
2 because it was based on buildout under the existing area plans, and
not on the current conditions in the County.

3 " * * * Although the EIR does discuss current environmental
4 conditions in a number of areas, it does not clearly address the issue
5 of population growth. Instead, the EIR obscures that issue by
6 focusing on a comparison between the projected population under the
proposed General Plan and projected population under the existing
plans, rather than basing the comparison on the current population of
the County."

7 (Ruling, pp. 91, 94.)

8 **2.5.2 Direction to the County**

9 The County is directed that, in any reanalysis or supplemental analysis prepared by the
10 County in response to this writ and the related judgment, the County must "analyze the 'No Project'
11 alternative in a manner that clearly discloses the population impacts of the General Plan in relation
12 to current County population as well as in relation to what would be reasonably expected to occur
13 in the foreseeable future if the General Plan were not approved, based on current plans and consistent
14 with available infrastructure and community services." (Ruling, p. 95.)

15 **2.6 Points II(D)(3)-D(4) of the Ruling: "Rejection of Specific Proposed
16 Mitigation Measures"**

17 **2.6.1 Court Finding and Decision**

18 "[T]he Court has found that certain of the County's findings that
19 proposed mitigation measures were infeasible based on
20 incompatibility with project objectives violated CEQA because they
21 did not set forth the facts and analysis supporting them. The Court's
22 Ruling as to these findings should not be construed, however, as a
23 ruling that no findings of infeasibility could be made, only that such
24 findings were not made properly here. Accordingly, pursuant to
25 Public Resources Code section 21168.9(a)(1) and (2), the Court
26 grants the petition for writ of mandate as to the findings described
under headings II.D.3. (a) [Establishment of a Fifth Rare Plant
Preserve], (b) [Establishment of a Scenic Corridor Combining Zone],
(c) [Contiguous Blocks of Habitat], (d) [Prohibition on Piping,
Culverting or Lining of Streams] (e) [Street Standards], (g) [Lower
Densities for Certain Land Use Designations], (h) [Oak Woodland
Canopy Coverage Standards], (i) [Limiting Parcel Size in Areas of
Deer Habitat], (k) [Mineral resource Land Parcel Size], (l) [Parcel
Size Adjacent to Grazing Land], and (n) [Parks/Open Space
Standard] of [the Court's] Ruling."

27 (Ruling, p. 113.)

28 **2.6.2 Direction to the County**

APPENDIX B



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Water



Watersheds, Stormwater, and Stream Restoration

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RMI supports a watershed-based approach to many water management issues. The watershed perspective is conducive to a holistic view of environmental problems and their solutions.

For instance, stormwater runoff should not be seen as a nuisance to be managed at some low corner of a property or some downstream point in a watershed. It is the result of how land is developed and managed at every point above where it becomes a problem. Wet-weather issues such as sewer overflows and stream channel erosion can be successfully addressed by multiple, small, unobtrusive measures incorporated into developments or retrofitted into the existing built environment. The techniques are many, but the approach is consistent: "softening" the urban landscape to allow water to soak into the soil, where it nourishes plants, recharges aquifers, and supports the base flow of streams during dry periods. Soil and vegetation can also filter, transform, bind up, or otherwise neutralize much of the pollutants found in urban stormwater runoff.

In these ways, water is turned from a potential nuisance as erosive runoff to streams or inflow to sewers, and into a resource for the environment and communities. Indeed, onsite stormwater management measures—impervious surface reductions, permeable pavements, small surface and subsurface infiltration basins, bioretention cells, vegetated swales, soil rehabilitation, high-performance plantings, green roofs, and others—can support wildlife habitat, beautify properties and neighborhoods, provide recreational amenities, create rewarding jobs, reduce urban "heat island" effects, and more. How much better to implement these measures than costly, single-purpose infrastructure such as stormwater detention facilities and expansions of sewer lines and treatment plants.

RMI's Research & Consulting offers consulting services to businesses, water and environmental agencies, and community organizations on techniques and policies for improved management of watersheds.

Protecting and restoring streams and wetlands is another important



component of watershed management. RMI promotes "bioengineering" and similar non-obtrusive approaches to stabilizing streambanks and renew the hydraulic and biological functioning of waterways. Further, we believe it is important not just to protect existing aquatic and riparian systems, but to restore lost streams and wetlands wherever possible. Removing culverts in order to "daylight" previously buried streams and dried-up wetlands is an especially dramatic and useful restoration activity. Among its many benefits, daylighting can reduce flooding problems caused by undersized culverts; cut the costs of replacing deteriorated culverts; improve water quality by exposing flows to air, sunlight, vegetation, and soil; provide new urban recreational amenities and wildlife habitat; benefit nearby residents and businesses by improving property values or generating pedestrian traffic; and reconnect people to nature by restoring something that once seemed lost forever.

Information Downloadable at This Site

These and other publications can be downloaded from the Water section of the Library.

- o Technical Appendix to "Re-evaluating Stormwater: The Nine Mile Run Model for Restorative Development"—a briefing paper, presentation, and team report texts from a design charrette that examined low-cost measures to reduce sewer overflows, restore urban watersheds, and revitalize communities.
- o "Daylighting: New Life for Buried Streams"—case studies of several dozen "daylighting," or de-culverting, projects from around the U.S. and internationally.

Other RMI publications

These and other publications can be purchased from the Book store.

- o "Re-evaluating Stormwater: The Nine Mile Run Model for Restorative Development"—full-color report on low-cost measures that can reduce sewer overflows, restore urban watersheds, and revitalize communities.

Related Newsletter Articles

These and other articles can be found in the Newsletter Back Issues.

- o Spring 2001—"Seeing Daylighting: Resurrecting Lost Waterways"
- o Spring 1999—"Rainwater Redux: Stormwater Management in Pittsburgh and L.A."
- o Fall/Winter 1997—"Rain, Rain, Go Away: Replacing Concrete Jungles with Real Ones"

Further Information

- Center for Watershed Protection—Helpful publications and services on watershed management, stormwater management techniques, etc.
- The Nine Mile Run Greenway Project—Integration of infrastructure, ecology, art, and social discourse for an urban watershed, by RMI's partners in stormwater management projects in Pittsburgh.
- The T.R.I.E.S. Project—An innovative effort to address simultaneously the interrelated problems of flooding, drought, air and water pollution, landfill closures, energy costs, unemployment, and urban blight in Los Angeles.
- Stream Corridor Restoration: Principles, Processes, and Practices—A comprehensive manual in downloadable form.
- U.S. EPA's Invertebrate and Wetlands Restoration Programs—Helpful information and links.
- National Park Service Rivers, Trails, and Conservation Assistance Program—Provides resources and technical assistance.
- U.S. Department of Agriculture, Natural Resources Conservation Service—Provides technical assistance on restoration projects; check local phone listings for the nearest office.
- Society for Ecological Restoration—An association of restoration professionals.
- River Network—An alliance of grassroots river and watershed conservation groups throughout the country.
- National Watershed Network—A registry of locally led watershed partnerships working to meet local goals through voluntary actions.
- Inland Watershed Association of the United States—Citizen education in water quality monitoring, watershed restoration, and the importance of wetland protection.
- Trout Unlimited—Seeks protection and restoration of coldwater fisheries and their watersheds; has chapters across the country.
- Urban Stream Restoration: A Case Study of Ecological Restoration in Pittsburgh—an excellent 61 minute documentary of six urban stream restoration projects, including three daylighting projects, available for order at this site.
- The Watershed Center—Consults and publishes on design of areas where human landscapes meet oceans, bays, lakes, rivers, or canals.
- Coalition to Restore Urban Waters—A network of urban stream restorationists; contact them through the Izaak Walton League Save Our Streams program, (800) 284-4952.
- Waterways Restoration Institute—Provides consulting and workshops on stream restoration, (510) 848-2211.
- See also RMI's page [Link Action: Promoting Water](#)

Efficiently Managing Rivers for links to river conservation organizations.

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thomfish@rmi.org

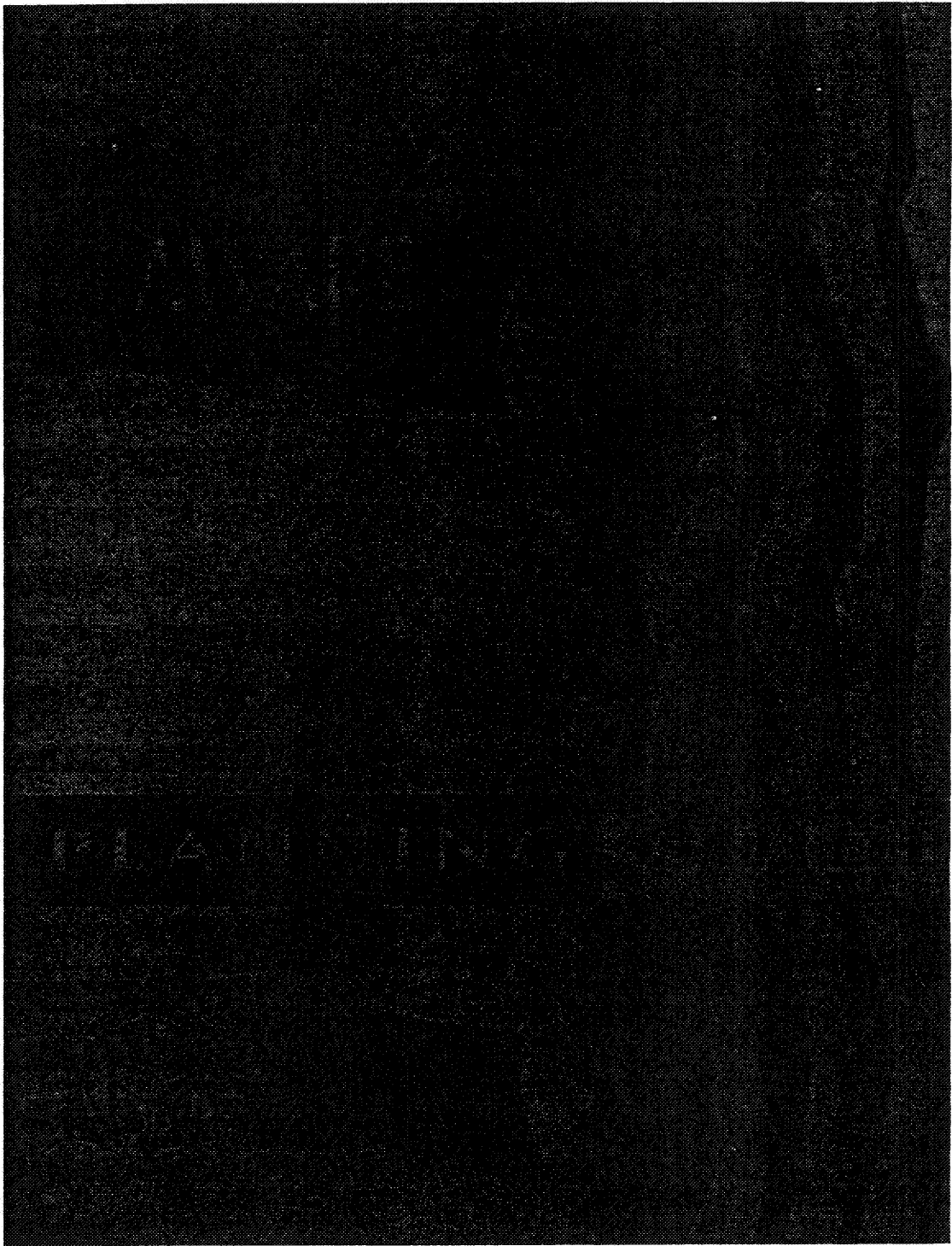
Other R.M.I. web sites include:

Natural Capitalism (www.naturalcapitalism.org)

National Energy Policy Initiative (www.nepi.org)

Small Is Profitable (www.smallisprofitable.org)

intracomm
TECHNOLOGY



**POLICY L.2.1
STREET WIDTHS AND PAVEMENT**

Unnecessarily wide streets may encourage faster speeds, be unattractive, increase construction and maintenance costs, discourage walking, consume valuable land, increase water runoff and increase ambient temperatures. When shaded by trees, narrower streets can dramatically reduce air-conditioning needs. In addition, narrower streets can reduce vehicle speeds and create a more pedestrian-friendly neighborhood. Lighter-colored pavement materials can also reduce ambient temperatures.

GENERAL PLAN LANGUAGE IDEAS

- All streets, and residential streets in particular, shall be designed using the minimum pavement width and curb radii feasible, considering projected traffic flow, parking requirements, safety, cost and energy efficiency.
- Within one year, the Public Works Department will conduct a study to evaluate the feasibility of using light-colored paving materials in new streets and repaving projects. As a result of the study, the Council/Board may revise street standards to require such materials.

IMPLEMENTATION PROGRAMS

- **Revise street standards to allow or require narrower streets by reducing the minimum and/or maximum widths.** The following pavement widths are recommended by the American Society of Civil Engineers

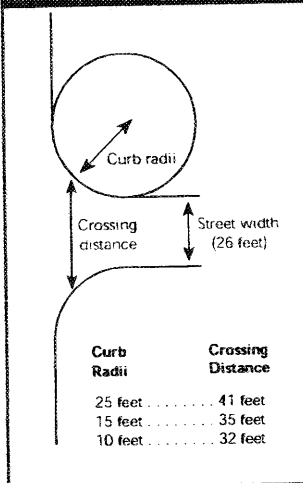
(ASCE), the National Association of Home Builders (NAHB), and the Urban Land Institute (ULI):

Access streets: 22 to 24 feet
 Subcollector: 26-28 feet
 Collector: 36 feet if homes front street;
 24-26 feet if not

Parked cars can be accommodated using on-street parallel parking or intermittent parking bays with angled parking for four or more cars. If necessary, parking can be limited to one side of the street,

- **Reduce standards for curb radii.** This will lower speeds of turning cars and reduce the

RELATIONSHIP OF CURB RADII TO CROSSING DISTANCE



amount of time needed for pedestrians to cross the street. ASCE, NAHB and ULI recommend 15-20 feet for local street intersections. However, some community designers now recommend curb radii of 8-10 feet. ¹ On streets with bus service, small curb radii may not be feasible. Coordinate policies with transit providers.

- **Reduce existing street widths.** Existing streets in commercial and residential areas can be made narrower by enlarging sidewalks and providing bike lanes.

- **Use light-colored paving materials.** Concrete is a common alternative to dark asphalt. Light-colored aggregate can be added to asphalt and light-colored slurry or chip seal can be used when resurfacing. In Santa Barbara, old toilets are recycled into chips for energy efficient paving material.

ENERGY SAVINGS

Reducing street widths can reduce heat build up and, consequently, energy demand for air condition-

ing. A planner with the city of Visalia estimated that reducing streets from 40 to 32 feet lowered ambient temperatures 10 to 15 degrees Fahrenheit.² Each degree increase in temperature can increase peak cooling demand by 1-2%.³ By reducing street widths, combined with shading streets, air conditioning demand may be reduced by 10 to 30%. Overall, about 7.1% of the electricity and 2.5% of all energy used in California residences is for air conditioning.⁴

An average of 8% of the electricity consumed in all single-family homes is used for air conditioning. Single-family homes with air conditioning use from 800 to 1,200 kWh per year for cooling.⁵ A 10-30% reduction in cooling needs would save 80 to 360 kWh per year per home with air conditioning. The energy to produce asphalt also will be reduced.

On a 90 degree day, the surface temperature of asphalt can reach 140 degrees, increasing air temperature by five degrees or more. Narrower and lighter colored streets can reduce air conditioning needs by reducing ambient temperatures.

ENVIRONMENTAL BENEFITS

Decreasing cooling demand will reduce air pollutant emissions from power plants. In fact, the percentage reduction may be higher than the reduction in electricity demand because of the amount of air conditioning used during peak periods, when less efficient, more polluting power plants are operating.

Summer heat islands, caused in part by dark surfaces that absorb heat, can increase smog production. For each five degree increase in ambient temperature, the

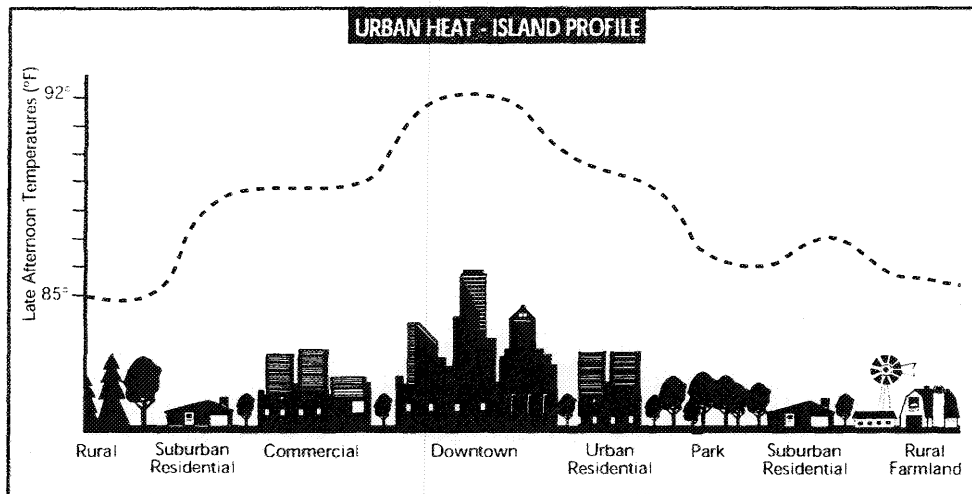
incidence of smog events may increase by 10%.⁶

To the extent that the narrow streets and smaller curb radii encourage more people to walk, pollution from cars also will be reduced. Narrower street widths result in less storm water runoff, due to the reduction in impervious surfaces.

ECONOMICS

By reducing air conditioning demand, residents will save money. If savings average 80-360 kWh, residents with air conditioning could save from \$7 - \$33 per house every year.⁷

Reducing street widths will reduce construction and maintenance costs. The city of Visalia estimated that reducing street widths by 20% could save about 16% of construc-



Almost every city in the world today is hotter — usually between 2° and 8° Fahrenheit hotter — than its surrounding area. This difference between urban and rural temperatures is called the "urban-heat-island effect," and it has been intensifying throughout this century. Indeed, some cities, including Los Angeles, Washington, D.C., and Baltimore, are now 4° to 5° Fahrenheit hotter on summer afternoons than they were a century ago.

SOURCE: U.S. EPA, *Cooling Our Communities*, January 1992, Document No. 22P-2001.

JANUARY 1993

tion costs and 12% of maintenance costs.⁸ Reducing street widths makes land available for other purposes. Reducing street widths by two feet saves about a quarter of an acre per mile of street reduced.

PROGRAMS IN OPERATION

The streets in the Village Homes subdivision in Davis are 20 to 24 feet wide, with intermittent parking bays allowing four cars to park at an angle. In order to demonstrate that police and fire vehicles would be able to navigate the narrower streets, the project developers set up a simulation in a parking lot. The widths were found to be acceptable. In addition, a three-foot easement on either side of the street was included. The street widths have posed no problems for emergency vehicles, traffic safety or solar access. In fact, the narrower streets may contribute to low crime and traffic accident rates in the subdivision.

Contact: Judy Corbett, Executive Director and co-developer of Village Homes, Local Government Commission, 909 12th Street Suite 205, Sacramento, CA 95814, (916) 448-1198.

The city of Chico established a minimum street width of 24 feet and a maximum of 40 feet. About 10% - 20% of the new streets are built below 40 feet. The program is aimed to save construction and maintenance costs.

Contact: Clif Sellers, Planning Director, City of Chico, P.O. Box 3420, Chico, CA 95927, (916) 895-4850.

RESOURCES

American Society of Civil Engineers (ASCE), the National Association of Home Builders (NAHB), and the Urban Land Institute (ULI), *Residential Streets* (Second Edition).

Contact: ULI, Publications Order Department, 625 Indiana Ave. N.W., Washington, D.C. 20004-2930, (800) 321-5011, ext. 85.

Michael Corbett, *A Better Place to Live*, Rodale Press, 1981.

David Bainbridge, Judy Corbett, and John Hofacre, *Village Homes' Solar House Designs*, Rodale Press, 1979.

Cooling Our Communities: A Guidebook on Tree Planting and Light-Colored Surfacing, by the EPA and Lawrence Berkeley Laboratories, is an excellent, comprehensive source of information for local governments on the benefits, costs, and issues involved in tree planting and using light-colored surfaces on streets and buildings.

Contact: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. ATTN: New Orders. The Guidebook is \$13 and the ordering number is S/N 055-000-00371-8. ¹¹

RELATED POLICIES

- L.2.2 Street Trees
- L.2.3 Integrated Circulation System
 - L.3.1 Bikeways
 - L.3.2 Bike Parking and Facilities
 - L.3.3 Pedestrian Facilities

ENDNOTES:

- ¹ Kulash, Walter et. al. "Traditional Neighborhood Development: Will the Traffic Work?", prepared for the ASCE Successful Land Development Conference, March 1990, and *PAS Memo*, November 1990.
- ² Local Government Commission, *Reducing Street Widths*.
- ³ Akbari, H., et. al. "Recent Developments in Heat Island Studies: Technical and Policy," in *Controlling Summer Heat Islands*, Lawrence Berkeley Laboratory, University of California, February 23-24, 1989.
- ⁴ Calculated from data in CEC, *Energy Efficiency Report*, Appendix A-4, 1990.
- ⁵ California Energy Commission, *California Energy Demand: 1991-2011*, June 1991, using 1994 projected data for the State's six largest utilities.
- ⁶ U.S. EPA, *Cooling Our Communities*, January 1992, page xix.
- ⁷ Using the midpoint of 1990 electricity costs figures from CEC: 9.17 cents per kWh in Southern California and 9.25 cents per kWh in Northern California.
- ⁸ Local Government Commission, op. cit., citing study for Visalia subdivision.

POLICY L.2.1



ENERGY-AWARE PLANNING GUIDE

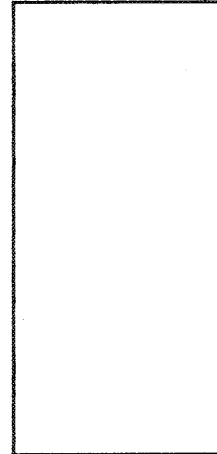
**ENERGY
AWARE
PLANNING GUIDE**

**POLICY L.2.2
STREET TREES**

Planting trees along streets reduces the heat absorbed by asphalt and can reduce the energy used for cooling in adjacent buildings. Street trees provide a better environment for walking and bicycling and can increase property values.

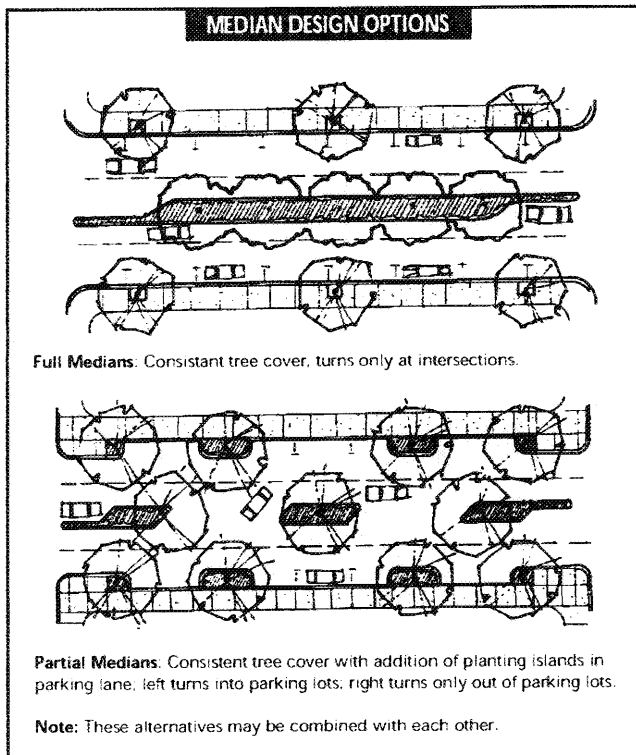
GENERAL PLAN LANGUAGE IDEAS

- ▣ The City/County shall preserve and maintain existing trees along and in public streets and parking lots and plant and maintain more trees in these areas when funding is available. In addition, the City/County shall amend the zoning code to



require street trees in new development. The objective is to provide shade to at least 50% of the street and sidewalk, on a block-by-block basis, at noon on June 21 of each year.¹

- ▣ Existing street trees must be protected during all public and private construction activities. If protection is not feasible, trees must be replaced.



SOURCE: Adapted from the City of Thousand Oaks Forestry Master Plan, Volume 2: Management & Design Plan, October 1989.

POLICY L.2.2

IMPLEMENTATION IDEAS

- ▣ **Protect existing street trees.** Adopt an ordinance requiring anyone (e.g. developers, utilities) beginning to excavate, demolish, or construct within 15 feet of a public street tree to apply for a permit. Permit conditions can specify methods to protect the tree from damage. If preservation is not possible, require replacement on a one-for-one or greater basis.

- ▣ **Require street trees in new developments.** Adopt an ordinance amending the zoning code to require street trees in new developments and trees in new surface parking lots. Developers may be given the option of planting the trees or paying a fee

ENERGY-AWARE PLANNING GUIDE

to the City/County to plant the trees. Identify who is responsible for maintenance — the City/County, developer, building owners, and/or homeowners. In addition, coordinate planting between City/County departments to avoid problems, such as having new street trees removed for a sewer replacement project.

The ordinance should be developed in accordance with the California Department of Forestry and Fire Protection's *Guidelines for Developing and Evaluating Tree Ordinances* and should include the following:

Criteria for tree species. Factors to consider include species diversity, height and span, drought tolerance, maintenance costs, safety, susceptibility to fire, pest and disease control, space requirements, life expectancy and aesthetics.

Spacing requirements. A standard of one tree per 40 feet is common. Higher standards are used in some places. For example, New York requires one tree every 25 feet in Midtown Manhattan and every 20 feet in one residential area.⁷ Spacing should ultimately be based upon an objective for shade cover, such as shading at least 50% of the street in the summer within [number] years. Standards for parking lots could be enumerated as [number] trees per sq. ft. or parking space or as an objective for shade coverage within a certain number of years. Standards for shade coverage should clearly include bike and pedestrian areas.

Standards for minimum tree size and location. Plant trees of adequate size to ensure survival. Trees should be planted to avoid utility lines, building awnings and other conflicts and to allow appro-

priate solar access on nearby buildings. Sidewalks and trees must be designed to coexist. Include minimum standards for the size of tree wells, drainage systems and other specifications such as root barriers.

☛ **Hire/appoint a city forester.**

A single person should be in charge of forestry programs, including planting and maintenance of public trees, tree planting requirements for new development, tree protection, street tree inventories and long-range planning.

☛ **Plant and maintain street trees.**

Regular maintenance is essential to establishing a healthy urban forest. Conduct and regularly update a street tree inventory to help establish a maintenance program, identify trees to be protected and plan for tree planting. Include street tree planting in the capital budget for road building.

ENERGY SAVINGS

One Davis study found that evening ambient temperatures in neighborhoods with well shaded streets are up to 10 degrees Fahrenheit (about 5.5 degrees Celsius) cooler than areas with less shading.³ Another study found that the air in a two-acre oak forest was seven to nine degrees cooler than the air above a nearby grassy area and 37 to 39 degrees cooler than an asphalt parking lot.⁴

A 1° Celsius change in average summer temperature for a large region could affect total electricity use by 1-2% due to the need for space cooling. Even when increased winter heating needs are considered, a 1° C change could reduce overall electricity use by about .50% to over 1.10%.⁵

In cooler areas, street trees can serve as wind breaks and reduce the demand for energy to heat buildings. Trees may reduce wind speeds in residential areas by 14-41% in the winter, depending upon the land use density.⁶

ENVIRONMENTAL BENEFITS

Reducing electricity demand, particularly peak demand often associated with air conditioning, will reduce pollutant emissions from power plants. For every 1,000 kWh of electricity used in California, about 850 pounds of CO₂ are produced.⁷ The average central air conditioner in a single family home in California consumes about 1,500 kWh per year.⁸

In addition, a healthy urban tree can absorb from 10 to 50 pounds of CO₂ per year.⁹ Trees can also reduce particulate matter and other air pollutants.

Trees and plants can reduce peak stormwater runoff in a city by about 10-20%. Rainwater either adheres to the plant surfaces or flows more slowly through the plant. Reducing and/or slowing urban runoff can reduce the size of new treatment systems.¹⁰

ECONOMICS

The cost of contractor-installed trees in 15-gallon containers (a commonly used size) averaged \$50-\$90 in 1989.¹¹ In the case of new development, the cost of planting street trees could be paid by the developer. The American Forestry Association estimates that two cents for every dollar spent on building roads would supply a quality tree and space for the tree.¹²

In 1988 cities in California spent an average of \$17.39 per tree on

urban forestry programs, primarily for street trees (including maintenance). Figured another way, cities spent an average of \$4.68 per resident. Budgets for tree programs averaged one percent of the city's total operating budget. Labor costs account for about 70% of the average tree care budget. For most programs, each full-time employee cares for between 500 and 5,000 trees.¹³

Possible funding sources for planting and maintenance include the general fund, special assessment districts, fines from improper removal of trees, development impact fees, grants, donations and parking taxes and revenues.

There is an economic value attached to trees. In 1985, the American Forestry Association estimated the yearly value of a tree: \$73 for air conditioning, soil erosion and storm water control worth \$75, wildlife shelter worth \$75 and air pollution control worth \$50. Compounded over a 50-year lifetime, this totalled \$57,152.¹⁴ The Council of Tree and Landscape Appraisers developed a method for determining the value of a tree based upon the tree's size, species, location and condition.¹⁵ Milwaukee estimates that its 300,000 street trees are worth about \$385 million, averaging almost \$1,300 per tree. Many older trees are priceless.¹⁶

In Tucson, Arizona, it has been estimated that planting trees has saved over \$600,000 per year in stormwater management.¹⁷

PROGRAMS IN OPERATION

The city of Palo Alto established a goal that 50% of the street right-of-way be shaded by street trees to reduce the heat island effects of pavement. Developers are required

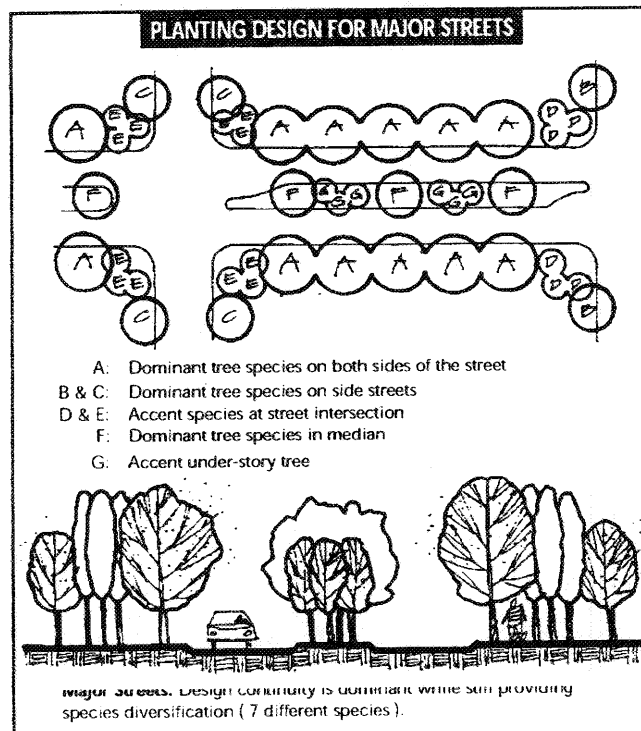
to plant street trees adjacent to new buildings. A city ordinance requires one tree for every six parking spaces in new parking lots and prohibits having more than 10 spaces in a row without a tree. Funds for the city's tree program and full-time arborist come from the general fund.

Contact: David Sandage, City Arborist, City of Palo Alto, Public Works Operations Department, P.O. Box 10250, Palo Alto, CA 94303, (415) 496-6905.

The city of Portland requires any improvement to commercial property exceeding \$25,000 to include

planting trees in the street right-of-way. If a street tree is removed, it must be replaced. Maintenance of street trees is divided between the city and property owners, depending upon the location. The city also works closely with volunteer groups to plant trees. The city's Forestry Department employs 19 full time staff and has a budget of over \$1 million, funded through the general fund.

Contact: Mike Mosher, Forestry Supervisor, City of Portland Forestry Department, 10910 North Denver St., Portland, OR 97217, (503) 823-4489.



SOURCE: Adapted from the City of Thousand Oaks Forestry Master Plan, Volume 2: Management & Design Plan, October 1989.

In 1989, the city of Thousand Oaks adopted a comprehensive Forestry Master Plan, including programs and policies, a management and design plan, a planting and maintenance manual, a description of how to conduct a tree inventory and a plan for community participation and education. The Plan includes information applicable to many California cities and counties. While implementation has been delayed due to budget cuts, the city has assembled a volunteer tree advisory board of landscape architects to help implement the plan.

Contact: Greg Smith, City of Thousand Oaks, 2150 West Hillcrest, Thousand Oaks, CA 91320, (805) 496-8604.

RESOURCES

The California Department of Forestry and Fire Protection, Urban Forestry Program, offers technical assistance, a survey of California urban forestry programs, and *Guidelines for Evaluating Tree*

Ordinances. Grants for tree planting also are available. Funding is from bond revenues, the America the Beautiful program and the Small Business Administration.

Contact: James R. Geiger, Urban Forester, Dept. of Forestry and Fire Protection, P.O. Box 944246, Sacramento, CA 94244-2460, (916) 653-9448.

Under the **Environmental Enhancement and Mitigation Program**, established in 1989 with the enactment of AB 471, the **Resources Agency** of California provides grants to local, state, and federal agencies and nonprofit entities to mitigate the impact of new or modified transportation facilities. Tree planting programs within or outside of the right-of-way of the transportation facility are eligible. Applications are usually due at the end of January for the upcoming fiscal year.

Contact: MaryLou Shurtleff, Resources Agency, Room 1311, 1416 Ninth St., Sacramento, CA 95814, (916) 653-5672.

The American Forests (AF) is the nation's oldest citizens' organization for trees, forests and forestry. In addition to sponsoring the Global ReLeaf campaign, AF established the National Urban Forest Council. The Council publishes *Urban Forests*, a free bi-monthly newsletter. AF also offers *American Forests Magazine*, publications and videos on tree management, and proceedings from AF's annual urban forestry conferences.

Contact: AFA, P.O. Box 2000, Washington, D.C., 20013-2000, Phone: (202) 667-3300, Fax: (202) 667-7751.

The **National Arbor Day Foundation** promotes tree planting through its Tree City USA program. To be designated a Tree City, a city must: 1) appoint a tree board or establish a tree department 2) adopt a tree ordinance 3) spend at least \$2 per capita annually on forestry 4) issue a proclamation in observance of Arbor Day. The Foundation has a model ordinance and other tree planting information.

Contact: National Arbor Day Foundation, 100 Arbor Ave., Nebraska City, NE 68410, (402) 474-5655.

The **World Forestry Center** offers an introductory and technical *Guide to Community and Urban Forestry in Washington, Oregon and California*.

Contact: World Forestry Center, 4033 S.W. Canyon Road, Portland, OR 97221, (503) 228-1367.

The **International Society of Arboriculture**, a professional organization of arborists, publishes a monthly magazine and guides on establishing tree values, municipal tree ordinances and tree transplanting. Videos on tree care and preservation also are available.

Contact: International Society of Arboriculture, P.O. Box 908, 303 W. University, Urbana, IL 61801, (217) 328-2032.

Gary Moll and Sara Ebenreck (editors), *Shading Our Cities: A Resource Guide for Urban and Community Forests*, Island Press. This is an excellent book describing the benefits of trees in cities and implementation programs. The book also lists resources and provides case studies. The book is available in many bookstores and through American Forests.

Gary Moll and Stanley Young, *Growing Greener Cities* (1982), is an "easy-to-read", all-in-one city tree handbook.

Contact: American Forests, P.O. Box 2000, Washington, D.C. 20013-2000, (202) 667-3300.

Cooling Our Communities: A Guidebook on Tree Planting and Light-Colored Surfacing, by the EPA and Lawrence Berkeley Laboratories, is an excellent source of information for local governments on the benefits, costs, and issues involved in tree planting. The

guidebook includes a Comprehensive Model Energy Conservation Landscaping Ordinance that includes requirements for minimum landscape standards and tree preservation.

Contact: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. The Guidebook is \$13 and the ordering number is S/N 055-000-00371-8. *

RELATED POLICIES

- L3.3 Pedestrian Facilities
- B.1.7 Shade Trees
- W.1.1 Water Efficient Landscaping

ENDNOTES:

- ¹ City of Palo Alto policy, as cited in D. Bartsch, J. Hook, E. Prince, and D. Schrom, "Using Computer Simulation To Plan A Sustained-Yield Urban Forest," *Journal of Forestry*, Volume 83, No. 6, June 1985.
- ² Smith, Thomas P., "Improving City Street-Tree Codes," *Zoning News*, May 1990.
- ³ Jonathan Hammond, Marshall Hunt, Richard Cramer, and Loren Neubauer, "A Strategy for Energy Conservation," City of Davis, California, Energy Conservation Ordinance Project, 1974, as cited in Corbett, *A Better Place to Live*.
- ⁴ Cited in City of Thousand Oaks, *Forestry Master Plan*, prepared by Wolf Mason Associates, October 1989.
- ⁵ Baxter, Lester W., Raui Herrera, Margaret Miller, and Glen Sharp (California Energy Commission), "Global Warming and Space Conditioning Use in California: Effects and Mitigation," *Controlling Summer Heat Islands*, (Lawrence Berkeley Laboratories, University of California), November 1989.
- ⁶ Heister, Gordon M., USDA Forest Service, "Mean Windspeed Below Building Height in Residential Neighborhoods," *Controlling Summer Heat Islands*, op. cit.
- ⁷ California Energy Commission, *1988 Inventory of Greenhouse Gas Emissions*, October 1990, page A-41.
- ⁸ Based upon data from the six major utilities in California in California Energy Commission, *California Energy Demand: 1991-2017*, June 1991.
- ⁹ Based upon data in Table III of Krause, Florentin, and Koomey, Lawrence Berkeley Laboratory, "Unit Costs of Carbon Savings from Urban Trees, Rural Trees, and Electricity Conservation: A Utility Cost Perspective," *Controlling Summer Heat Islands*, op. cit.
- ¹⁰ Moll, Gary, A., American Forestry Association, "Tree Values and Value Measurements," *Controlling Summer Heat Islands*, op. cit.
- ¹¹ City of Thousand Oaks, *Forestry Master Plan*, op. cit., volume 3, page 10.
- ¹² Moll, "Tree Values and Value Measurements," 1989, op. cit.
- ¹³ *The State of Urban Forestry in California. Results of the 1988 California Urban Forestry Survey*, prepared by Elizabeth Bernhardt and Tedmund J. Swiecki, Plant Science Consulting and Research for the California Department of Forestry and Fire Protection, August 1989.
- ¹⁴ Gary Moll and Sara Ebenreck (editors), *Shading Our Cities: A Resource Guide for Urban and Community Forests*, (Washington, D.C.: Island Press), 1989.
- ¹⁵ Council of Tree and Landscape Appraisers, *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants*, available from the International Society of Arboriculture, P.O. Box 71, Urbana, IL, 61801.
- ¹⁶ "Improving City Street-Tree Codes," *Zoning News*, May 1990.
- ¹⁷ "Teaching Green Values," *Urban Forests*, April/May 1992.



Design of Stormwater Filtering Systems

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CHAPTER 1

INTRODUCTION TO STORMWATER FILTERING SYSTEMS

1.1 WHAT ARE STORMWATER FILTERING SYSTEMS?

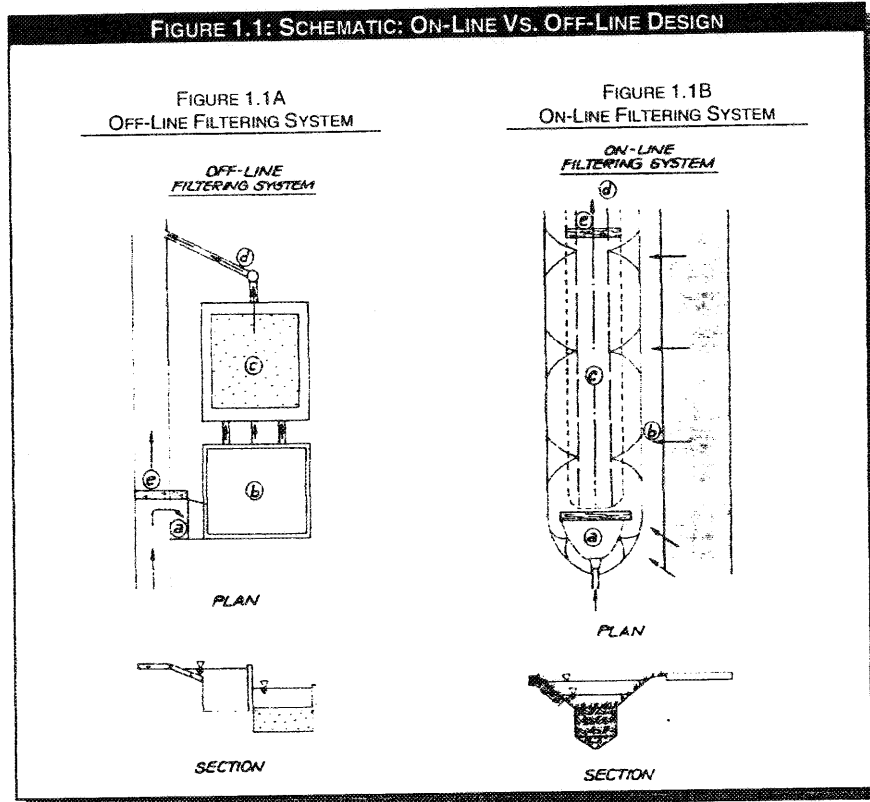
Stormwater filtering systems refer to a diverse group of techniques for treating the quality of stormwater runoff. The common thread is that each utilizes some kind of filtering media, such as sand, soil, gravel, peat or compost to filter out pollutants entrained in stormwater runoff. In addition, most filtering systems are typically applied to small drainage areas (five acres or less). Third, filtering systems are designed solely for pollutant removal. Flows greater than the water quality treatment volume are bypassed around the filter to a downstream stormwater management facility. Lastly, filtering systems incorporate four basic design components in every application.

1.2 COMMON DESIGN COMPONENTS

While stormwater filters are a diverse group of stormwater practices, they have several common design components. The four basic design components of a filtering system are: (a) inflow regulation that diverts a defined flow volume into the system; (b) a pretreatment technique to capture coarse sediments; (c) the filter bed surface and unique filter media, and (d) an outflow mechanism to return treated flows back to the conveyance system and/or safely handle storm events that exceed the capacity of the filter. Each of the design components are described in greater detail below:

1.2A INFLOW REGULATION

The inflow regulator is used to divert runoff from a pipe, open channel or impervious surface into the filtering system. The inflow regulator is designed to divert the desired water quality volume into the filter, and also allow large flow volumes to continue through the conveyance channel. With a few exceptions, most filtering systems are constructed *off-line* (i.e., runoff is diverted from the main conveyance system, treated, and then returned back to the conveyance system (Figure 1.1a). A few filtering systems are constructed *on-line*, such as the swale system depicted in Figure 1.1b. On-line filters are located within the conveyance system, and are exposed to the full range of flow events from the smallest storm up to and including the 100 year event.



1.2B PRETREATMENT

The second key component of any filtering system is pretreatment. Pretreatment is needed in every design to trap coarse sediments before they reach the filter bed.

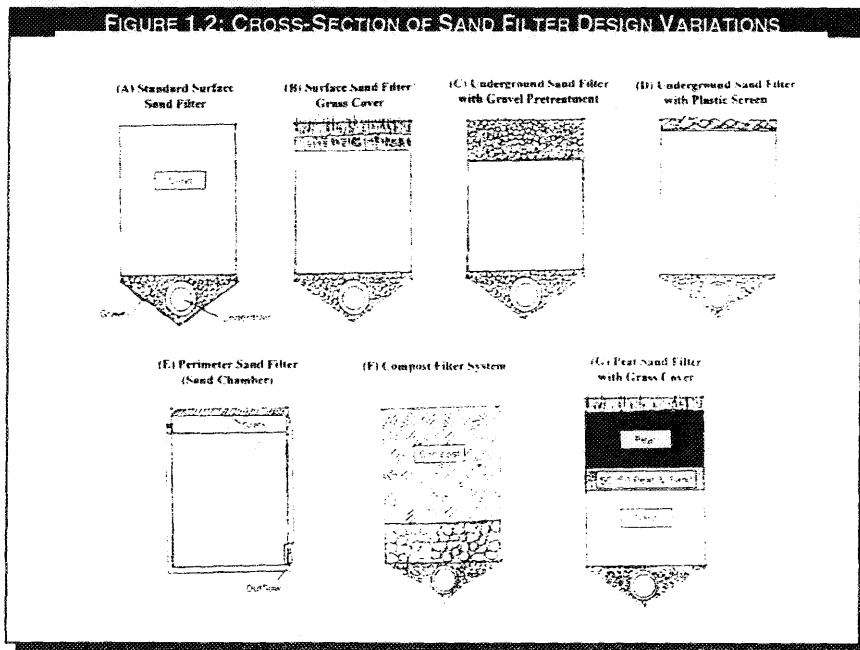
Without pretreatment, the filter will quickly clog, and lose its pollutant removal capability. Each filter design differs with respect to the type and volume of pretreatment afforded. The most common technique of pretreatment is a wet or dry settling chamber. Geotextile screens, pea gravel diaphragms and grass filter strips may also be used as a secondary form of protection. Sediments deposited in the pretreatment chamber must be periodically removed to maintain the system.

1.2C FILTER BED AND FILTER MEDIA

Each filtering system utilizes some kind of media such as sand, gravel, peat, grass, soil or compost to filter out pollutants entrained in urban stormwater, and some designs utilize more than one. The selection of the right media is important, as each has different hydraulic, pollutant removal and clogging characteristics.

The filter media is incorporated into the filter bed. The three key properties of the bed are its surface area, depth, and profile. The required *surface area* for a filter is usually based as a percentage of impervious area treated and the media itself, and may vary due to regional rainfall patterns and local criteria for water quality treatment volumes. The *depth* of most filtering systems ranges from 18 inches to four feet. A relatively shallow filter bed is used for hydraulic and cost reasons, and because most pollutants are trapped in the top few inches of the bed. Each design also utilizes a slightly different *profile* through the bed. An example of the variation in sand filter profiles is shown in Figure 1.2. As can be seen, each design has slightly different surface protection and layering through the bed.

1.2D OUTFLOW MECHANISM



The final component of any stormwater filter design is the method(s) used to *collect* or *exfiltrate* the filtered runoff that leaves the filter bed and bypass the larger storm flows. The two primary methods for handling filtered runoff are to *collect* it in perforated pipes and return it back to the conveyance system, or to allow it to *exfiltrate* into the underlying soils where it may ultimately reach groundwater. Each method has its pros and cons. In the *collection* method, the bottom of the filter bed may be sealed with an impermeable liner which allows the filtered runoff to be captured in pipes and returned to the conveyance system. This is desirable if the contributing land use is considered a pollutant hotspot or if groundwater contamination is a concern. In the *exfiltration* method, the bottom of the filter bed is fully or partly permeable, and the filtered runoff continues downward through the soil and into groundwater. The uncollected runoff volume and pollutant mass drain into underlying soils and the water table. The advantage of exfiltration is that it provides groundwater recharge and takes advantage of the natural filtering capacity of soil to remove additional pollutants.

1.3 TYPES OF STORMWATER FILTERING SYSTEMS

This section describes the five broad groups of filtering systems that can be used for stormwater treatment. They include sand filters, open vegetated channels, bioretention areas, filter strips and submerged gravel filters. Within each group of filters are a number of important design variants that need to be considered.

1.3A SAND FILTERS

The City of Austin, Texas first pioneered the use of sand filters to treat urban stormwater runoff in the early 1980's. Since then the practice has rapidly evolved, with nearly a dozen variants of the basic sand filter design developed in response to different climatic, development and site conditions. For purposes of this manual, sand filter designs are grouped into five broad categories:

- Surface Sand Filter
- Underground Sand Filter
- Perimeter Sand Filter
- Organic Filter
- Pocket Sand Filter

SURFACE SAND FILTER

The earliest design was the surface sand filter, shown in Figure 1.3. A flow splitter is used to divert the first flush of runoff into an off-line sedimentation chamber. The chamber may be either wet or dry, and is used for pretreatment. Coarse sediments drop out as the runoff velocities are reduced. Runoff is then distributed into the second chamber, which consists of an 18 inch deep sand filter bed and temporary runoff storage above the bed. Pollutants are trapped or strained out at the surface of the filter bed. The filter bed surface may have a sand or grass cover. A series of perforated pipes located in a gravel bed collect the runoff passing through the filter bed, and return it into the stream or channel at a downstream point. If underlying soils are permeable, and groundwater contamination unlikely, the bottom of the filter bed may have no lining, and the filtered runoff may be allowed to exfiltrate.

UNDERGROUND SAND FILTER

The underground sand filter was adapted for sites where space is at a premium. In this design, the sand filter is placed in a three chamber underground vault accessible by manholes or grate openings. (Figure 1.4). Pioneered in the District of Columbia, the vault can be either on-line or off-line in the storm drain system. The first chamber is used for pretreatment and relies on a wet pool as well as temporary runoff storage. It is connected to the second sand filter chamber by an inverted elbow, which keeps the filter surface free from trash and oil. The filter bed is 18 inches in depth and may have a protective screen of gravel or permeable geotextile to limit clogging. During a storm, the water quality volume is temporarily stored in both the first and second chambers. Flows in excess of the filter's capacity are diverted through an overflow weir. Filtered runoff is always collected, using perforated underdrains that extend into the third "overflow" chamber.

PERIMETER SAND FILTER

The "Delaware" sand filter, developed by Shaver and Baldwin (1991), consists of two parallel trench-like chambers that are typically installed along the perimeter of a parking lot (Figure 1.5). Parking lot runoff enters the first chamber which has a shallow permanent pool of water. The first trench provides pretreatment before the runoff spills into the second trench, which consists of an 18 inch deep sand layer. During a storm event, runoff is temporarily ponded above the normal pool and sand layer, respectively. When both chambers fill up to capacity, excess parking lot runoff is routed to a bypass drop inlet. The remaining runoff is filtered through the sand, and collected by underdrains and delivered to a protected outflow point.

ORGANIC FILTER

The organic filter functions the same as a surface sand filter design, with the exception that it uses compost or peat/sand as the filter media. The basic design of an organic filter is shown in Figure 1.6. A flow splitter diverts runoff into a pretreatment chamber, and then passes into a series of filter cells. Each filter bed contains an 18 inch layer of compost or peat, followed by a filter fabric, and six inches of perforated pipe and gravel. Runoff filters through the organic media and is then collected by a perforated pipe and directed toward the outlet. In most organic filters, the filter bed and subsoils are separated by impermeable polyliner to prevent movement into groundwater.

POCKET SAND FILTER

The pocket sand filter is a simplified and low cost design that may be used on smaller sites. Runoff is diverted within a manhole (Figure 1.7). A bypass pipe sends excess runoff along the storm drain system, and a flow diversion pipe routes the water quality volume into the system. Pretreatment is provided by a concrete flow spreader, a grass filter strip and a plunge pool. The filter bed is also a relatively simple affair. A shallow basin is excavated, and contains the sand filter layer. Most of the water quality volume is temporarily stored above the filter bed. The surface of the filter bed contains a soil layer and grass cover crop. In the event of clogging, the pocket sand filter has a pea gravel "window" to direct runoff into the sand, as well as a cleanout and observation well. In most cases, the filtered runoff is allowed to exfiltrate into the underlying soils, although underdrains may be needed if the soils are not suitably permeable.

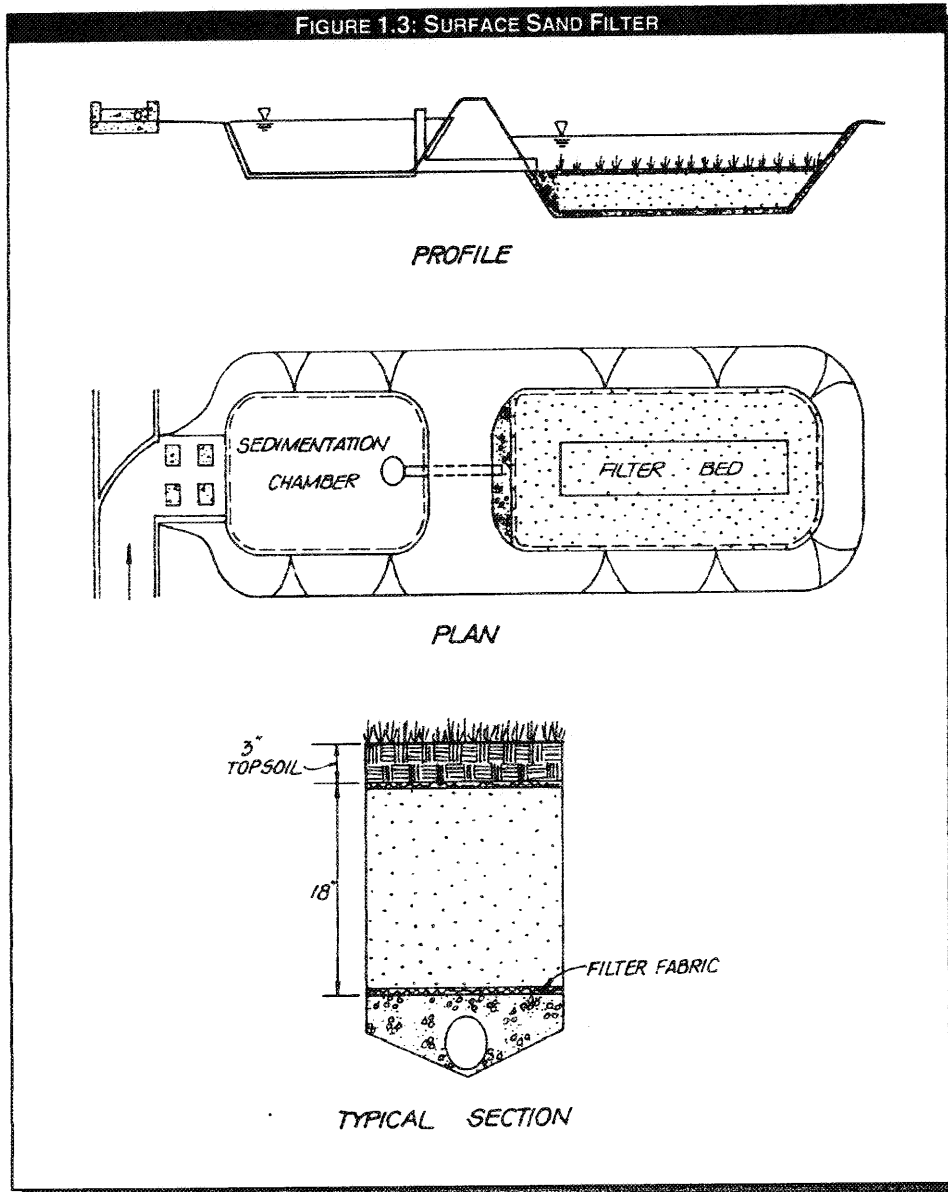
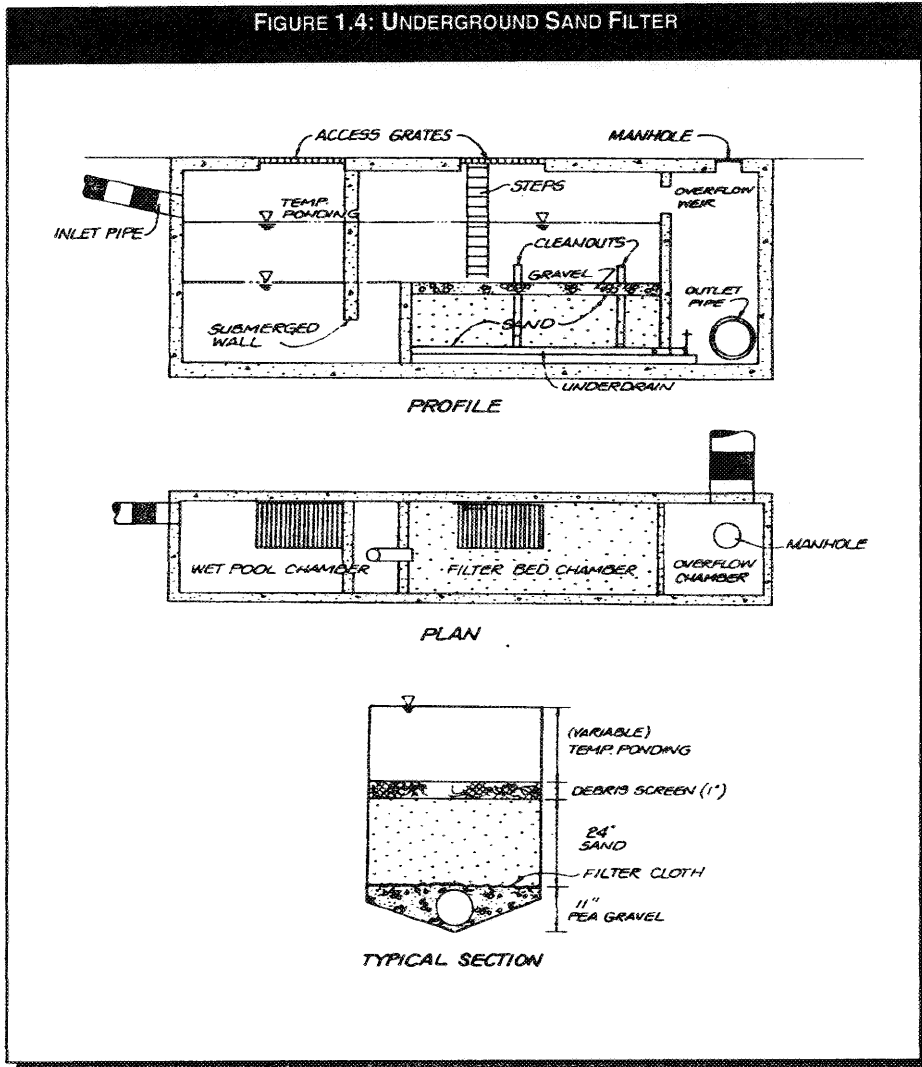


FIGURE 1.4: UNDERGROUND SAND FILTER



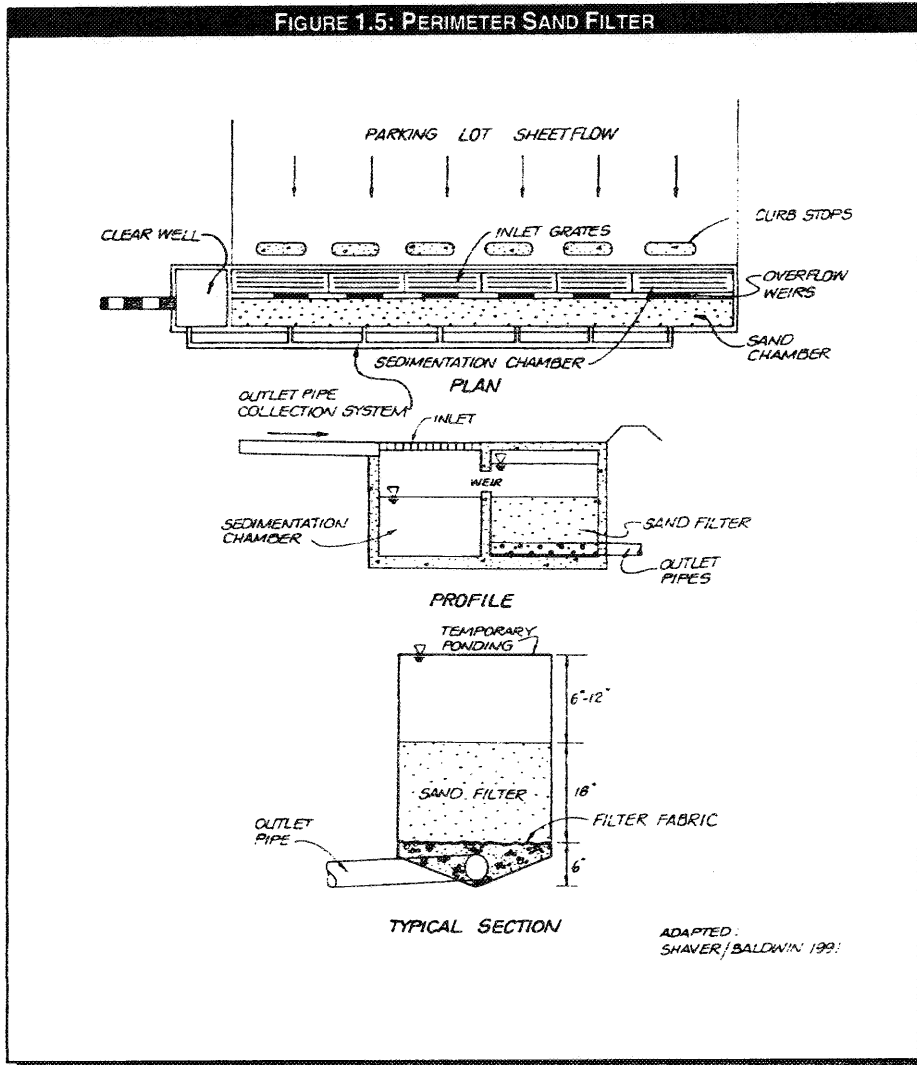
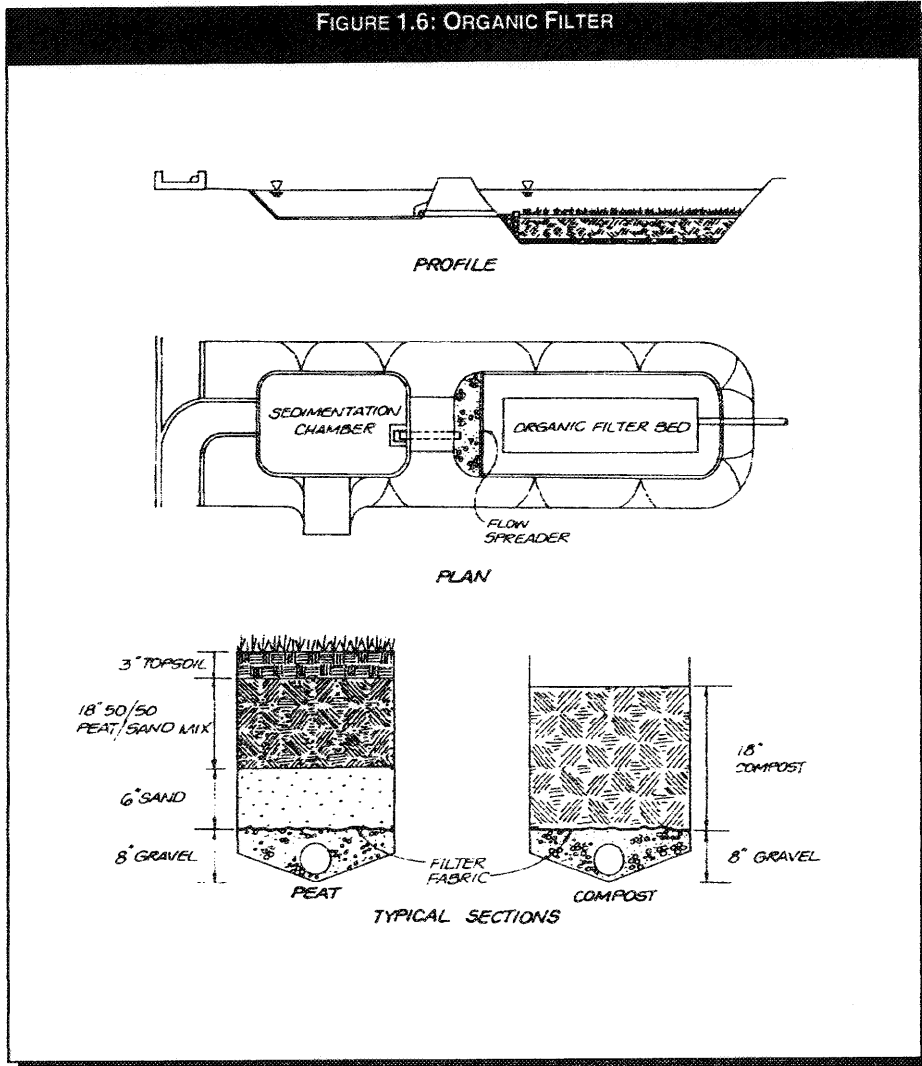
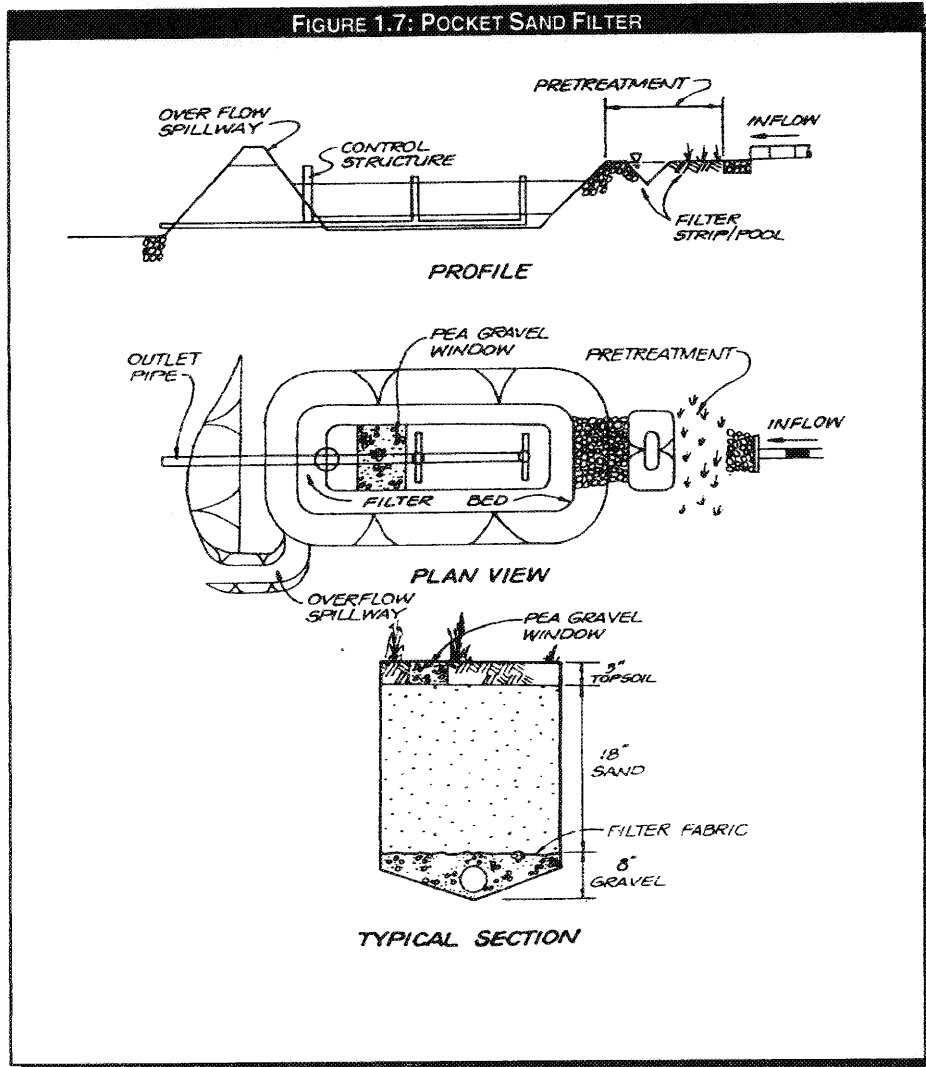


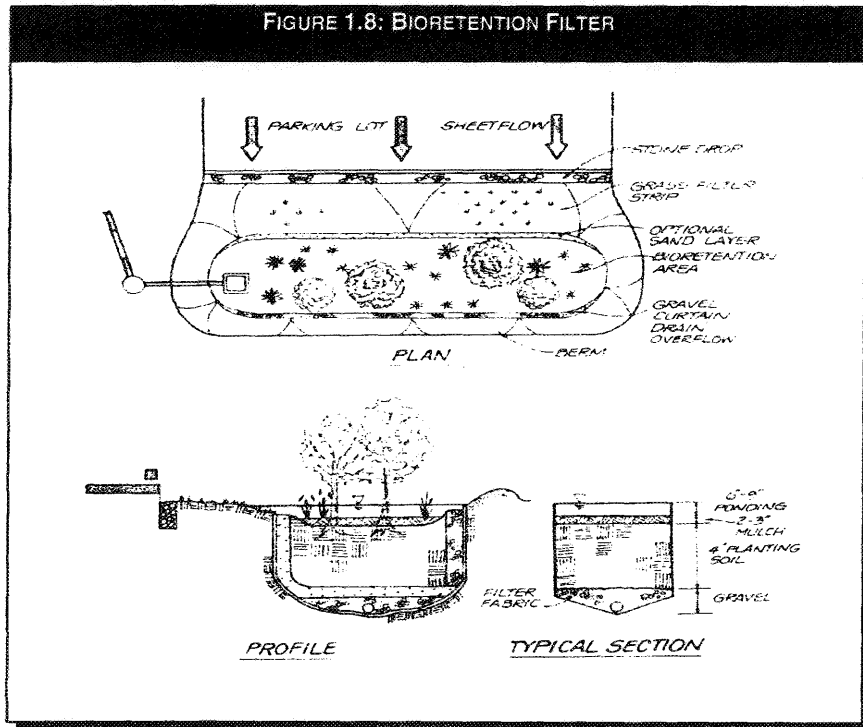
FIGURE 1.6: ORGANIC FILTER





1.3B BIORETENTION

This filtering system utilizes parking lot islands and planting strips for on-site treatment of the water quality volume. Surface runoff is directed into shallow, landscaped depressions in the parking lot, known as bioretention areas. These depressions are modeled to incorporate many of the pollutant removal mechanisms that operate in forested ecosystems. Key elements include a grass filter, sand layer, loamy soils, mulch layer, shallow ponding of stormwater and plantings of native trees and shrubs (Figure 1.8). Pretreatment mechanisms include a stone drop at the edge of the parking lot that leads over a grass filter strip and a sand layer. During storms, the water quality volume is ponded up to nine inches above the mulch. Runoff in excess of the water quality volume rises to a higher elevation, but is then diverted into a standard drop inlet connected to the storm drain system. The remaining runoff filters through the mulch and prepared soil mix, which is about four feet in depth. Typically, the filtered runoff is collected in a perforated underdrain and returned to the storm drain system.



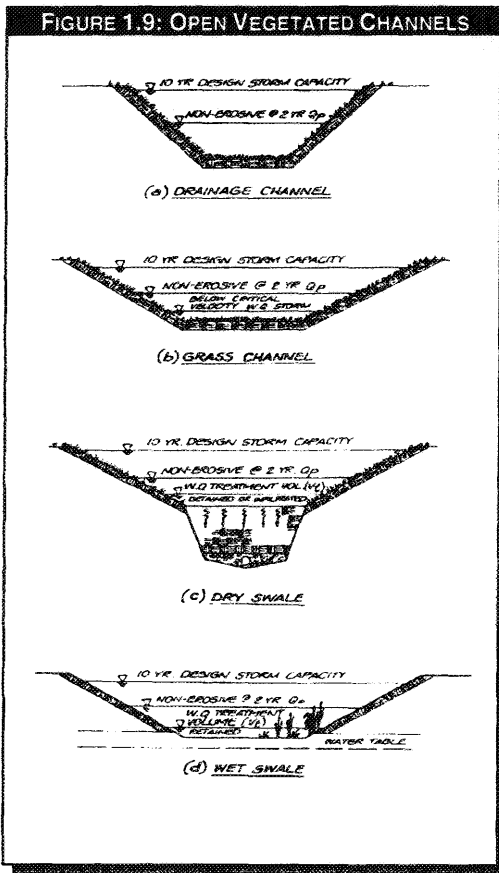
The benefits of bioretention include low land consumption, as the entire bioretention area can fit within the 5 to 10% of a parking lot that is typically devoted to landscaping. In addition, regular maintenance can be provided by commercial landscaping companies, and the "planting hole" provided by the bioretention area often increases the survival rates of landscaping.

1.3C OPEN VEGETATED CHANNELS

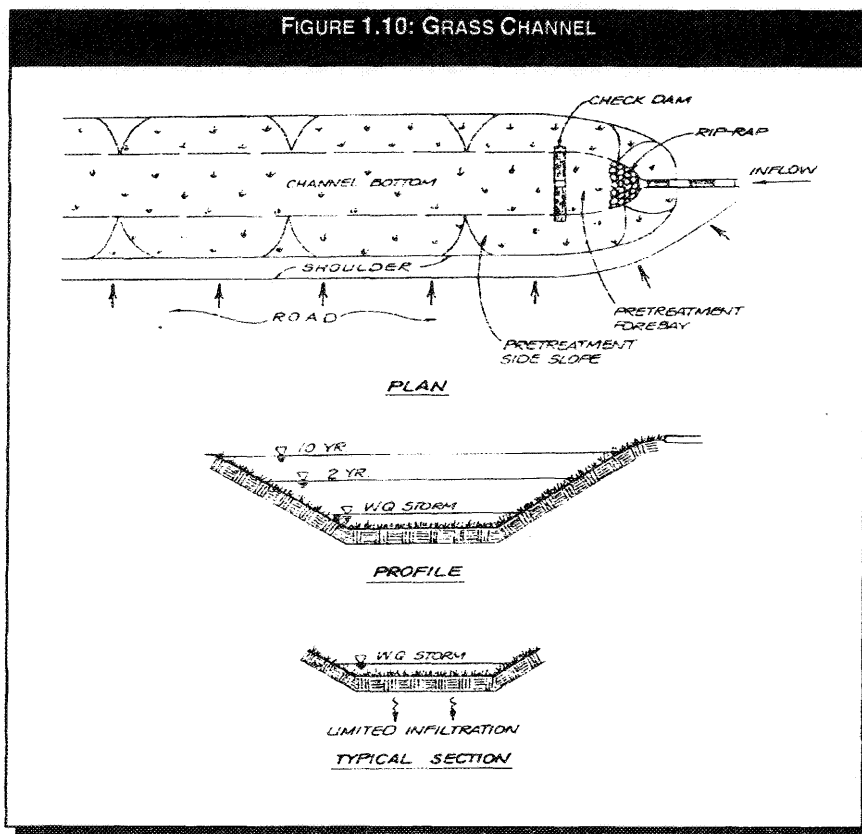
Stormwater engineers frequently use open channels or grass swales to convey stormwater runoff. In some cases, open channels can be redesigned to provide significant pollutant removal. It is therefore quite important to define what is meant by open channels, so as to better distinguish the potential differences in pollutant removal

potential that various channel designs can have during small storms. In this sense, open channels can be classified into one of four possible categories, based on their hydrologic design. They are the drainage channel, grassed channel, dry swale and wet swale (Figure 1.9).

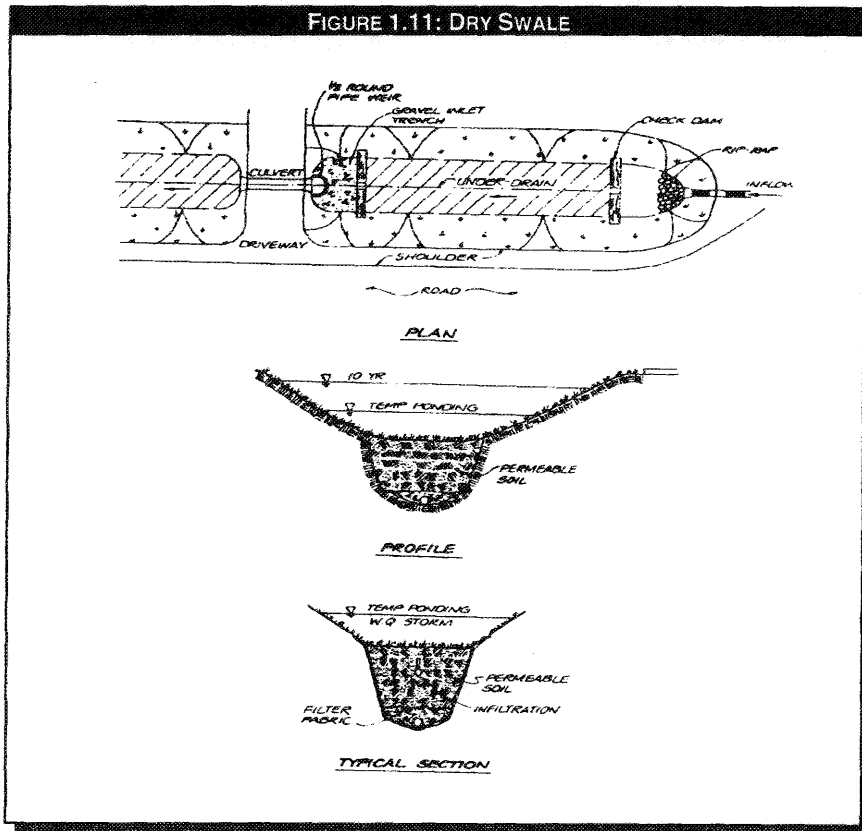
The open channel design in most common use is termed a drainage channel, and is designed to have enough capacity to safely convey runoff during large storm events without erosion. Typically, a drainage channel has a cross-section with hydraulic capacity to handle the peak discharge rate for the ten year storm event, and channel dimensions (i.e., slope and bottom width) that will not exceed a critical erosive velocity during the peak discharge rate associated with the two year storm event (Figure 1.9a). Consequently, most drainage channels provide very limited pollutant removal, unless soils are extremely sandy and slopes are very gentle.



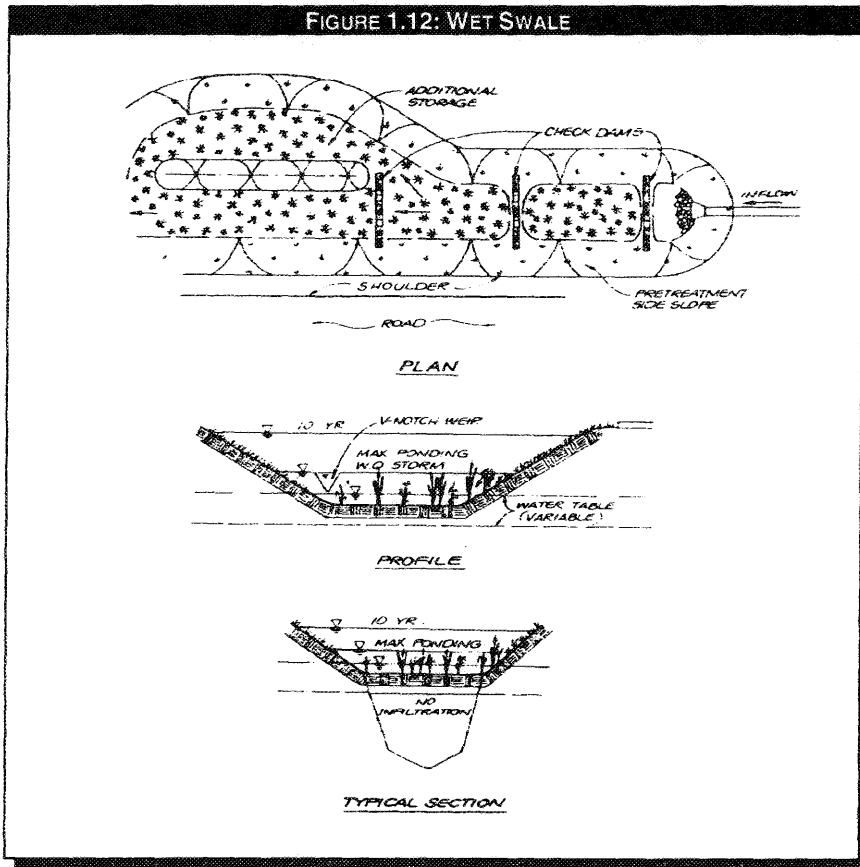
To achieve greater pollutant removal, stormwater engineers have recently employed *grass channels*. Grass channels are designed to meet runoff velocity targets for two very different storm conditions—a water quality design storm and the two year design storm (Figure 1.10). During the “water quality storm,” runoff velocity typically cannot exceed 1.0 fps during the peak discharge associated with the water quality design rainfall event, and the total length of the channel must provide at least ten minutes residence time. In some regions of the country, grass channels are termed “biofilters” (Seattle METRO, 1992). To meet the water quality criteria, grass channels must have broader bottoms, lower slopes and denser vegetation than most drainage channels. Nominal pretreatment is created by placing checkdams across the channel below pipe inflows, and at various other points along the channel. The filter bed area in a grass channel is usually confined to the top inch of soil and thatch, since most runoff events will traverse the length of channel in about ten minutes.



A third open channel is termed the dry swale. In a dry swale, the entire water quality volume is temporarily retained by checkdams during each storm. Unlike the grass channel, the filter bed in the swale consists of 30 inches of prepared soil (sandy loam) that is then collected by an underdrain pipe (see Figure 1.11). The swale is designed to rapidly dewater, thereby allowing front yards to be more easily mowed. Again, pretreatment is provided through check dams at pipe inflow points, and by keeping side slopes gentle if they are adjacent to impervious areas. In the event that surface soils clog, the dry swale has a pea gravel window on the downstream side of each checkdam to route water to the underdrain. A dry swale is often the preferred open channel option in residential settings since it is designed to prevent standing water that makes mowing difficult and generates complaints.

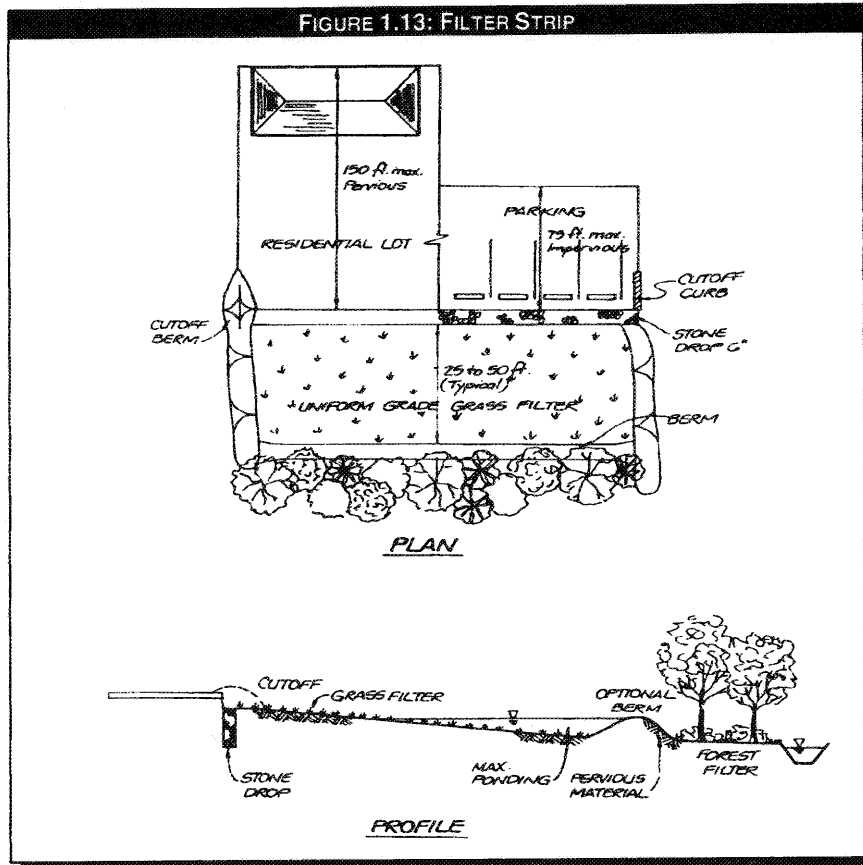


The last open channel design is termed a wet swale, and occurs when the water table is located very close to surface (Figure 1.12). As a result, swale soils often become fully saturated, or have standing water all or part of the year after the channel has been excavated. This "wet swale" essentially acts as a very long and linear shallow wetland treatment system. Like the dry swale, the entire water quality treatment volume is stored and retained within a series of cells in the channel, formed by berms or checkdams. The notched checkdams are set so that the invert creates the pool level when the water table is high. The dimensions of the notches are set to provide the desired detention time within each cell for the storm. In some cases, the cells may be planted with emergent wetland plant species to improve removal rates. If land is available, some wetland cells can be placed off-line, as shown in Figure 1.12.



1.3D FILTER STRIP

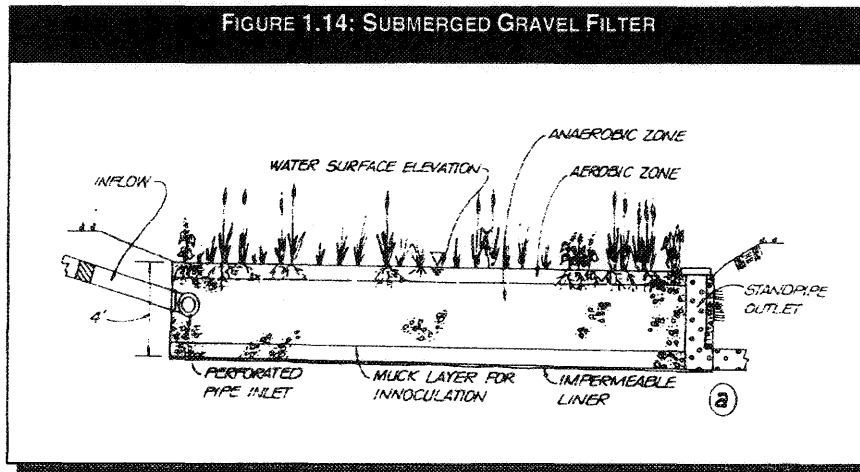
Filter strips rely on the use of vegetation to slow runoff velocities and filter out sediment and other pollutants from urban stormwater. To be effective, however, filter strips require the presence of sheet flow across the entire strip. Once flow concentrates to form a channel, it effectively short-circuits the filter strip. Unfortunately, this usually occurs within a short distance in urban areas. It is doubtful, for example, whether sheetflow can be maintained over a distance of 150 feet for pervious areas, and 75 feet for impervious areas (or about one parking bay). In the most common design, runoff is directed from a parking lot into a long filtering system composed of a stone trench, a grass strip and a longer wooded strip (see Figure 1.13).



The grass portion of the filter strip provides pretreatment for the wooded portion. In addition, a six inch stone drop is located at the edge of the parking lot and the filter strip to prevent sediments from depositing at this critical entry point. The filter strip is typically an on-line practice, so it must be designed to withstand the full range of storm events without eroding (i.e., up to the peak discharge associated with the 100 year design storm). In snowier climates, the grass portion of the system provides a handy location to stockpile snow where the meltwater can gradually infiltrate into the soil. The maintenance requirements include scraping the sediment buildup at the edge of the parking lot to maintain inflows, and mowing the grass portion of the filter strip.

1.3E SUBMERGED GRAVEL FILTER

A recent design innovation is the submerged gravel filter. It consists of a series of cells that are filled with crushed rock or gravel (Figure 1.14). The standpipe from each cell is set at an elevation that keeps the rock or gravel submerged. Wetland plants are rooted in the media, where they can directly take up pollutants. In addition, algae and microbes thrive on the enhanced surface area of the rocks. In particular, the anaerobic conditions on the bottom of the filter can foster the denitrification process (Kadle and Knight, 1996). Although widely used for wastewater treatment in recent years, only a handful of submerged gravel filters have been designed to treat stormwater. In general, the submerged gravel filter has similar design components to the pocket sand filter.



1.4 A UNIFIED DESIGN APPROACH

The remainder of the manual presents detailed engineering guidance on each of the first four groups of filtering systems. Some unique features of the manual include:

1.4A A UNIFIED DESIGN APPROACH

The underlying concept of the manual is that a common and unified approach is needed to design each type of stormwater filter, so that this useful technology can gain wider engineering acceptance at the local level throughout the Chesapeake Bay.

1.4B SMALL STORM HYDROLOGY AND STORMWATER HOTSPOTS

A key feature of the manual is the presentation of methods to determine the hydrologic response and pollutant loading from small storms for smaller sites (Chapter 2). Small sites are not always the same, and can often be best modeled with new techniques for calculating runoff rates and volumes that reflect small storm hydrology from small, heterogeneous urban sites. Field research has indicated these methods are superior to the conventional NRCS runoff forecasting methods (such as TR-55 and TR-20) on small sites.

1.4C VOLUME-BASED SIZING

The manual presents a single volumetric sizing requirement for each filter which is to capture and treat 90% of the runoff producing rainfall events that occur each year. Many prior design approaches had been rate-based, and resulted in limited and unreliable pollutant removal rates.

1.4D FILTER SELECTION CRITERIA

What is the most appropriate stormwater filter for a particular development site? Are other BMP systems such as ponds, wetlands or infiltration more effective or appropriate? To answer these questions the manual synthesizes recent research and field experience on the pollutant removal performance, longevity, cost, and maintenance burden of each type of stormwater filter. This information has been condensed in a series of tables in Chapter 3 that help designers and municipal officials select the most effective stormwater filter for their development situation, and compare it against the performance and feasibility of other stormwater BMP options.

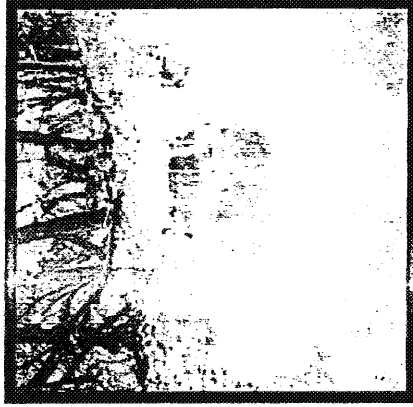
1.4E REVIEW OF POLLUTANT REMOVAL PATHWAYS

The latest performance monitoring data for stormwater filtering systems is reviewed in Chapter 4 to identify key pollutant removal pathways that can be enhanced in design. Both practical and innovative techniques for enhancing pollutant removal in each group of filter practices are recommended.

1.4F STANDARD DESIGN FEATURES AND DESIGN EXAMPLES

Chapter 5 presents detailed engineering design guidance for sand filters. The design of bioretention systems is presented in Chapter 6. Open channel systems and filter strip design are outlined in Chapter 7. Each design chapter outlines the basic filter sizing criteria, and incorporates standard engineering specifications for flow regulation, pretreatment, filter bed and media, and outflow mechanisms. This standardization should increase the effectiveness of each filtering practice and reduce maintenance problems. In addition, step-by-step design examples are presented for most practices that walk the engineer through the design methods.

**RE-EVALUATING STORMWATER
THE NINE MILE RUN MODEL
FOR RESTORATIVE REDEVELOPMENT**

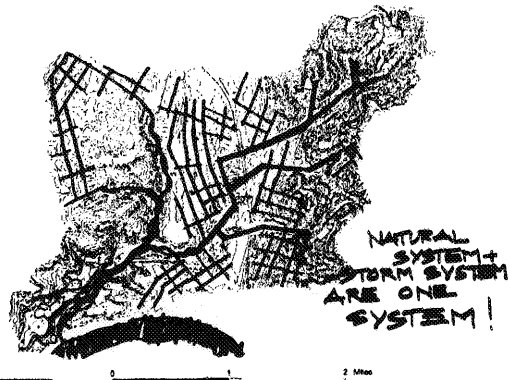


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5. INTEGRATE AND ACQUIRE FEEDBACK. All monitoring results should be shared among community residents, municipal leaders, and the watershed management entity. As comments and concerns from this communication loop emerge, the monitoring objectives, environmental priorities, and attainable conditions can be modified to measure and ensure the success of watershed restoration programs vis-a-vis human health and the environment. The public can be further involved in stream monitoring and cleanups, storm drain stenciling, planting for habitat restoration, and other actions. Experiences in the field educate the public and foster consensus and stewardship.

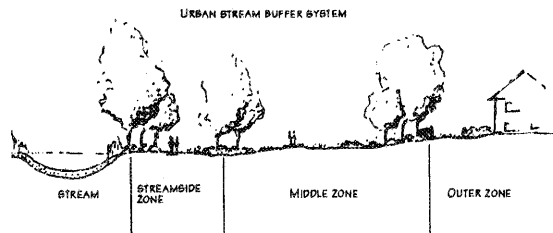


In the Nine Mile Run watershed, natural streams and artificial storm drainage connect to make a single system. Drawing by charrette team.

REIMAGINE THE COMMUNITIES

There are many linkages between sewer and stormwater infrastructure and the social and economic conditions of watershed communities. Infrastructure approaches requiring huge expenditures on single-purpose systems can be a substantial economic drain on communities. On the other hand, investments in green infrastructure measures produce improved landscapes, beautified streets, recreational amenities, wildlife habitat, and other results that generate economic value for communities.

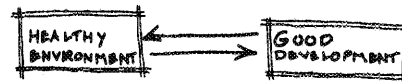
As the sewer and stormwater infrastructure is renewed in coming years, costs can be reduced and local social and economic conditions improved by implementing the stormwater management techniques illustrated in this report. At the same time, public and private development organizations can assist rehabilitation of infrastructure and restoration of watershed processes. It's a two-way street. Whether we approach restorative redevelopment from an infrastructure focus, or from a community development perspective, the objective is the same: improving the value and livability of the city while simultaneously restoring natural processes and functions.



Stream buffers like this one can relieve flooding, improve water quality in the channel and the water approaching the channel from the side, maintain riparian habitat and provide amenities that boost community development. Drawing by charrette team.

The charrette's policy team gave considerable attention to ways community development policies and institutions can support restorative redevelopment. The team offered the following general principles:

- Recognize the watershed impacts of redevelopment activities. How will runoff, infiltration, and base flow be affected? Does a project or program contribute to restoration of natural watershed processes?
- Follow the patterns of restorative redevelopment identified earlier in this report. Make project components multi-functional, use every square inch, and pursue the other patterns to integrate and maximize stormwater, social, and economic benefits.
- Coordinate the planning of development that has multi-municipal impacts on stormwater and sewage infrastructure, roads and traffic, other infrastructure, zoning, land use, public participation and outreach to citizens. The watershed management entity could conduct or coordinate such reviews, particularly to examine impacts on stormwater and sewage infrastructure, streams, and riparian areas.
- Assure development occurs as planned and agreed upon to enhance and fit with desirable existing watershed conditions and other, pending development providing watershed benefits. Achieving watershed objectives requires consistency in implementation and follow-through.
- Accommodate unplanned-for private initiatives and new opportunities that serve watershed objectives. Community development institutions must have the flexibility to accommodate unanticipated opportunities to further restorative redevelopment.

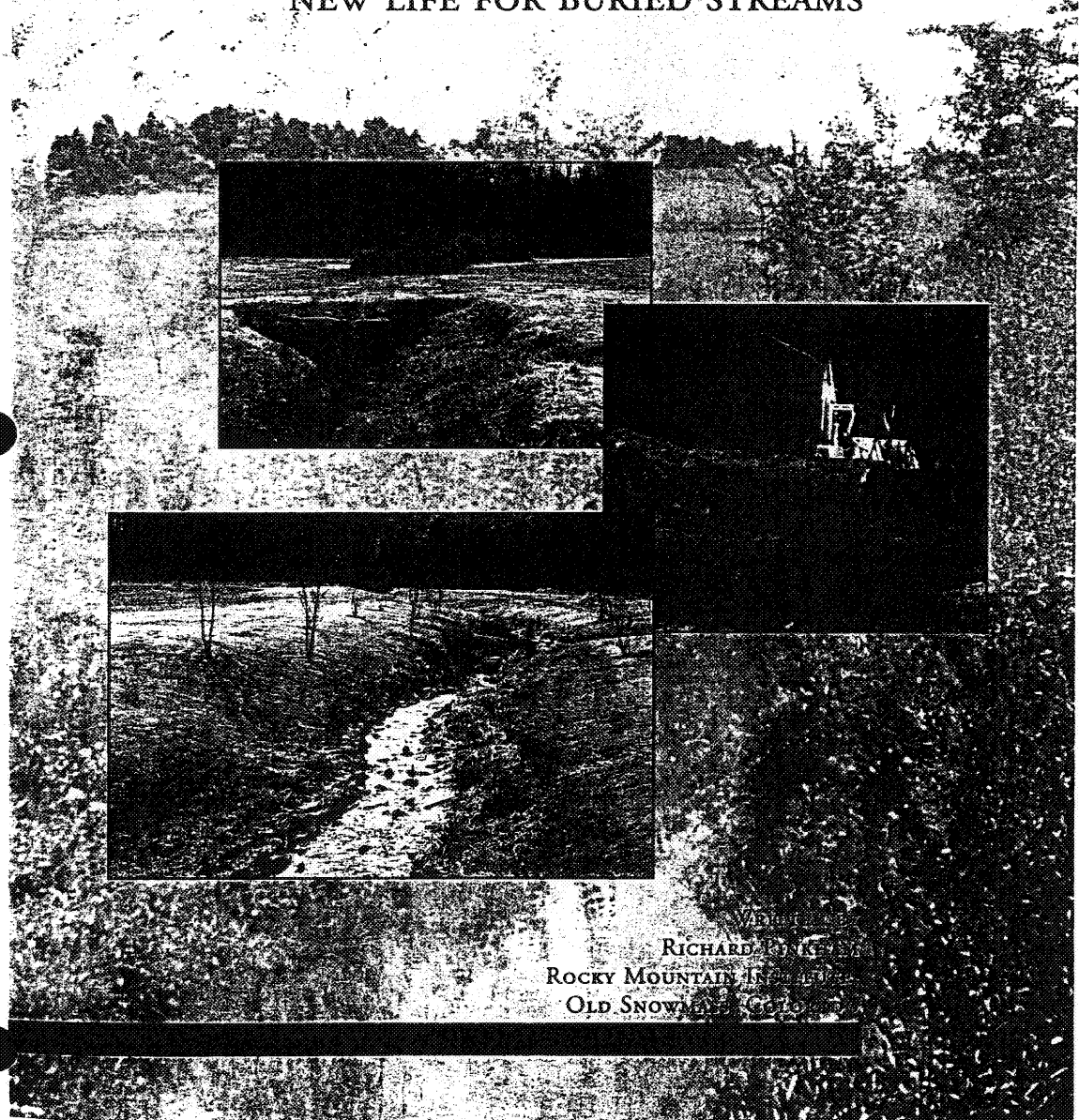


Specific action areas include:

1. **RECONCILE ZONING AND LAND USE ORDINANCES** of the watershed municipalities for compatibility with watershed objectives and goals. These ordinances may now allow or require juxtaposition across municipal boundaries of conflicting land uses, or may contradict integrative approaches to watershed restoration.
2. **REVIEW OTHER LOCAL CODES** (e.g. building, plumbing, drainage, street design, property maintenance, etc.) and procedures for consistency with watershed objectives and green infrastructure measures. Code requirements that preclude the techniques illustrated in this report (e.g. prohibitions against shallow temporary ponding of water on landscapes) should be eliminated or modified.
3. **IDENTIFY EXISTING DEVELOPMENT CONSTRAINTS** (legal, physical, financial) caused by inadequate infrastructure. Understanding the many costs of failing infrastructure will motivate action to correct the problems.
4. **DEVELOP A COORDINATING MECHANISM** for municipal redevelopment plans, to assure projects do not contradict each other and overall ecosystem/development objectives. For instance, the watershed management entity could review municipal redevelopment plans and approvals to assure one project does not contradict others in meeting watershed-wide restoration and redevelopment goals.
5. **ENHANCE THE EXISTING ACT 167 STORMWATER MANAGEMENT PLAN** to reflect watershed needs, enable green infrastructure, and facilitate community, social, and economic benefits. The plan largely addresses new development. Changes to encourage retrofits and watershed-friendly redevelopment should be examined.
6. **EDUCATE CITIZENS, OFFICIALS, AND DEVELOPERS** that good development and a healthy environment are compatible and reinforcing. The more the linkages are understood, the greater the chances of realizing them. A well-conceived, proactive, and sustained educational campaign is essential to achieving restorative redevelopment.

DAYLIGHTING

NEW LIFE FOR BURIED STREAMS



RICHARD R. KEELEY
ROCKY MOUNTAIN INSTITUTE
OLD SNOWMASS, COLORADO

Berkeley, California

BLACKBERRY CREEK

A 250-foot section of Blackberry Creek was taken out of a culvert underneath a schoolyard in 1995. The school uses the new creek in various curricula. Neighbors enjoy the running water and surrounding park in the schoolyard. Collaboration between many private and public organizations, state funding, and labor from a job-training program made the project possible.

Watershed:	0.3 square miles; urban
Flow rates:	15 cfs 1.5-year peak flow (bankfull flow) 220 cfs 100-year peak flow
Length daylighted:	250 feet of new channel
Year daylighted:	1995
Project costs:	\$144,000, plus donations and additional park-related costs
Primary objectives:	Create educational site; improve community park; relieve flooding problems
Notable features:	Curricular use of the new creek

Background

Blackberry Creek runs to the San Francisco Bay from the hills in the northern part of Berkeley. The creek flows through a dense single-family-home neighborhood in a narrow but relatively natural riparian corridor upstream from Thousand Oaks Elementary School. At that point it ducks into a culvert running under the school and, until recently, a portion of the schoolyard called the Grove. This culvert had a history of backing up in large storms, with the excess water flooding out onto nearby streets through its catch basins.

The Loma Prieta earthquake of 1989 damaged the Thousand Oaks School and other facilities in the Berkeley Unified School District. When this school's turn came for structural upgrades in 1992, a local PTA member proposed also improving its "school park" and broached the idea of daylighting Blackberry Creek there. The idea of providing an outdoor environmental education classroom and living lab for the school was a key selling point, as was the opportunity to address the flooding problem and provide a better park for the neighborhood.

The school district and the Thousand Oaks School PTA obtained a \$144,000 grant from the California Department of Water Resources Urban Stream Restoration Program. Wolfe Mason Associates, a local landscape architecture firm, provided planning, facilitation, and design services. Collaborators included the Urban Creeks Council, the Waterways Restoration Institute, the school district architect, the City of Berkeley landscape architect, and local citizens. Key citizen supporters included a teacher at the school and some businesses along a retail strip one block away. With the money in hand, proponents then educated the neighborhood about the benefits of the

project and soothed the usual fears over safety and appearance. They also obtained permits from the U.S. Army Corps of Engineers, the California Water Quality Control Board, the state fish and game department, and local authorities.

Actions

The Waterways Restoration Institute was able to measure upstream reaches of Blackberry Creek to help design the channel geometries for the unearthened reach. These upstream segments appeared to have adjusted to increased flows from development and had reached "urban equilibrium," neither eroding excessively nor silting up. Designers also asked people in the upstream neighborhoods questions like: "Where have you seen erosion occurring?" and "How high did the flood of 1955 get?" They

measured water velocities and levels upstream during storm events. They examined original creek meanders in 1940s aerial photographs. All this information helped the designers cross-check and supplement the bankfull channel cross-section indicated for the size of the drainage area by documented relationships for streams in the eastern San Francisco Bay Area.

In September of 1995, a heavy equipment contractor dug out the 1950s-era culvert and roughed out banks and meanders for the new stream channel. Additional bank shaping and landscaping proceeded by hand labor, provided largely by an Americorps crew of the East Bay Conservation Corps with technical oversight from the Waterways Restoration Institute. Like dozens of other conservation corps across the country, this group provides job training to young adults, especially low-income and minority youths.

The restoration efforts created 250 feet of new channel. It drops two feet between the culverts upstream and downstream. To control velocities and orient the channel, the designers specified four shallow rock weirs, each anchored deeply in the streambed. Because the stream channel is 10 to 13 feet below the surrounding level of the land, the designs gave close attention to erosion control on the banks. Crews placed large rocks on the outside banks of each meander and stabilized other banks with a variety of bioengineering techniques: fascines, brush layering, pole cuttings, and natural or biodegradable erosion-control fabrics. Native dogwood was the species of choice for this project, instead of willow or cottonwood, as local citizens had expressed a preference for shorter vegetation.

Results

The surrounding neighborhood now enjoys a restored 0.6-acre park with a lawn, creek, creekside path, and picnic area. The park has one of the most popular tot-lots in Berkeley, perhaps because families' older children can distract themselves in the stream while their younger siblings enjoy the playground. Thousand Oaks Elementary has become one of Berkeley's magnet schools, focusing on ecology. Students learn to identify and understand organisms in the restored creek and they investigate the connections of this reach to the larger watershed. Indeed, students learned a water-quality lesson shortly after crews landscaped the project.

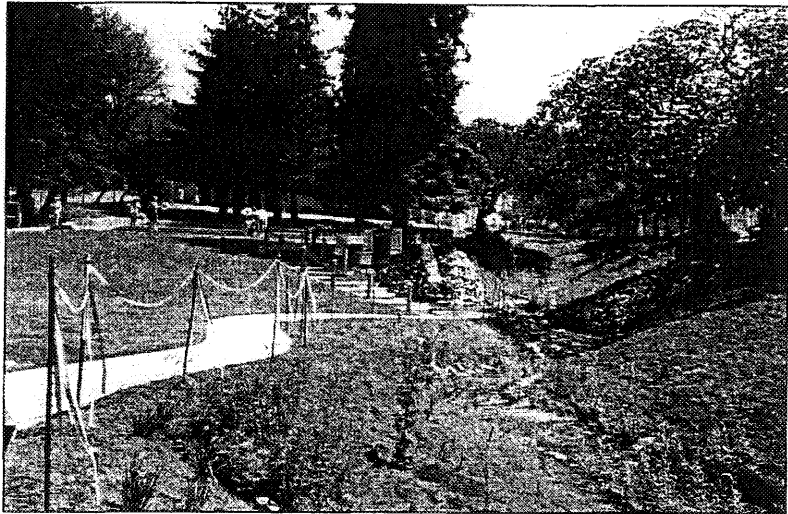
Nitrogen leaching from shredded bark and other local organic materials applied as mulch to the stream banks caused a brief algae bloom in the creek. The students worked with the project designers to remove the algae and restore balance to the stream.

Economics/Funding

A \$144,000 grant from the California Department of Water Resources Urban Stream Restoration Program paid for planning, permitting, grading, hauling away fill, burying the excavated culvert on site, installing irrigation for the park, and conservation corps labor. The school district pitched in \$8,000 for fencing at the top of a steep section of stream bank and above the headwalls for the upstream and downstream culvert openings. The city contributed \$15,000 for concrete work, drainage, and sand for the playground, and paid for a staircase leading from the lawn down to the creek. Local businesses and residents donated a few thousand dollars for plants. The design firm reduced its usual fee. If all the funds and donations and foregone fees are totaled, the project probably cost about \$200,000. A significant portion of this went toward the playground and park amenities, not just the stream restoration. Not counted in that figure are the many hours volunteers contributed to this project.

Challenges and Lessons

Project designer Gary Mason notes that during project planning, local residents expressed strong concerns about losing the "sure thing" of the older playground on the site. The state stream restoration grant would not pay for play equipment, and the old, substandard gear could not be reused.



The Blackberry Creek site as it appeared in 1996. Crews daylighted and planted the site in late 1995. Courtesy of Wolfe Mason Associates.

Eventually the neighborhood took on fundraising for the new playground. This illustrates that daylighting projects can raise concerns about the loss of features now present on a site, even when those features are in poor condition. Proponents would do well to address such concerns directly, and propose relocation or replacement wherever possible.

Designers had to work around a redwood tree that had grown up where the creek once ran. A local T'ai Chi meditation group considered this a sacred tree. Preserving the tree required some adjustments to the path of the restored creek.

Mason also says this project illustrates a common phenomenon: the scruffy adolescence of riparian landscaping. "It's really messy, and where's the creek?" is the most common complaint he hears. While lawns, walks, trees, and benches give a finished look to the upland, streamside vegetation must pass through a wild, shrubby, weedy stage before a more mature, familiar canopy develops. Restoration proponents should anticipate some complaints from neighbors and plan a strong campaign to educate the public about what to expect during the five-year establishment period.

Sources: Klesius 1999; Mason 1998/99; McDonald 1996; Schemmerling 1998/99; "Urban Stream Restoration" 1998.

Nutrient Loading from Conventional and Innovative Site Development

July 1998



for: Chesapeake Research Consortium
by: The Center for Watershed Protection



WATERSHED PROTECTION OPEN CHANNEL DRAINAGE

When designing new developments, planners have the opportunity to reduce nutrient export from the three main sources through innovative site planning techniques. Site planning techniques can accomplish this goal by:

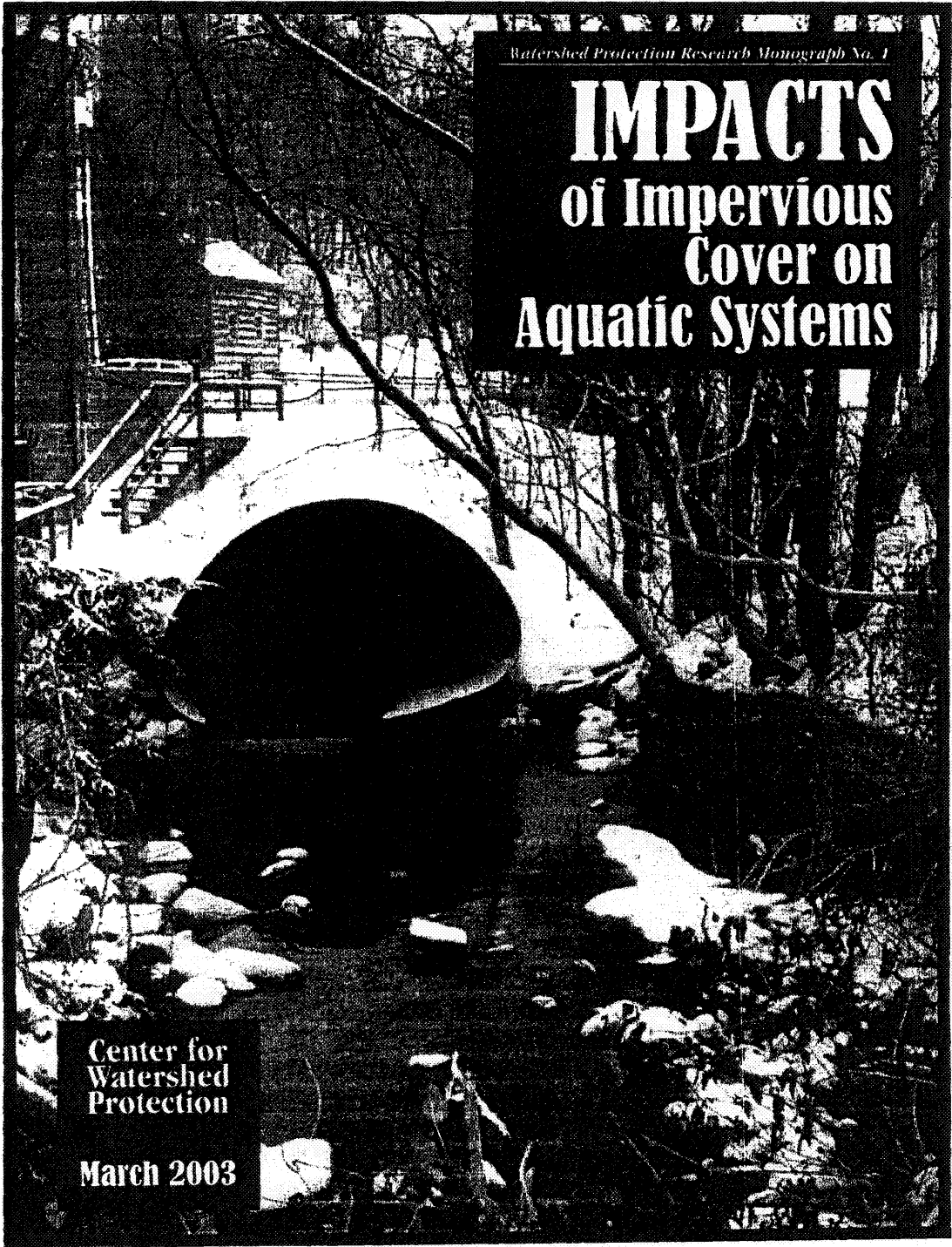
- * reducing impervious cover
- * spreading runoff over pervious areas
- * utilizing open channel drainages
- * conserving forests and natural areas
- * creating more effective stream buffers and riparian areas

Table 17 Summary of Infrastructure Costs for Conventional Versus Innovative Site Design

Development Scenario	Site Name			
	Medium Density Residential	Low Density Residential	Retail Shopping Center	Commercial Office Park
Conventional	\$1,539,298	\$143,553	\$782,542	\$948,900
Innovative	\$1,238,751	\$128,430	\$746,270	\$788,432

Careful application of the land development principles can sharply reduce the impervious cover created new development, and protect streams, forests, and wetlands. In this design stormwater pollutant was reduced by over 40% and the cost of development was reduced by approximately 20%.

Nutrient Loading from Conventional and Innovative Site Development.
Deb Caraco, Rich Claytor and Jennifer Zielinski
 1998 by: *The Center for Watershed Protection*



Watershed Protection Research Monograph No. 1

IMPACTS of Impervious Cover on Aquatic Systems

Center for
Watershed
Protection

March 2003

3.1 Difficulty in Measuring Habitat

The physical transformation of urban streams is perhaps the most conspicuous impact of watershed development. These dramatic physical changes are easily documented in sequences of stream photos with progressively greater watershed IC (see Figure 19). Indeed, the network of headwater stream channels generally disappears when watershed IC exceeds 60% (CWP).

3.1.1 The Habitat Problem

It is interesting to note that while the physical impacts of urbanization on streams are widely accepted, they have rarely been documented by the research community. As a consequence, no predictive models exist to quantify how physical indicators of stream habitat will decline in response to watershed IC, despite the fact that most would agree that some kind of decline is expected (see Table 12).



Chapter 3: Physical Impacts of Impervious Cover

Table 14: Research Review of Changes in Urban Stream Habitat		
Reference	Key Finding	Location
% IC Used as Indicator		
Black & Veatch, 1994	Habitat scores were ranked as poor in five subwatersheds that had greater than 30% IC.	MD
Booth and Jackson, 1997	Increase in degraded habitat conditions with increases in watershed IC.	WA
Hicks and Larson, 1997	Reported a reduction in composite stream habitat indices with increasing watershed IC.	MA
May <i>et al.</i> , 1997	Composite stream habitat declined most rapidly during the initial phase of the watershed urbanization, when percent IC exceeded the 5-10% range.	WA
Stranko and Rodney, 2001	Composite index of stream habitat declined with increasing watershed IC in coastal plain streams.	MD
Wang <i>et al.</i> , 2001	Composite stream habitat scores were not correlated with watershed IC in 47 small watersheds, although channel erosion was. Non-urban watersheds were highly agricultural and often lacked riparian forest buffers.	WI
MNCPPC, 2000	Reported that stream habitat scores were not correlated with IC in suburban watersheds.	MD
Morse, 2001	Composite habitat values tended to decline with increases in watershed IC.	ME
Booth, 1991	Channel stability and fish habitat quality declined rapidly after 10% watershed IC.	WA
Booth <i>et al.</i> , 1997	Decreased LWD with increased IC.	PNW
Finkenbine <i>et al.</i> , 2000	LWD was scarce in streams with greater than 20% IC in Vancouver.	B.C.
Horner & May, 1999	When IC levels were >5%, average LWD densities fell below 300 pieces/kilometer.	PNW
Horner <i>et al.</i> , 1997	Interstitial spaces in streambed sediments begin to fill with increasing watershed IC.	PNW
Urbanization Used as Indicator		
Dunne and Leopold, 1978	Natural channels replaced by storm drains and pipes; increased erosion rates observed downstream.	MD
May <i>et al.</i> , 1997	Forested riparian corridor width declines with increased watershed IC.	PNW
MWCOG, 1992	Fish blockages caused by bridges and culverts noted in urban watersheds.	D.C.
Pizzuto <i>et al.</i> , 2000	Urban streams had reduced pool depth, roughness, and sinuosity, compared to rural streams; Pools were 31% shallower in urban streams compared to non-urban ones.	PA
Richey, 1982	Altered pool/riffle sequence observed in urban streams.	WA
Scott <i>et al.</i> , 1986	Loss of habitat diversity noted in urban watersheds.	PNW
Spence <i>et al.</i> , 1996	Large woody debris is important for habitat diversity and anadromous fish.	PNW

Table 23: Summary of Impacts of Suspended Sediment on the Aquatic Environment (Schueler and Holland, 2000)

Abrades and damages fish gills, increasing risk of infection and disease
 Scouring of periphyton from stream (plants attached to rocks)
 Loss of sensitive or threatened fish species when turbidity exceeds 25 NTU
 Shifts in fish community toward more sediment-tolerant species
 Decline in sunfish, bass, chub and catfish when month turbidity exceeds 100 NTU
 Reduces sight distance for trout, with reduction in feeding efficiency
 Reduces light penetration causing reduction in plankton and aquatic plant growth
 Adversely impacts aquatic insects, which are the base of the food chain
 Slightly increases the stream temperature in the summer
 Suspended sediments can be a major carrier of nutrients and metals
 Reduces anglers' chances of catching fish

Table 24: Summary of Impacts of Deposited Sediments on the Aquatic Environment (Schueler and Holland, 2000)

1. Physical smothering of benthic aquatic insect community
2. Reduced survival rates for fish eggs
3. Destruction of fish spawning areas and eggs
4. Embeddedness of stream bottom reduced fish and macroinvertebrate habitat value
5. Loss of trout habitat when fine sediments are deposited in spawning or riffle-runs
6. Sensitive or threatened darters and dace may be eliminated from fish community
7. Increase in sediment oxygen demand can deplete dissolved oxygen in streams
8. Significant contributing factor in the alarming decline of freshwater mussels
9. Reduced channel capacity, exacerbating downstream bank erosion and flooding
10. Reduced flood transport capacity under bridges and through culverts
11. Deposits diminish scenic and recreational values of waterways

including trace metals, hydrocarbons and nutrients (Crunkilton *et al.*, 1996; Dartiguenave *et al.*, 1997; Gavin and Moore, 1982; Novotny and Chester, 1989; Schueler 1994b).

4.4.3 Sources and Source Areas of Sediment

Sediment sources in urban watersheds include stream bank erosion; erosion from exposed soils, such as from construction sites; and washoff from impervious areas (Table 25).

As noted in this chapter, streambank erosion is generally considered to be the primary source of sediment to urban streams. Recent studies by Dartiguenave *et al.* (1997) and Trimble (1997) determined that streambank erosion

contributes the majority of the annual sediment budget of urban streams. Trimble (1997) directly measured stream cross sections, sediment aggradation and suspended sediment loads and determined that two-thirds of the annual sediment budget of a San Diego, California watershed was supplied by streambank erosion. Dartiguenave *et al.* (1997) developed a GIS based model in Austin, Texas to determine the effects of stream bank erosion on the annual sediment budget. They compared modeled sediment loads from the watershed with the actual sediment loads measured at USGS gaging stations and concluded that more than 75% of the sediment load came from streambank erosion. Dartiguenave *et al.* (1997) reported that sediment load per unit area increases with increasing IC (Figure 31).

Chapter 5: Biological Impacts of Impervious Cover

Table 51: Recent Research Examining the Relationship Between Watershed IC and the Fish Community			
Biotic	Key Finding (s)	Source	Location
Abundance	Brown trout abundance and recruitment declined sharply at 10-15% IC.	Galli, 1994	MD
Salmonids	Seattle study showed marked reduction in coho salmon populations noted at 10-15% IC at nine streams.	Steward, 1983	WA
Anadromous Fish Eggs	Resident and anadromous fish eggs and larvae declined in 16 subwatersheds draining to the Hudson River with >10% IC area.	Limburg and Schmidt, 1990	NY
Community Index	1 st , 2 nd , and 3 rd order streams in the Patapsco River Basin showed negative relationship between IBI and IC.	Dall <i>et al.</i> , 1998	MD
Community Index	Fish IBI and habitat scores were all ranked as poor in five subwatersheds that were greater than 30% IC.	Black and Veatch, 1994	MD
Community Index	In the Potomac subregion, subwatersheds with < 12% IC generally had streams in good to excellent condition based on a combined fish and aquatic insect IBI. Watersheds with >20% IC had streams in poor condition.	MNCPPC, 2000	MD
Community Index	In a two-year study of Piedmont streams draining eight watersheds representing various land uses in Chattahoochee River Basin, fish community quality dropped sharply at an IC threshold of 15-30%.	Meyer and Couch, 2000	GA
Diversity	Of 23 headwater stream stations, all draining <10% IC areas, rated as good to fair; all with >12% were rated as poor. Fish diversity declined sharply with increasing IC between 10-12%.	Schueler and Galli, 1992	MD
Diversity, Sensitive Species	Comparison of 4 similar subwatersheds in Piedmont streams, there was significant decline in the diversity of fish at 10% IC. Sensitive species (trout and sculpin) were lost at 10-12%.	MWCOG, 1992	MD
Diversity, Community Index	In a comparison of watershed land use and fish community data for 47 streams between the 1970s and 1990s, a strong negative correlation was found between number species and IBI scores with effective connected IC. A threshold of 10% IC was observed with community quality highly variable below 10% but consistently low above 10% IC.	Wang <i>et al.</i> , 1997	WI
Diversity	In several dozen Piedmont headwater streams fish diversity declined significantly in areas beyond 10-12% IC.	Klein, 1979	MD
Diversity, Abundance, Non-native Species	IC strongly associated with several fisheries species and individual-level metrics, including number of pollution-tolerant species, diseased individuals, native and non-native species and total species present	EOA, Inc., 2001	CA
Juvenile Salmon Ratios	In Puget Sound study, the steepest decline of biological functioning was observed after six percent IC. There was a steady decline, with approximately 50% reduction in initial biotic integrity at 45% IC area.	Homer <i>et al.</i> , 1997	WA
Juvenile Salmon Ratio	Physical and biological stream indicators declined most rapidly during the initial phase of the urbanization process as total IC area exceeded the five to 10% range.	May <i>et al.</i> , 1997	WA
Salmonoid	Negative effects of urbanization (IC) with the defacto loss of non-structural BMPs (wetland forest cover and riparian integrity) on salmon ratios	Homer <i>et al.</i> , 2001	WA, MD, TX
Salmonoid, Sensitive Species	While no specific threshold was observed (impacts seen at even low levels of IC), Coho/cutthroat salmon ratios >2:1 were found when IC was < 5%. Ratios fell below one at IC levels below 20 %.	Homer and May, 1999	WA
Sensitive species, Salmonid	Three years stream sampling across the state (approximately 1000 sites), MBSS found that when IC was >15%, stream health was never rated good based on CBI, and pollution sensitive brook trout were never found in streams with >2% IC.	Boward <i>et al.</i> , 1999	MD
Sensitive Species, Salmonids	Seattle study observed shift from less tolerant coho salmon to more tolerant cutthroat trout population between 10 and 15% IC at nine sites.	Luchetti and Feurstenburg, 1993	WA

SEPARATION OF COMMUNITY

Background

The three historic towns of El Dorado, Diamond Springs and Placerville are links in the chain of gold rush communities along SR 49.

Comment

These three communities along SR 49 should be viewed as an asset to El Dorado County and valued for tourism the same as we value Apple Hill, the Wineries and Rafting. Also, the US 50 corridor is an important area for maintaining Placerville as a destination location.

Question

- 1.) What impact will this plan have on the historic communities of El Dorado, Diamond Springs and Placerville?
- 2.) What visual impacts can be expected from the viewshed of the SR 49 traveler?
- 3.) What impacts to Weber Creek Canyon are likely to happen with and without new General Plan policies and zoning with the new General Plan project description and alternatives?
For example, tree protection, slope protection, high and very high fire area, north south wildlife corridor, water quality in Weber Creek, water quality downstream (American River, Folsom Lake, and the Bay Delta) as well as grading, paving and culverting.
- 4.) What measures will be taken to ensure protection for the Red Leg Frog in the Weber Creek Canyon area, including Hangtown Creek?
- 5.) Will resident and migrating wildlife be protected?

Request

- 1.) Please show on a map, how these communities will maintain separation and community identity with the project description and alternatives.
- 2.) Please recognize the historic value of these communities in the new General Plan.
- 3.) Please show policies that will ensure the protection of loss of identity for each of these communities.
- 4.) Please show a resource overlay along Weber Creek Canyon east, south and west of Placerville.
- 5.) Please retain the setbacks around Texas Hill that is defined in the 1996 General Plan.
- 6.) Please retain the 5-acre holding zone in the Placerville SOI as defined in the 1996 General Plan.
- 7.) Please incorporate a methodology for lowest range of the zone (20ac in LDR) to maintain separation between communities along SR 49, US 50 and in the Weber Creek Canyon areas. Include SR 49 and 193 in the Scenic Corridor ordinance along with US50.
Establish clear boundaries for separation between El Dorado and Diamond Springs and Diamond Springs and Placerville. And from the Missouri Flat area and Placerville.
- 8.) Please show on a map how the Missouri Flat Plan can be pulled up out of Weber Creek Canyon.
- 9.) Establish setbacks along US 50 to preserve the rural environment of El Dorado County as viewed from travelers along the highway. To ensure the traveler as well as the resident knows that they have left the valley and Sacramento area before they arrive in Pollock Pines.
- 10.) Show separation of community between Placerville, Camino, Cedar Grove and Pollock Pines. Show separation of community between Coloma, Pilot Hill and Cool.

Mitigation Measures

We have included sample mitigation measures from past draft plans that would establish lowest range of the zone, greenways, non-contiguous commercial development, and buffers that provide separation of community. An overlay zone, shown on a map would help future planners maintain the distinct identity of each of these community along the 49 Gold Rush route as well as along the US 50 corridor to separate El Dorado Hills, Cameron Park, Shingle Springs, Diamond Springs, El Dorado and Placerville. Please review these policies. In addition, please add language that recognizes the value of rural atmosphere within the Communities, of wildlife habitat within the Communities, of wildlife corridors within the Communities and the value of "nearby nature" within the Communities.

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COMMUNITY WATERSHED PROTECTION

"Good development and a healthy environment are compatible and reinforcing"

Re-Evaluating Stormwater by: Bruce Ferguson - 1999

GENERAL PLAN COMMENTS

El Dorado County Taxpayers for Quality Growth believes that, "Good development and a healthy environment are compatible and reinforcing" and supports Community Watershed Protection features to protect the natural landscape, natural processes, watershed functions and wildlife habitat.

By protecting the natural watershed functions in the Community Region (native shade trees, open channel drainage, and by limiting paving/providing for pedestrians) these developments will help to improve the impacts to Air Quality, Water Quality and Alternative Transportation while reducing the cost and maintenance of the development.

When designing these new developments, the developers have the opportunity to reduce nutrient export from the three main sources through innovative site planning techniques. Site planning techniques can accomplish this goal by:

1. Planting shade trees; conserving woodlands and natural areas;
2. Utilizing open channel drainage, spreading runoff over pervious areas; and
3. Reducing imperious cover, narrow roadways and providing for pedestrians.

Careful application of the land development principles can sharply reduce the impervious cover created by new development, and protect the Weber Creek Canyon watershed area, woodlands and natural drainages. Utilizing watershed protection elements in project innovative site design versus conventional site design can save on infrastructure costs. Stormwater pollutant can be reduced by 40% and the cost of development can be reduced by approximately 20% (see attach Watershed Protection Stormdrains & Restoration)

Planting native shade trees, providing natural drainages, and by reducing impervious cover in roadways, parking lots and along ROW's for rail/trail/pedestrian walking routes will help to maintain the rural flavor of the area, protect our viewshed, Weber Creek Canyon, scenic corridor and separation of community while reducing energy requirements. We have identified three areas that will help achieve Community Watershed Protection goals by:

1. Plant Shade Trees (Water and Air Quality)
2. Open Channel Drainages (Water Quality)
3. Provide Narrow Roads (Air Quality)

We have listed (below) the benefits of applying these features to Community Regions.

COMMUNITY WATERSHED PROTECTION

"Good development and a healthy environment are compatible and reinforcing"

Re-Evaluating Stormwater by: Bruce Ferguson - 1999

1. PLANTING SHADE TREES

Planting native shade trees will improve air quality, water quality and the rural atmosphere of our community regions. The goal is to mix fast growing and slow growing trees to provide 75% canopy within 15 years.

- **Water Quality -**
Trees intercept rain, absorb stormwater runoff, and improve water quality. Trees can reduce peak stormwater runoff. Reducing and/or slowing urban runoff can reduce infrastructure needs.
- **Air Quality -**
Trees absorb ozone particulate matter and reduce hydrocarbon. Shaded parking lots and streets are 10% cooler – parked vehicles account for 20% of hydrocarbon pollution (vehicles account for 30% of total hydrocarbon pollution) shaded asphalt reduces maintenance and extends life of roads (shaded aggregate holds together), trees reduce the heat absorbed by asphalt and can reduce the energy used for cooling in adjacent buildings. Trees provide a better environment for walking.
- **Rural Atmosphere -**
Shade trees provide a parklike setting and will help to mitigate the impacts to the US 50 scenic corridor, SR 49 scenic corridor and help provide for an appearance of separation of community along the Weber Creek Canyon between the Placerville and Diamond Springs Community Regions.

198-42

2. OPEN CHANNEL DRAINAGE

Providing natural drainage systems in the Weber Creek Canyon watershed area will help to improve water quality and the rural atmosphere of our communities.

- **Water Quality and Rural Environment -**
Minimizing culverting and maximizing open channel drainage with natural systems slows the velocity of runoff and brings the flow into contact with the soil, vegetation, air and sunlight allowing the natural systems to treat and infiltrate the running water. Bioretention can fit into the 5 – 10% of a parking lot that is typically devoted to landscaping (minimizing impervious cover and runoff and minimizing reflected heat) by utilizing natural drainage channels to convey stormwater. Minimize the use of culverts and concrete v-ditches and maximize the use of open unlined and vegetated channels to facilitate removal of pollutants and sediment and to preserve a more natural, rural feel to the development.

198-43

COMMUNITY WATERSHED PROTECTION

"Good development and a healthy environment are compatible and reinforcing"

Re-Evaluating Stormwater by: Bruce Ferguson - 1999

Benefits of these features are: Recharge ground water, protect Weber Creek Canyon by filtering and reducing runoff. Concepts include:

Vegetated Swales - Earthen drainage channels, as alternative to pipes, slow the velocity of runoff, remove pollutants and infiltrate the underlying soil.

Disconnection of Pavement Drainage - Pitching the driveways, sidewalks and parking lots onto adjacent vegetated soil and not onto other pavements or into storm sewers brings the runoff back into contact with soil and vegetation.

Infiltration Basins - Carefully engineered depression in recharge beds collect runoff from roofs and pavement and percolate into the soil.

Reduction of Impervious Surfaces - Configure driveways, parking lots, and streets to reduce unnecessary pavement turns more of a site over to vegetated soil which infiltrates rain water.

3. NARROW ROADS AND TRAFFIC CALMING

Narrow and curvilinear roadways minimize impervious cover and runoff, minimize reflective heat, slow traffic speeds, reduce noise, and encourage alternative transportation. Unnecessarily wide streets are unattractive, increase construction and maintenance costs, and consume valuable land. When shaded by trees, narrower streets can dramatically reduce air conditioning needs. Reducing streets from 40 to 32 feet lowers ambient temperature 10 – 15 degrees. Each degree increases in temperature can increase peak cooling demand by 1-2%. Reducing street width, combined with shading, can reduce air conditioning demand maybe by 10-30%. Overall, about 7.1% of the electricity and 2.5% of all energy used by California residents is for air conditioning. Reducing street widths by 20% could save about 16% of construction costs and 12% of maintenance costs. Reducing street widths by two feet saves about a quarter of an acre per mile of street reduced. Areas provided for pedestrians will be designed to clearly delineate safe pedestrian routes connecting new & existing destinations.

- Air Quality and Rural Environment –
Providing for narrow roadways, traffic calming, and limiting paving will help to reduce auto trips, increase pedestrian trips, increase pedestrian design within the plan area and help to provide a rural atmosphere.

The above three steps:

1. Plant Shade Trees, Along Drainages and Public Spaces;
2. Provide Natural Drainages, Open Channel Drainages; and
3. Reduce Pavement, Impervious Cover and Increase Pedestrian Areas.

Will help to reduce the impacts to Air Quality, Water Quality and Alternative Transportation opportunities will be protected as well as Scenic Corridor and Separation of Community.

Key to our concerns are: Community Watershed Protection; Weber Creek Canyon; Open Channel Drainage; Native Shade Trees; Traffic Calming, Narrow Roadways, Daylighting Stormdrains & Streams, Protecting Steep Slopes, Alt. Transportation/Public Access; Scenic Corridor; Separation of Community; Rural Environment; Air Quality Water Quality protections for Watershed Protection in Community Regions and all areas of EDC.

Quality Growth

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7/10/01

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ATTACHMENTS

SET BACKS

Second Administrative Draft

Policy 3.1.2

Establish water conservation programs that include both drought tolerant landscaping and efficient building design requirements, as well as incentives for the conservation and wise use of water.

Policy 3.1.3

The County shall study the feasibility to allow and encourage the use of domestic gray water for landscape irrigation purposes.

OBJECTIVE 3.2: WATER QUALITY

Maintenance of and, where possible, improvement of the quality of underground and surface water.

Policy 3.2.1

Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.

Policy 3.2.2

All perennial streams, rivers, and lakes, both natural and man-made, shall be protected by the creation of an undisturbed open space buffer zone. This buffer shall extend 100 feet from the ordinary high water line of each bank or from the outside edge of the riparian zone, whichever is greater.

Intermittent streams shall be protected by the creation of an undisturbed open space buffer zone extending 25 feet from the ordinary high water line of each bank or from the outside edge of the riparian zone, whichever is greater.

Wetlands shall be protected by the creation of an undisturbed open space buffer zone extending 50 feet landward from the boundary of the identified wetland area or from the outside edge of the riparian zone, whichever is greater.

For the purposes of this policy, the following are definitions of surface water:

- A. Perennial stream or river - any watercourse that is either shown on the USGS 7.5 minute map series as a solid blue line or under normal conditions flows year round.
- B. Lake - any natural or man-made water body that impounds water year round under normal conditions. In identifying the high water mark on man-made lakes controlled by dams, the maximum spillway elevation will be used.

- C. Intermittent stream - any watercourse that channels water during normal rainfall periods that has a defined bed and bank.
- D. Wetlands - lands where the water table is at, near or above the surface of the land long enough to promote the formation of hydric soils (as defined by the U.S. Department of Agriculture, Soil Conservation Service) or supports the growth of hydrophytic plants.

Policy 3.2.3

Projects requiring a grading permit shall have an erosion control program approved prior to the issuance of a grading permit.

OBJECTIVE 3.3: WETLANDS

Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

Policy 3.3.1

A site-specific wetland investigation shall be required on all development projects within those areas identified as wetlands on the Important Biological Resources Map. If it is determined that a wetland may exist in an area not identified on the map, a site-specific investigation shall also be required. The study shall determine the boundaries of all wetland areas. For the separation between upland and aquatic habitat, California Department of Fish and Game wetland boundaries identification criteria shall be used in this determination.

Policy 3.3.2

All wetlands shall be protected without disturbance or encroachment. If it is determined after project modification that some impacts to the wetland habitat cannot be avoided, mitigation measures shall be developed. It must be demonstrated to both the County and the concerned State resource agencies that the mitigation measures offset project impacts to ensure that wetland values are not lost. A wetland study and mitigation monitoring program shall be submitted to the County and concerned State agencies for approval prior to permit approval.

OBJECTIVE 3.4: DRAINAGE

Protection and utilization of natural drainage patterns.

Policy 3.4.1

Natural watercourses shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site without disturbance.

Policy 7.3.1.2

Establish water conservation programs that include both drought tolerant landscaping and efficient building design requirements, as well as incentives for the conservation and wise use of water.

Policy 7.3.1.3

The County shall develop the criteria and draft an ordinance to allow and encourage the use of domestic gray water for landscape irrigation purposes. (See Title 22 of the State Water Code and the Graywater Regulations of the Uniform Plumbing Code).

OBJECTIVE 7.3.2: WATER QUALITY

Maintenance of and, where possible, improvement of the quality of underground and surface water.

Policy 7.3.2.1

Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity through the use of setbacks and best management practices. Setbacks shall be included in the zoning ordinance for all ministerial and discretionary development projects.

Policy 7.3.2.2

All perennial streams, rivers, and lakes, both natural and man-made, shall be protected by the creation of an undisturbed buffer zone. This buffer shall extend 100 feet from the ordinary high water line of each bank or from the outside edge of the riparian zone, whichever is greater.

Intermittent streams shall be protected by the creation of an undisturbed open space buffer zone extending 25 feet from the ordinary high water line of each bank or from the outside edge of the riparian zone, whichever is greater.

Wetlands shall be protected by the creation of an undisturbed open space buffer zone extending 50 feet landward from the boundary of the identified wetland area or from the outside edge of the riparian zone, whichever is greater.

For the purposes of this policy, the following are definitions of surface water:

- A. Perennial stream or river - any watercourse that is either shown on the USGS 7.5 minute map series as a solid blue line or under normal conditions flows year round.
- B. Lake - any natural or manmade water body in excess of one acre that impounds water year round under normal conditions. In identifying the high water mark on manmade lakes controlled by dams, the maximum spillway elevation will be used.

3

- C. Intermittent Stream - a stream that is either shown on the USGS 7.5 minute map series as a dashed blue line or normally flows for at least thirty days after the last major rain of the season and is dry a large part of the year, not including manmade drainage.
- D. Wetlands - land that qualifies as jurisdictional wetlands by displaying hydric soils, hydrophytic plants, and wetland hydrology as defined by the U. S. Army Corps of Engineers.

Policy 7.3.2.3

Projects requiring a grading permit shall have an erosion control program approved, prior to the issuance of a grading permit.

Policy 7.3.2.4

Consistent with Policy 9.1.3.1 in the Parks & Recreation Element, low impact activities, including trails and linear parks may be provided within the buffers provided in Policy 7.3.2.2 if all applicable mitigation measures are incorporated.

OBJECTIVE 7.3.3: WETLANDS

Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

Policy 7.3.3.1

A site-specific wetland investigation shall be required on all development projects within those areas identified as wetlands on the Important Biological Resources Map. When hydrophytic plants and wetland hydrology indicate the presence of wetlands in areas not identified on the map, a site-specific investigation shall be required. This study shall be conducted using the Corps of Engineers Wetland Delineation Manual. The study shall determine the boundaries of all wetland areas that can be classified wetlands under the Corps of Engineers' definition.

Policy 7.3.3.2

All feasible project modification shall be considered to avoid wetland disturbance. If impacts to the wetland habitat cannot be avoided, mitigation measures shall be developed. It must be demonstrated to both the County and the concerned State and federal resource agencies that the mitigation measures offset project impacts to ensure no net loss to wetland values under federal jurisdiction. A wetland study and mitigation monitoring program shall be submitted to the County and concerned State and federal agencies for approval prior to permit approval.

OBJECTIVE 7.3.4: DRAINAGE

Protection and utilization of natural drainage patterns.

CULVERTING
NAT. DRAIN

Policy 3.4.2
Modification of natural stream beds and flow shall be limited to road/bridge crossings, provided that adequate mitigation measures are utilized.

OBJECTIVE 3.5: WATER CONSERVATION

Conservation of water resources, encouragement of water conservation, and construction of wastewater disposal systems designed to reclaim and re-use treated wastewater on agricultural crops, and for other irrigation and wildlife enhancement projects.

Policy 3.5.1
Drought-tolerant and/or native plant species shall be used for landscaping of commercial development.

Policy 3.5.2
A list of appropriate local and indigenous drought tolerant plant materials shall be maintained by the County Planning Department.

Policy 3.5.3
The County Parks and Recreation Division shall use drought-tolerant landscaping for all new parks and park improvement projects.

Policy 3.5.4
Encourage efficient water conveyance systems. Open ditch systems shall be considered for conversion to closed conduits, reclaimed water supplies, or both, as circumstances permit.

Policy 3.5.5
Encourage water reuse programs to conserve raw or potable water supplies. Plan wastewater treatment and disposal facilities, considering the potential of adjacent land uses, to be cost-effectively provided with reclaimed water.

CULVERTING
NAT DRAIN

Policy 7.3.4.1

Natural watercourses shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site without disturbance.

Policy 7.3.4.2

Modification of natural stream beds and flow shall be limited to road and/or bridge crossings and other related activities and shall be regulated to ensure that adequate mitigation measures are utilized.

OBJECTIVE 7.3.5: WATER CONSERVATION

Conservation of water resources, encouragement of water conservation, and construction of wastewater disposal systems designed to reclaim and re-use treated wastewater on agricultural crops, and for other irrigation and wildlife enhancement projects.

Policy 7.3.5.1

Drought-tolerant and/or native plant species shall be used for landscaping of commercial development.

Policy 7.3.5.2

A list of appropriate indigenous drought tolerant plant materials shall be maintained by the County Planning Department and made available to the public.

Policy 7.3.5.3

The County Parks and Recreation Division should use drought-tolerant landscaping for all new parks and park improvement projects.

Policy 7.3.5.4

Open ditch systems shall be considered for conversion to closed conduits, reclaimed water supplies, or both, as circumstances permit.

Policy 7.3.5.5

Encourage water reuse programs to conserve raw or potable water supplies consistent with State Law.

CONSERVATION OF BIOLOGICAL RESOURCES

GOAL 7.4: WILDLIFE AND VEGETATION RESOURCES

Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.

TRAF. CALM
NAR. RDS

The Parties agree that the roadways in the Carson Creek Specific Plan Area shall be curvilinear and separated from pedestrian pathways that run around, over, under, and between structures. Where feasible, cul-de-sacs will be incorporated into circulation system designs. The majority of roads (asphalt portion only) shall be 26 feet or less in width.

Furthermore, the Carson Creek Specific Plan Phase 2, street development standards (asphalt portion only), shall be modified to incorporate the following maximum widths:

- (1) One-way streets shall be no more than 18 feet wide;
- (2) Two-way streets shall be no more than 24 feet wide;
- (3) Minor collectors with less than 350 average daily trips ("ADT") shall be no more than 24 feet wide;
- (4) Minor collectors with more than 350 average daily trips ("ADT") shall be no more than 26 feet wide;
- (5) Major collectors, with homes fronting the street, shall be no more than 30 feet wide;
- (6) Major collectors, without homes fronting the street and with less than 350 ADT, shall be no more than 24 feet wide;
- (7) Major collectors, without homes fronting the street and with more than 350 ADT, shall be no more than 26 feet wide.

Parking bays may be required for emergency parking along collectors and in residential areas where these standards prohibit parking along the streets. The parking bays shall be kept to a minimum and located where topography permits. Street standards are subject to the review of the El Dorado Hills Fire Departments; for public safety reasons, the fire department may require wider roads in some places or turn arounds, hammer heads, or other measures to facilitate the movement of emergency vehicles.

For the Carson Creek Specific Plan, Phase 1, these road standards will be

September 24, 1999 (4:35PM)

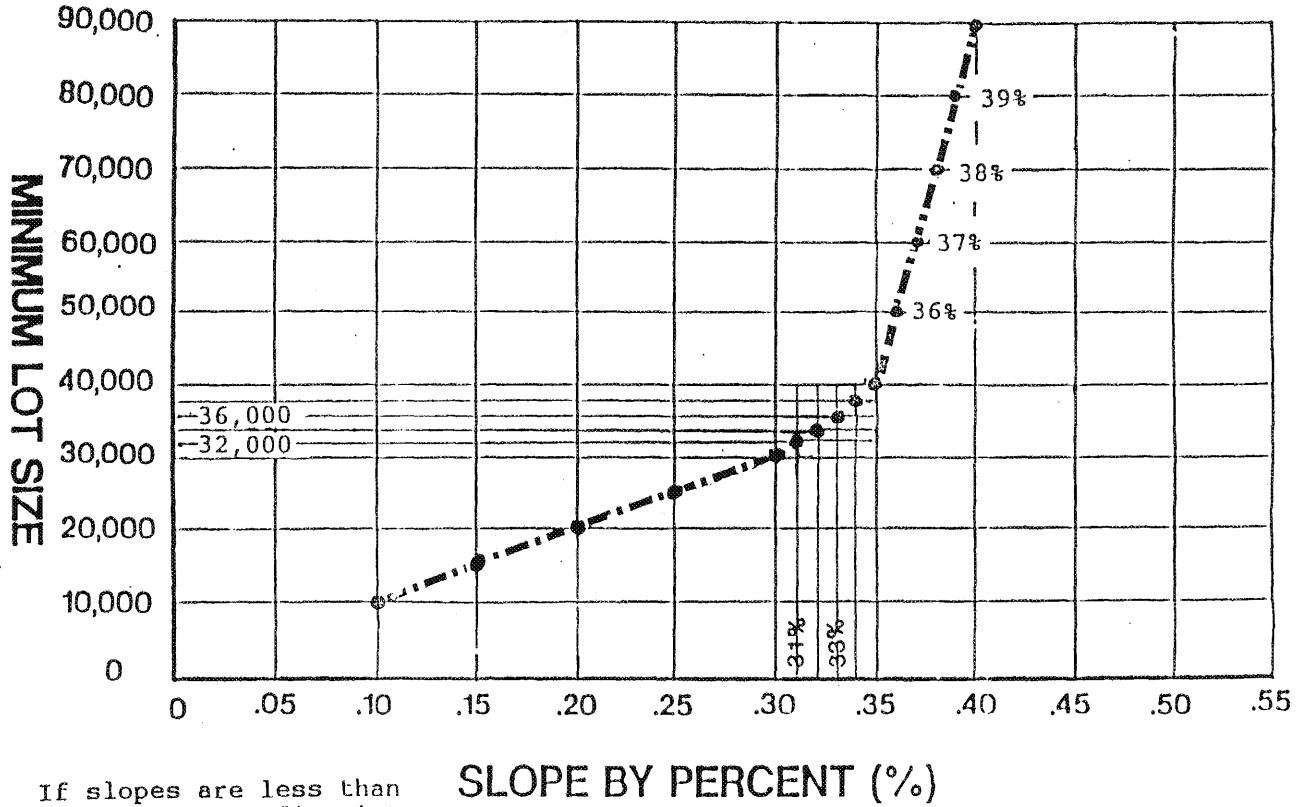
7

MINIMUM LOT SIZE BY SLOPE GRAPH

8

EXHIBIT A

(UNLESS OTHERWISE REQUIRED BY THE EXISTING ZONE DISTRICT)



Any portion of a lot with slopes exceeding 40% shall not be considered as part of the required minimum lot area.

If slopes are less than 10%, only zone district standards shall apply.

INDEX FOR COMMENTS

1. Maps
2. Density
3. Scenic Corridor
4. Separation of Community
5. Street Width Standards
6. Water Resources
7. Slopes
8. Oak Woodland Canopy Protection Policies
9. Critical Deer Habitat
10. Parks

INDEX FOR ATTACHMENTS

1. Street Width Standards
2. Waterway Setbacks
3. Waterway Setbacks
4. Waterway Setbacks
5. Waterway Setbacks
6. Culverting
7. Culverting
8. Slopes

INDEX FOR APPENDIX A

1. Writ and Matrix Comments from July 2001

INDEX FOR APPENDIX B

1. Watersheds, Stormwater, and Stream Restoration
2. Energy Aware Planning Guide -
 - Street Widths and
 - Pavement and Street Trees
3. Design of Filtering Systems
4. Re-Evaluating Stormwater
5. Daylighting – New Life for Buried Streams
6. Nutrient Loading from Conventional and Innovative Site Development
7. Impacts of Impervious Cover on Aquatic Systems
8. Separation of Community
9. Watershed Management Measures

MAPS –

General Plan Land Use Maps

Issue: El Dorado County must provide for both wildlife habitat protection and population growth that is in tune with EDC's natural constraints and limited resources. An example of one of our concerns is that although the Environmentally Constrained Alternative Map contains IBC's, which we strongly support, it also contains almost 50% more population growth than in the RC Alt. and the accompanying environmental impacts that this growth would bring to our Communities (Community Regions).

198-1

Question: Please explain in detail which GP map alternative most adequately mitigates environmental impacts of population growth to existing Communities and wildlife habitat? Would 81,000 additional residents in the Community Regions over the next 20 years result in environmental impacts significantly greater than those that would result from an additional 56,000?

198-2

Request: Please include in the final GP EIR a hybrid map that reflects the RC Alternative Map population figures with the IBC overlays from the EC Alternative Map.

198-3

DENSITY –

Land Use in Community Regions

Issue: The DEIR describes the potential density for the HDR designation as 1-5 units per acre. The '96 Plan describes the potential density for this Land Use Designation as 1-2 for a standard subdivision and 1-5 for a Planned Development.

Question: Please explain in detail why EDC eliminated the concept of Planned Development from this Land Use Designation?

198-4

Request: Please adopt the HDR density description as written in the originally approved GP '96 EDC Plan.

SCENIC CORRIDOR –

Land Use, Visual and Scenic Resources

Issue: The 2025 GP DEIR defers preparation of a Scenic Corridor Ordinance for 5 years. Because the '96 GP Plan Alt. contains no Scenic Corridor Protection Ordinance, that Plan cannot serve as an interim scenic corridor policy.

198-5

Question: Please explain in detail how EDC will protect it's scenic corridors until such a time as a new Scenic Corridor Ordinance is completed?

COMMENTS RE COMMUNITY REGIONS & WATERSHED PROTECTION

Request: Please adopt the existing Draft Scenic Corridor Ordinance as interim scenic corridor protection mitigation until such a time as the new ordinance is formulated.

198-6

SEPARATION OF COMMUNITY –

Land Use, Community Regions, Visual and Scenic Resources

Issue: The Communities of El Dorado Hills, Cameron Park, Shingle Springs, Diamond Springs, El Dorado and Placerville are currently still separated by low intensity land use. It's critical in our rural county to maintain the separation between these communities so that tourists can recognize and distinguish between these historical, beautiful foothill and mountain towns, and, at the same time witness our spectacular foothill vistas.

198-7

Question: Does EDC intend to provide policies and mapping essential to maintaining the distinction of these communities for travelers visiting and passing through our beautiful county over the next 20 years?

Request: Please establish permanent low intensity land use densities between our existing communities along the US 50 and SR 49 corridors and, in addition, please prohibit any high intensity land uses at the intersections of US 50 and Bass Lake Road, US 50 and South Shingle Springs Road, and US 50 and Greenstone Road.

198-8

STREET WIDTH STANDARDS –

Land Use, Community Regions, Visual & Scenic Resources, Alt. Trans. & Circulation

Issue: Narrow Roadways minimize impervious cover and runoff, minimize reflected heat, slow traffic speeds, reduce noise, and encourage alternative transportation. Unnecessarily wide streets are unattractive, increase construction and maintenance costs, and consume valuable land. Reducing streets from 40 to 32 feet lowers ambient temperature 10 – 15 degrees. Each degree increase in temperature can increase peak cooling demand by 1 – 2%. Reducing street width, combined with shading can reduce air conditioning demand by 10 – 30%. Overall, about 7.1% of the electricity and 2.5% of all energy used by California residents is for air conditioning. Reducing street width by 20% could save about 16% of construction costs and 12% of maintenance costs. Reducing street widths makes land available for other purposes. Reducing street widths by 2 feet saves about a ¼ of an acre per mile of street reduced.

198-9

Writ Compliance. Judge Bond ruled that EDC did not provide a factual reasoned analysis as to why they rejected a mitigation measure that required narrower street standards. The 2025 DEIR mentions this issue as applying to rural roads only when the measure was intended to apply to Community Regions as well as Rural Regions. Also, the DEIR defers the development of new narrower road standards to a future date uncertain. Furthermore, the DEIR provides no standards.

COMMENTS RE COMMUNITY REGIONS & WATERSHED PROTECTION

Question: Please explain in detail why EDC has limited the development of new narrower roads standards to Rural Regions? Also, please explain in detail since there are no narrow road standards in the '96 GP what standards will apply as interim mitigation until new Rural Region and Community Region standards are developed?



198-9

Request: Adopt the 7 Carson Creek Specific Plan Phase II development standards (see attach Page 1).

198-10

WATER RESOURCES –

Land Use, Community Regions, Health, Safety, Public Services and Utilities and Conservation & Open Space

Setbacks:

Issue: The DEIR has deferred preparation of buffer standards for surface water resources for at least 5 years. There are no buffer standards contained in the '96 GP Alternative that has been designated as an interim guideline.



198-11

Question: Would the FEIR please explain how EDC's precious water resources will be protected in the interim when there are no standards for doing so?

Request: Adopt object 3.2.2: (see attach, Pg. 2 & 3.) From the Second Administrative Draft or Policy 7.3.2.2 (see attach. Pg 4 & 5.) as interim guidelines until new buffer standards are developed.



198-12

Culverting:

Issue: Writ Compliance. Judge Bond ruled that EDC did not provide a reasoned factual analysis as to why it rejected our request for a prohibition of culverting, piping, or lining of streams except at roadways without providing a reasoned, factual analysis as to why.



198-13

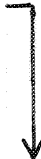
Question: Please explain why EDC failed to provide analysis, facts or evidence as to why this mitigation measure was rejected?

Request: Please provide a factual reasoned analysis of why this recommended mitigation measure was determined to be infeasible, or, in the alternative, please adopt policy 3.4.2 (see attach. Page 6), or Policy 7.3.4.2 (see attach., Page 7).

Watershed Management Measures

Land Use, Maps, Community Regions, Visual and Scenic Resources, Alternative Transportation/Circulation, Health, Safety & Noise, Public Services and Utilities, Conservation & Open Space, and Parks & Recreation

Issue: Community Watershed Protection features will help to protect the natural landscape, natural processes, water quality, and wildlife habitat. Protecting the natural watershed function in the Community Regions (native shade trees, open channel



198-14

Quality Growth

Page 3

7/13/05

COMMENTS BY COMMUNITY REGIONS & WATERSHED PROTECTION

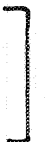
drainage, waterway setbacks, steep slope protection, daylighting storm drains, limiting impervious surfaces, narrow roads, traffic calming, providing for pedestrians, bikeways, connecting public spaces, vegetated swales, infiltration basins, open space etc.) will help to minimize environmental impacts to air quality and water quality while reducing the construction costs and maintenance costs.



198-14

Question: Quality Growth has submitted this request on numerous occasions and believes that the adoption of these measures would accomplish a great deal toward mitigating the environmental impacts of the new General Plan. Please explain why the 2025 EDC GP DEIR does not encourage the utilization of these measures?

Request: Adopt the above measures or provide incentives for the implementation of the above measures and Map the Community Regions to showing all streams, (including intermittent streams) wetlands, parks, trails, public spaces, storm drains, wildlife habitat, steep slopes, and riparian zones (see Appendix A and Appendix B).



198-15

SLOPES –

Land Use, Community Regions, Visual & Scenic Resources, Public Health and Safety and Conservation and Open Space

Issue: The DEIR recommends development on steep slopes be limited to 25% or less unless demonstrated by a developer that hazards can be reduced to acceptable levels. The County currently has a non-discretionary slope development standards. For example a 25% slope requires a 25,000 sq ft lot (see attach. Pg. 8). Although development is currently allowed on slopes up to 40%, the standards are clear. Thus, EDC is replacing a standards based steep slope development policy with a discretionary policy based on the opinions of individual land developers and their agents.



198-16

Question: Would the County explain in detail why EDC is replacing the existing standards based slope policy which informs the public precisely what can and cannot be done on steep slopes with a policy that is purely discretionary and completely controlled by land developers and their agents?

Request: Please do not replace our current standards based steep slope protection policy as delineated in the Design Standards Manual with discretionary protection policies over which the general public has no control.



198-17

Quality Growth

Page #

7/13/05

**OAK WOODLAND CANOPY PROTECTION POLICIES –
Conservation and Open Space**

Issue: Writ Compliance - EDC has deferred adoption of canopy protection standards for 5 years.

198-18

Question: Will the consultant explain in detail whether EDC will apply new policy 7.4.4.4, option A, to all new development until option B (INRMP) is written, or will EDC apply old '96 policy 7.4.4.4 with the word "replacement" removed, or will EDC apply some other policy?

Request: New policy 7.4.4.4, option A, be the guiding interim policy until option B is completed.

198-19

Issue: Option B attempts to place a monetary value on impacts related to tree removal. It is difficult to see how a monetary value could be placed upon oak woodland.

Question: How can the public be expected to support a "money for trees" plan as nebulous as this that has not even been written? Please explain in detail as to what such a plan would look like? Please explain in detail to the public how existing wildlife in the Community Regions will be protected by a "money for trees" plan that destroys the last remaining wildlife habitat in our Communities?

198-20

Request: Please drop option B or develop an option B that insures the protection of the wildlife impacted by this "money for trees" plan.

**CRITICAL DEER HABITAT –
Conservation and Open Space**

Issue: Writ Compliance. TQG requested EDC provide 40-acre minimum parcel size in the critical migratory deer habitat area south of US 50 between Placerville and Pollock Pines. Judge Bond ruled that EDC rejected this proposed mitigation measure without providing a factual reasoned analysis as to why. In appendix G EDC states: "deer can successfully migrate through smaller parcels depending on the nature of the particular site..." - And, "Parcel sizes of 10 acres or greater in many instances are sufficient to allow for deer migration and movement by other wildlife species." These statements are vague conclusions devoid of any facts or detailed reasoned analysis.

198-21

Question: If EDC chooses to reject this mitigation measure again, will it please provide a factual reasoned analysis as to why?

Request: Please include 40-acre minimum parcel sizes on the final 2025 GP Map in the critical migratory deer habitat area as noted above. Or, in the alternative provide a factual reasoned analysis of why you choose not to adopt this mitigation measure.

198-22

Quality Growth

Page 5

7/13/05

PARKS -
Parks and Recreation

Issue: The El Dorado Diamond Springs Area has no measurable acres of parkland. The County has designated the El Dorado/Diamond Springs area for much HDR and MF development.

Question: Why is it that EDC would consider allowing any additional growth in this area without implementing a policy requiring the development of parks at the same standard as the other Community Regions?

Request: Establish a EDC Policy requiring 5 acres of parkland per 1,000 population in the Diamond Springs/El Dorado Community Region so that children growing up in that area will have a place to go and play without impacting parks and other communities.



198-23



198-24

Quality Growth

Report

7-13-05

From: Barbara Jackson [mailto:barrichvin@earthlink.net]
Sent: Sunday, July 13, 2003 7:49 PM
To: Peter Maurer; Helen Baumann; Dave Solaro; Penny Humphreys; Rusty Dupray;
Carl Borelli
Subject: Potential Zoning

To all,

We have observed that on the potential planning/zoning that the below listed APN numbers have a change from RE5/Residential to medium density residential on one of the overlays.

DO NOT RE-ZONE THIS PROPERTY TO THAT. We are actively growing wine grapes on this property. In actuality this is one piece of property that has an administrative split due to a tax rate area that is only shown on this property only, and not any surrounding properties. We are in an AGRICULTURAL DISTRICT, and intend to stay this way. We are also members of the El Dorado Grape Growers association.

APN #S

043-230-30-100
043-230-29-100

If there is any rezoning involved in the new General Plan we would request that we are re-zoned to agriculture in the Ag. District that we are in.

Thank you,

Rich & Barbara Jackson

199-1

July 13, 2003

General Plan Team
El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

00 JUL 15 PM 1:37
RECEIVED
PLANNING DEPARTMENT

Dear Team:

Over the past year and a half I have met with several members of the El Dorado County Planning Department, other departments and Supervisor Borelli, who unfortunately passed away. I find myself somewhat dismayed having to literally start over so close to the end of the process. However, with nobody representing me at the Board of Supervisors and the County's unexplained position that they are not going to hold hearings to take specific land-use requests from the property owners, I guess I must attempt to make up for this by bringing you up to date on my concerns, as best as I can.

I own 63 acres of land in three parcels (APN 084-190-06, -07 & -08). It is north of Placerville, off Mosquito Road. It is presently zoned RE-5 and is surrounded mostly by developed parcels five to ten acres in size, except in one case, which I will explain later.

My parcels are in the very northwestern corner of the proposed Agricultural District, although most of the land is in agriculturally unsuitable soil types PrD (Placer Diggings) and HtE (Hotaw Very Rocky Coarse Sandy Loam 15 to 50% slopes). A small portion of the property, according to the 1974 "Soil Survey of El Dorado County" has soil type MsC (Musick Rocky Sandy Loam 5 to 15% slopes), which is one of this county's "Choice Soils," a classification arbitrarily created by and only used by this county. "Rocky" is a good term for this land since because of the large rocks, the actual usable portion of this last soil type is a small acreage near my home, which I have fenced for pasture purposes.

The property directly to the north-east of mine has fifteen acres presently in vineyard and five acres in cherry trees. And, it is supplied with water by E.I.D. through a four-inch agricultural water line. For reasons unknown to me, this property was NOT included within the proposed Agricultural District in any of the general plan alternatives even though it is almost all the same soil that a small amount of was used to classify my property as "agricultural." How this occurred is a mystery to me, but it solidly points out how arbitrarily and capriciously the boundary of the proposed Agricultural District was prepared.

As you can see, my property is not agricultural and I have been REFUSED agricultural water that is provided to my neighbor by E.I.D. In E.I.D.'s letter of June 6, 2003 they state that the reason is: "...the land is not classified as 'irrigable' by the United State Bureau of Reclamation." (copy of letter and maps attached). Given these facts, to show my land as agricultural on the general plan would be quite arbitrary and capricious.

What also seriously concerns me is that when I presented this information to the General Plan Team I was told to discuss the matter with the Agriculture Department, which I did. A short way into the discussions and after they prepared the (attached maps) for me, I was informed that a member of the General Plan Team told the Agriculture Department to stay out of the general plan discussions.

As you can see from the above, I have a serious dilemma. My property was included in a proposed Agricultural District for totally arbitrary reasons, even though it does not have a significant amount of agricultural soil. The United States Government says it is not "irrigable," and therefore not agricultural. Conversely my neighbor, who has agricultural soil, agricultural water and viable agriculture is NOT included within the proposed Agricultural District.

It is my understanding that all of the proposed alternative general plans will place me in a 10 acre or larger classification, although the 1996 Plan, if re-adopted and the EIR is properly amended to meet the requirements of the court, would allow me some leeway in developing my property as I believe it should be, through a planned development. I have attached copies of the proposed general plan alternative maps and appropriate text for your convenience.

200-1

200-2

Given all of these facts and others reached after the many discussions I have had with members of the El Dorado County Planning Department, including the General Plan Team, cut-short discussions with the Agricultural Department and previous discussions with the late Supervisor Borelli, I have reached the following conclusion regarding my property:

My property is best suited for a Planned Development that creates two, ten acre parcels at the northern end, near the existing vineyard, and five acre parcels on the remainder of the property. This is simply how the neighborhood has developed, and, given the services available, what is should be. To make my property an "Agricultural" island because of a small amount of county designated "choice" soil is wrong. Rather than spot down zoning my property it could be used to make a logical transition of the existing zoning in this area .Lands with a high percentage of Placer Diggings (lack of top soil) in my opinion are best suited for home sites where people will take the necessary steps to make the necessary improvement that will allow these lands to be productively used for living space. In addition, since the 1996 plan was prepared the northern end of my property is now boarded with a 3 acre lake that delineates this proposed separation.

You should also take this opportunity, prior to the adoption of the general plan, to correct the boundaries of the proposed Agricultural District to include those properties that belong within it and exclude those outside of it. Otherwise, the whole Agricultural District designation, would appear to be arbitrary and capricious in this area.

I would also like to add that the "Let us adopt the general plan and then take care of your specific requests later" statement I and many others have been receiving from members of the General Plan Team is misleading. You and I know that once the general plan is adopted the County will be very reluctant to entertain any amendments to it.

If you have any questions, feel free to contact me at your convenience.

Sincerely,



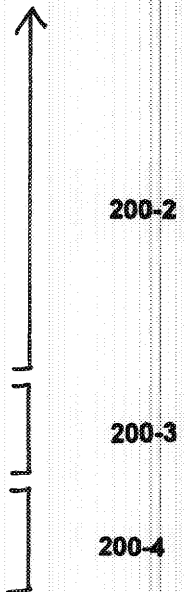
Joe Keating, Property Owner
8680 Mosquito Road
Placerville, CA 95667

Cc: El Dorado County Supervisors;

District I – Rusty Dupray
District II – Helen Baumann
District III – (vacant)
District IV – Charlie Paine
District V – David Solaro

Steve Burton – Agriculture Department

Attachments: As referenced in above letter





El Dorado Irrigation District

(1/3)

In reply refer to: DS0603-279

June 6, 2003

Mr. Joseph Keating
8680 Mosquito Road
Placerville, CA 95667

Subject: Agricultural Metered Irrigation

Dear Mr. Keating,

Regulation No. 12 defines the qualifications for agricultural metered irrigation (AMI) and the small farm rates. Your parcel does not meet the qualifications for an AMI rate because the land is not classified as "irrigible" by the United States Bureau of Reclamation. However, your parcel may qualify for the small farm rate. I have enclosed a copy of the Regulation along with the rate sheet for your information. Please let me know if you need any additional information.

Sincerely,

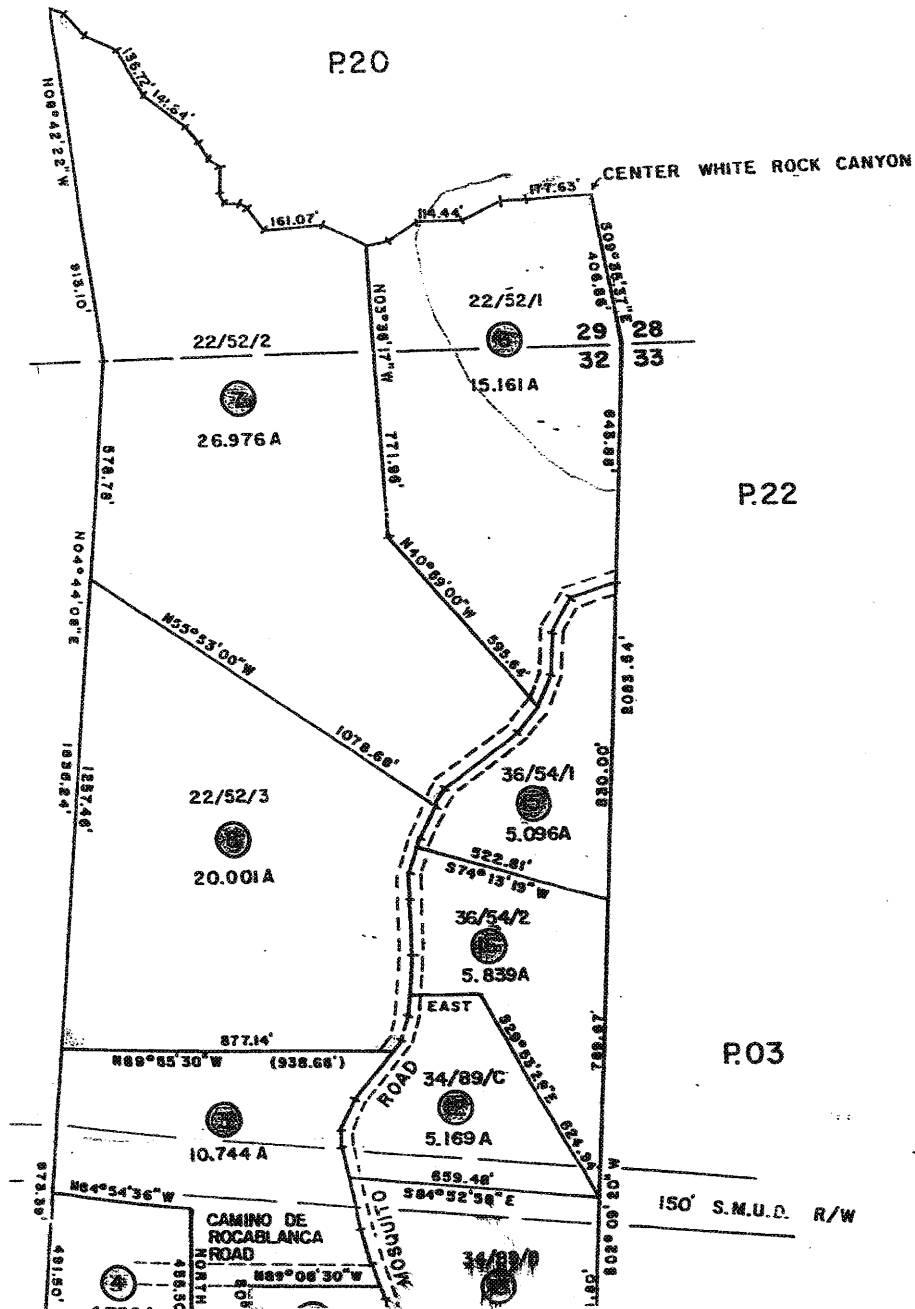
Linda McDonald
Development Services Supervisor

84-190-06, 07, 08

IF SEC 32, T.IIN., R.IIE. M.D.M.

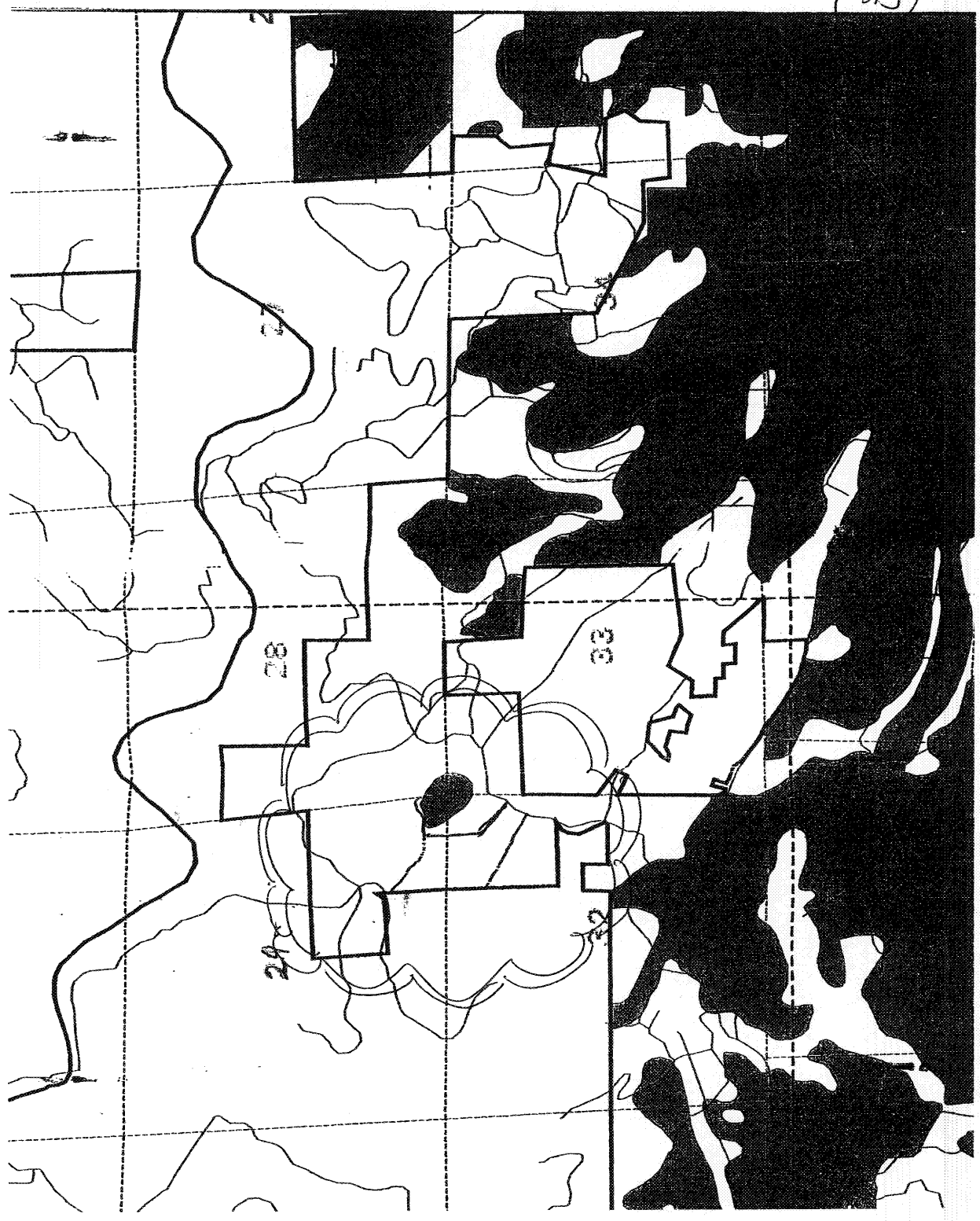
Tax Area Code

84.19



2/3

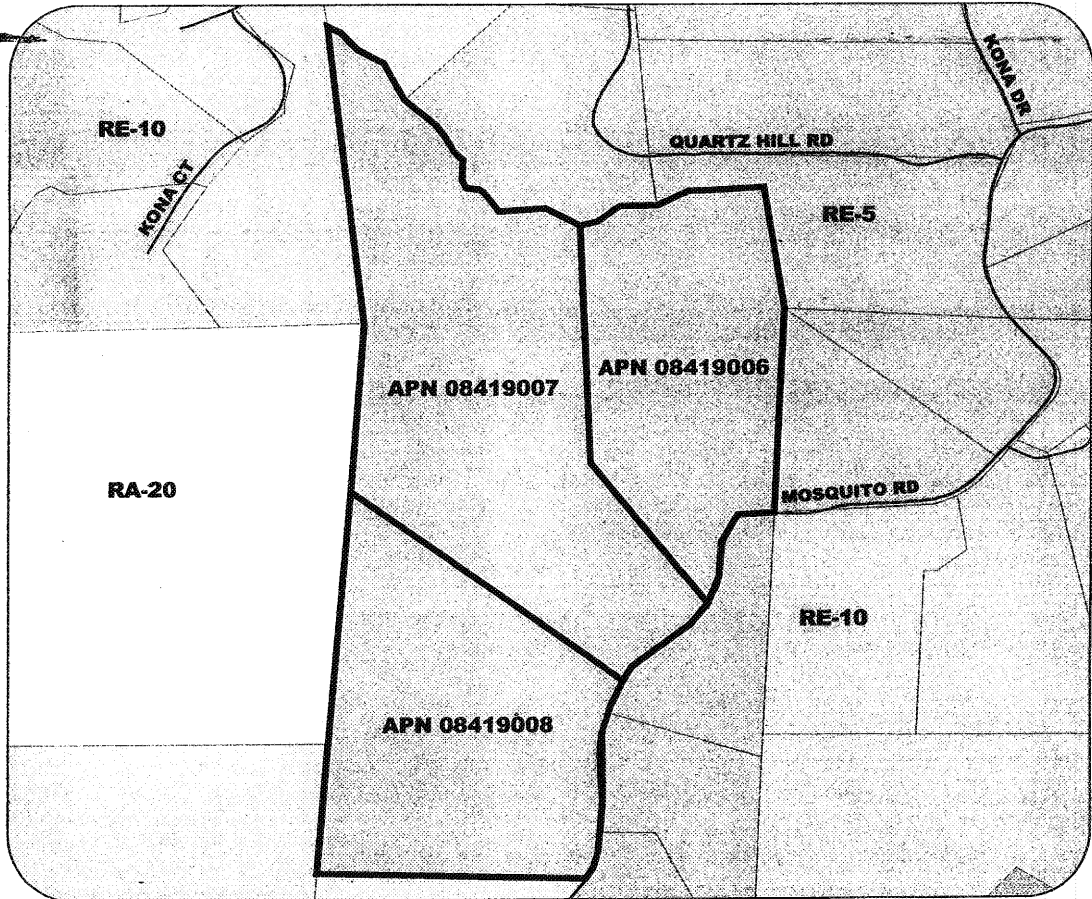
(3/3)



Keating

Zoning

1/14



CA State Plane Zone II, Nad 83, Feet



Scale: 1:6,000

Legend

	GPS Roads	ZONEDES
	Boundary	RA-20
		RE-10
		RE-5
		SA-10



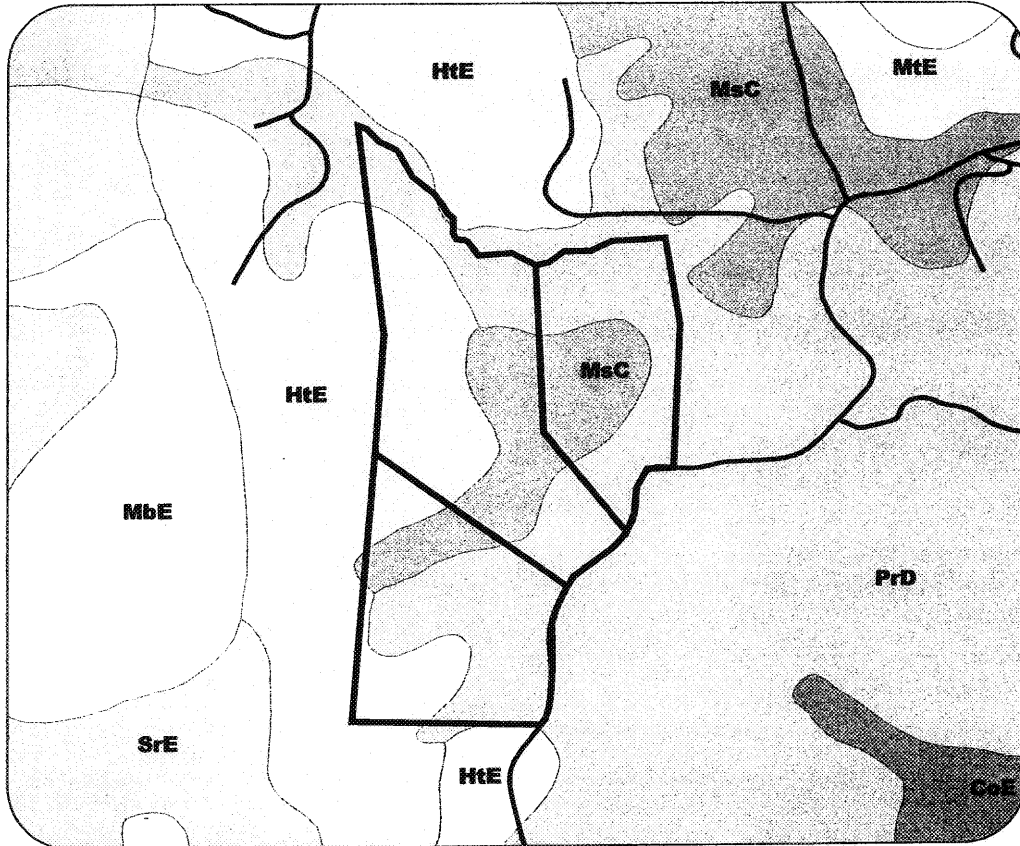
This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information and none may be inferred. Therefore users make use of this information at their own risk. Layer information may cover additional areas outside of the displayed area.

Map Prepared By: Kim Wilson, GIS Analyst
 El Dorado Co Dept. Ag. GIS Division
 Date Prepared: May 2003

El Dorado County Agricultural Commission

Keating Soils

2/14



Legend

CA State Plane Zone II, Nad 83, Feet

0 500 1,000 2,000 Feet

Choice Soils

- CoE: COHASSET COBBLY LOAM 15 TO 50 % SLOPES
- McC: MUSICK ROCKY SANDY LOAM 5 TO 15 % SLOPES

Scale: 1:8,518

Other Soils

- BrE: BOOMER-SITES VERY ROCKY LOAMS 9 TO 50 % SLOPES
- HtE: HOTAW VERY ROCKY COARSE SANDY LOAM 15 TO 50 % SLOPES
- MbE: MARIPOSA VERY ROCKY SILT LOAM 3 TO 50 % SLOPES
- McF: MARIPOSA-JOSEPHINE VERY ROCKY LOAMS 50 TO 70 % SLOPES
- MmF: METAMORPHIC ROCK LAND
- MIE: MUSICK VERY ROCKY SANDY LOAM 15 TO 50 % SLOPES
- PrD: PLACER DIGGINGS
- SrE: SITES VERY ROCKY LOAM 15 TO 50 % SLOPES



This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information and users may be informed. Therefore users make use of this information at their own risk. Layer information may cover additional areas outside of the displayed area.

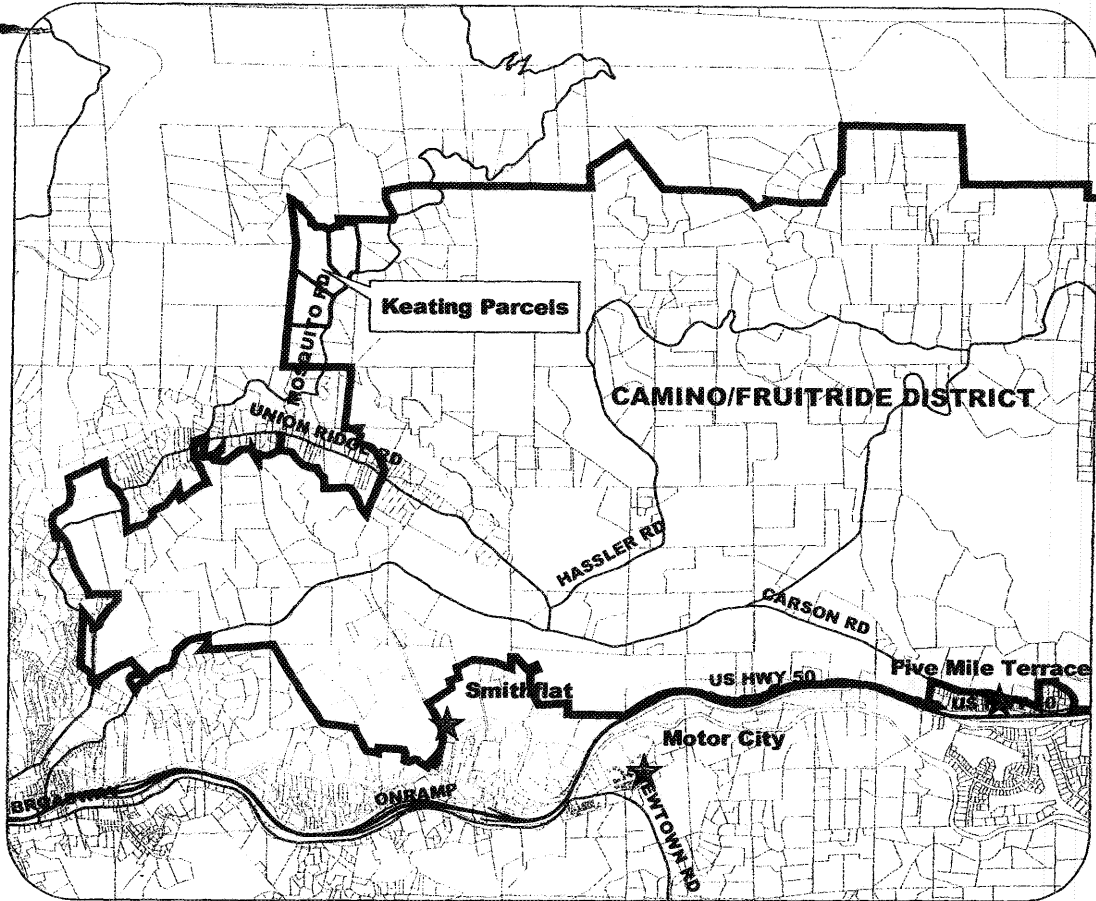
Map Prepared By: Kim Wilson, GIS Analyst
El Dorado Co Dept. Ag. GIS Division
Date Prepared: May 2003

El Dorado County Agricultural Commission

Keating

3/14

Locational Overview / Proximity to Ag. Districts



CA State Plane Zone II, Nad 83, Feet

0 2,450 4,900 9,800 Feet

Scale: 1:40,000

Legend

- ★ Place Names
- GPS Roads
- Boundary
- Ag. Districts

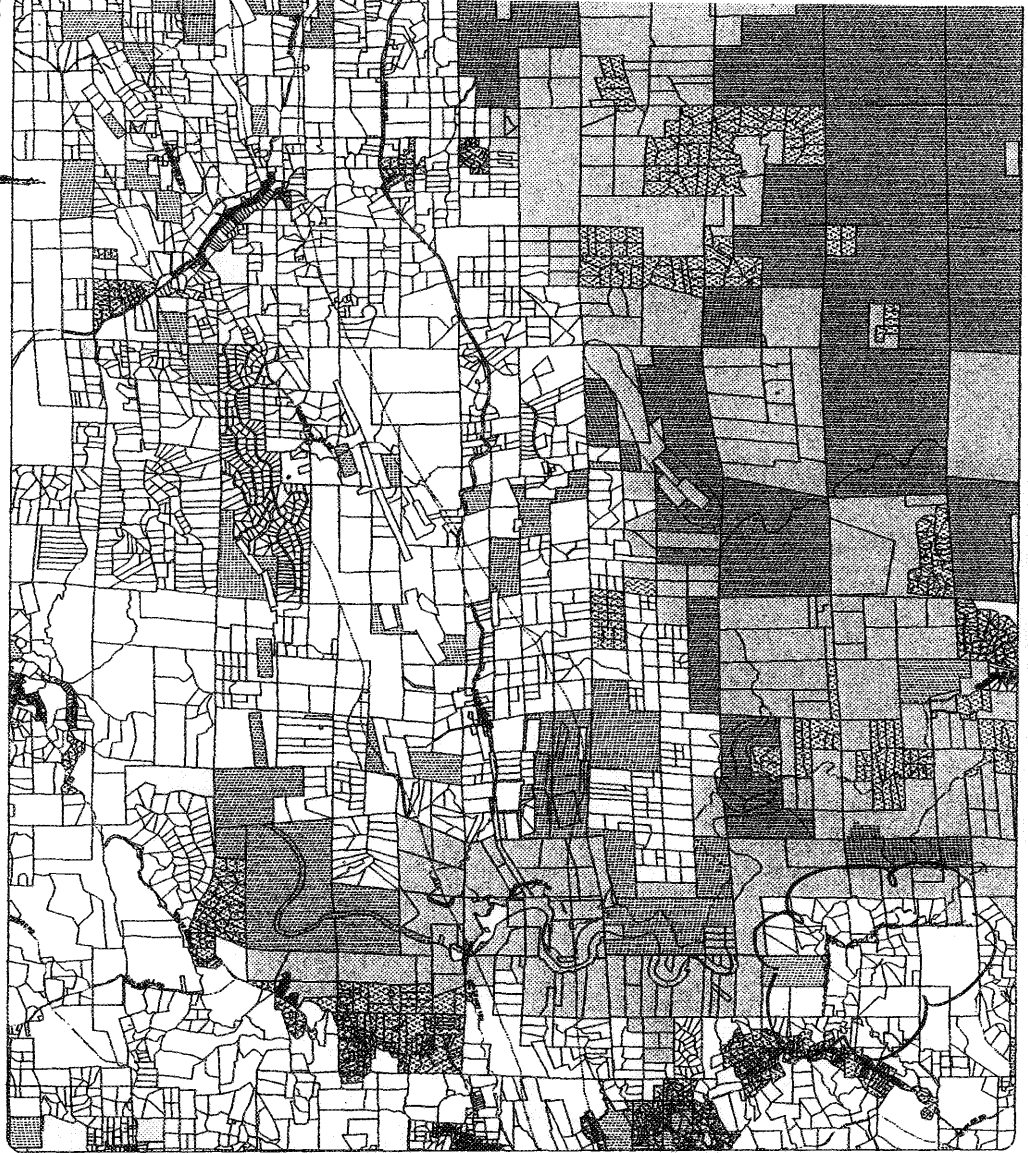


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Map Prepared By: Kim Wilson, GIS Analyst
El Dorado Co Dept. Ag, GIS Division
Date Prepared: May 2003

El Dorado County Agricultural Commission

4/14



LEGEND

- Advanced Plan
- Commercial
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Single-Family Residential
- Natural Resources
- Open Space
- Public Facilities
- Recreation & Development
- Rural Residential
- Youth Development
- High Agricultural Lands
- Agricultural District
- Pasture Lands
- Planned Communities
- Ecological Preserves
- Mineral Resources
- Specific Plans
- Community Programs
- Rural Centers
- Towns 663 Residential Table Line
- Parcel Boundaries
- Major Roads
- Airport Safety Zones

NOTES:

Subject to all of the other provisions of the 2015 General Plan, 2015 of the Superior Court of California.

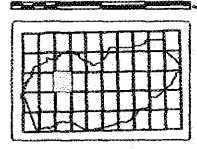
Adopted by the El Dorado County Board of Supervisors on January 27, 1996, Resolution 19-96, and amended through Resolution 2008.

We warrant and certify that this map is a true and correct representation of the information submitted to the County of El Dorado. The County does not warrant, represent or certify the accuracy of any information not shown on this map. The County does not warrant, represent or certify the accuracy of any information not shown on this map. The County does not warrant, represent or certify the accuracy of any information not shown on this map.

This map is a representation of the information submitted to the County of El Dorado. The County does not warrant, represent or certify the accuracy of any information not shown on this map. The County does not warrant, represent or certify the accuracy of any information not shown on this map.

For more information regarding the Towns 663 Residential Table, in counties covered by the El Dorado General Plan, please contact:

El Dorado County Planning Department
1000 El Dorado Blvd
El Dorado, CA 95627
916-635-3366
http://www.el-dorado.ca.gov/planning



Map Created By:
El Dorado County Planning Department
1000 El Dorado Blvd
El Dorado, CA 95627
916-635-3366
http://www.el-dorado.ca.gov/planning

Garden Valley

EL DORADO COUNTY "NO PROJECT/1996 ALTERNATIVE" LAND USE MAP

5/14

Policy 2.2.2.2

The purpose of the Agricultural District (-A) overlay designation is to identify the general areas which contain the majority of the County's federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as "choice" agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. This designation does not imply any restrictions on agricultural uses in areas not designated specifically as an Agricultural District but only serves to identify agriculture as the principal activity and to discourage incompatible uses such as higher density residential use.

- A. Agricultural Districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage the expansion of agricultural activities and production.
- B. The minimum residential parcel size for lands containing choice agricultural soils within an Agricultural (-A) District shall be twenty (20) acres or the minimum lot size established by the underlying land use designation, whichever is greater.

Residential parcels within Agricultural Districts where 70 percent or more of the parcel area is identified by the Agricultural Commission as land unsuitable for agriculture, as defined in "The Procedure for Evaluating the Suitability of Land for Agriculture," may be considered for a minimum parcel size of ten (10) acres. Clustering of planned residential developments on "non-choice" agricultural soils within Agricultural Districts, that have been identified by the Agricultural Commission as land unsuitable for agriculture, may be allowed but in no case smaller than five (5) acres.

- C. Ranch marketing is encouraged on lands engaged in agricultural production.

Policy 2.2.2.3

The purpose of the Platted Lands (-PL) overlay designation is to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. The -PL designation shall be combined with a land use designation which is indicative of the typical parcel size located within the Platted Lands boundaries. The existence of the -PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible land uses.

The -PL overlay designation may also be applied to lands historically zoned with a commercial zone district combined with the Commercial (C) land use designation.

LAND USE DESIGNATIONS AND ZONING DISTRICTS			
Land Use Designations		Zone Districts, Continued	
MFR	Multifamily Residential	RA-20	Residential Agricultural Twenty-acre
HDR	High-Density Residential	RA-40	Residential Agricultural Forty-acre
MDR	Medium-Density Residential	NS	Neighborhood Commercial
LDR	Low-Density Residential	CH	Highway Commercial
RR	Rural Residential	C	Commercial
NR	Natural Resource	CPO	Professional Office Commercial
C	Commercial	CP	Planned Commercial
R&D	Research & Development	CG	General Commercial
I	Industrial	R&D	Research and Development
OS	Open Space	I	Industrial
TR	Tourist Recreational	IR	Resource Industrial
Zone Districts		A	Agricultural
RM	Multifamily Residential	SA-10	Select Agricultural
R2	Limited Multifamily Residential	PA	Planned Agricultural
MP	Mobile Home Park	AE	Exclusive Agricultural
R1	One-family Residential	TPZ	Timberland Preserve Zone
R20,000	One-half Acre Residential	MR	Mineral Resources
R1A	One-acre Residential	RF	Recreational Facilities
R2A	Single-family Two-acre Residential	RT	Tourist Residential
R3A	Single-family Three-acre Residential	CN	Conservation
RE-5	Estate Residential Five-acre	OS	Open Space
RE-10	Estate Residential Ten-acre	TC	Transportation Corridor
(Zone Districts continued in next column)			

6/14

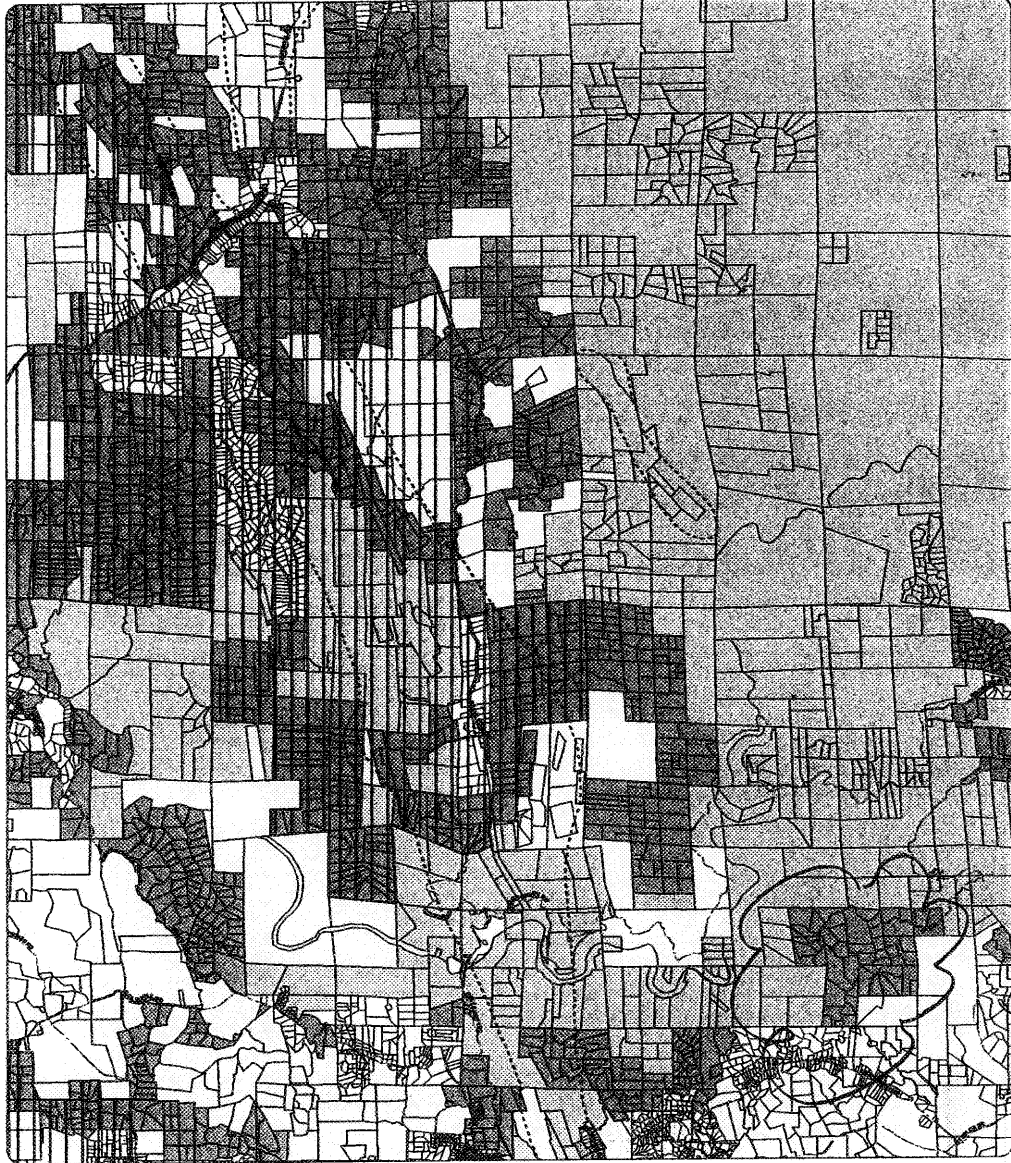
OBJECTIVE 2.2.2: OVERLAY LAND USE DESIGNATIONS

Establishment of overlay designations to provide additional direction for the development of land where circumstances apply generally to the lands regardless of the underlying land use designations.

Policy 2.2.2.1 The following General Plan overlay designations are included:

- A. Agricultural Districts
- B. Platted Lands
- C. Ecological Preserve
- D. Non-Jurisdictional Lands
- E. Planned Community
- F. Mineral Resource

7/14



- LEGEND**
- Agricultural
 - Address Plan
 - Commercial
 - High Density Residential
 - Industrial
 - Low Density Residential
 - Medium Density Residential
 - High-Family Residential
 - Natural Resources
 - Open Space
 - Public Facilities
 - Research & Development
 - Retail Lots
 - Tourist Recreational
 - Biological Resources
 - Mineral Resources
 - Specific Plans
 - Community Regions
 - Road Corridor
 - Towns 183 Riparian/Take Line
 - Furrow Boundaries
 - Major Roads
 - Airport Safety Zones
 - Mesaone Outcrop Center

NOTES:

This document was prepared for the purpose of providing information to the public and other interested parties regarding the proposed land use map. It is not intended to be used as a legal document. The information contained herein is for informational purposes only and does not constitute an offer of any financial product or service. The information contained herein is subject to change without notice.

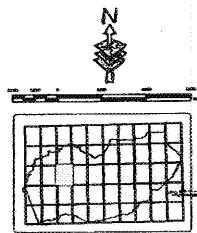
Land use designations and boundaries are based on the El Dorado County Planning Department's GIS Database. This map is a working draft and is subject to change without notice.

Final map and land use boundaries are maintained by the El Dorado County Planning Department's GIS Database.

For more information on the land use map, please contact the Planning Department.

For more information on the Towns 183 Riparian/Take Line boundary, contact the El Dorado County Planning Department.

Map version: 07/2008



Map Created By:
 El Dorado County Planning Department
 GIS Database
 2820 Fairview Court
 Roseville, CA 95667
 (916) 871-4333
<http://www.el-dorado.ca.gov/planning>

Garden Valley

EL DORADO COUNTY "ENVIRONMENTALLY CONSTRAINED ALTERNATIVE" LAND USE MAP

sites in Rural Regions are recognized where they provide a service to the rural population or traveling public.

(8/14)

LAND USE DESIGNATIONS

The following text describes allowable uses under each of the base land use designations shown on the Land Use Map. The text also describes the General Plan land use overlay designations, which are intended to be applied in combination with the base land use designations. Finally, Table LU-1 outlines information about minimum or maximum parcel sizes and residential densities and/or nonresidential land use intensities allowed under each designation.

Base Land Use Designations

Base land use designations are used to classify and designate the type and scale of the use of property. El Dorado County uses the following land use designations on its Land Use Map:

Multifamily Residential (MFR): This designation allows high-density, multifamily structures such as apartments, single-family attached dwelling units (e.g., condominiums, townhouses), and multiplexes. Development of high-density, single-family detached dwellings is also allowed, as are mobile home/manufactured home parks. The MFR designation may be applied in Community Regions and Rural Centers only. Mixed commercial and residential use is allowed on MFR lands as long as the residential use is the primary use of the property.

High-Density Residential (HDR): This designation allows development of residential dwellings at a maximum of two units per parcel. The HDR designation may be applied in Community Regions and Rural Centers only.

Medium-Density Residential (MDR): This designation allows residential dwellings (no more than two dwelling per parcel), accessory structures, and limited agricultural activities accessory to the residential use of the property. The MDR designation may be applied in Community Regions and Rural Centers only.

Low-Density Residential (LDR): This designation allows residential dwellings (no more than two dwellings per parcel), accessory structures, and small-scale agricultural operations in a rural setting where infrastructure is generally limited. The LDR designation may be applied in Rural Regions only.

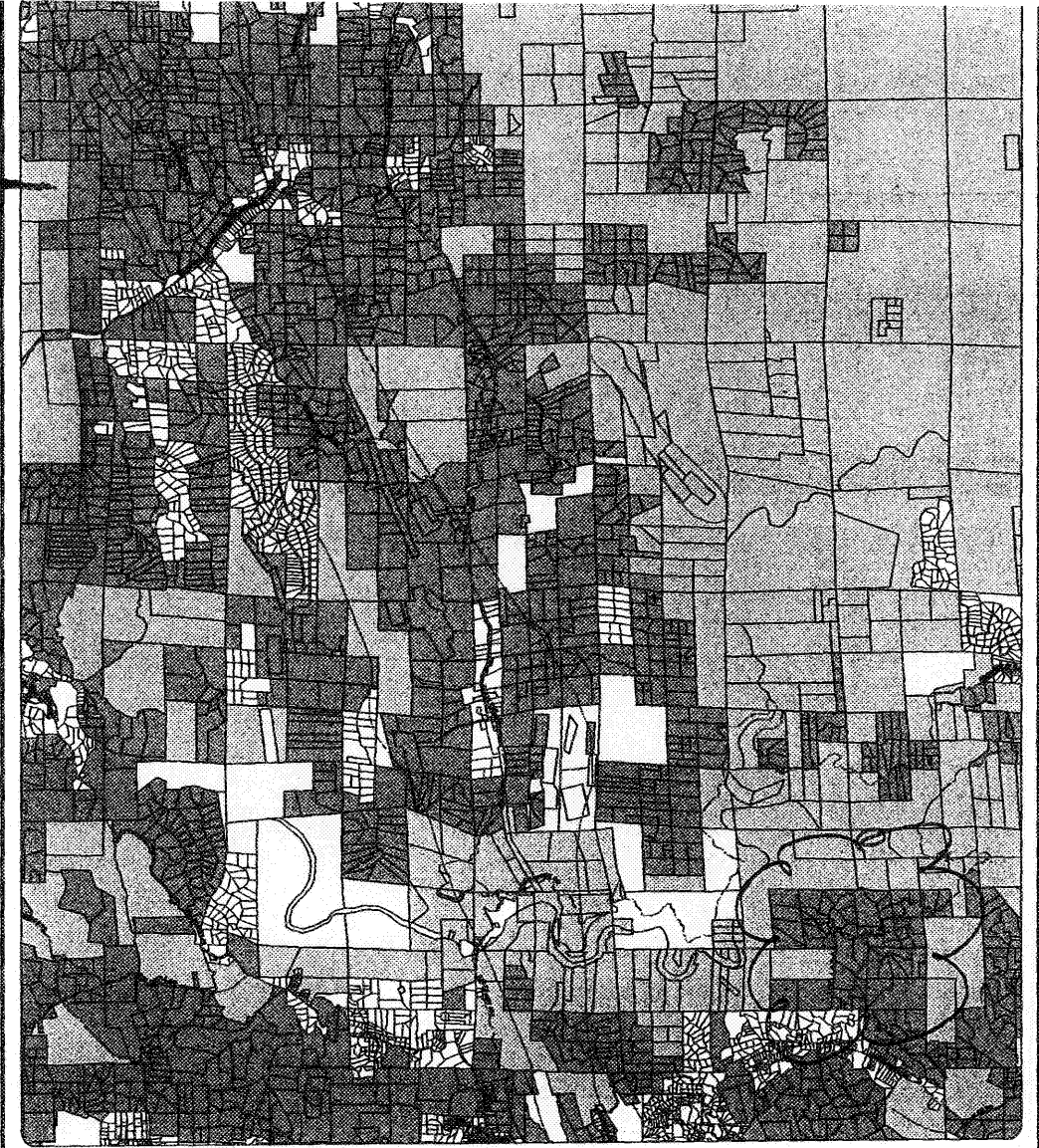
Rural Lands (RL): This designation allows dispersed residential development in areas of limited infrastructure and public services at a maximum of two residential units per parcel. This designation is also applied to lands that are characterized by steeper topography, high fire hazards, and limited or substandard access. The RL designation may be applied in Rural Regions only.

Agricultural Lands (A): This designation is applied to lands currently under agricultural production, under a Williamson Act Contract, or having at least 50 percent choice

9/14

TABLE LU-1 Land Use Designation Standards				
Designation	Residential Density ¹	Maximum Floor Area Ratio (FAR) ²		
		Community Regions	Rural Centers	Rural Regions
<i>Residential Land Uses</i>				
Multifamily Residential (MFR)	5-24 DU ³ /ac	0.75	0.4	—
High-Density Residential (HDR)	1-5 DU/ac	—	—	—
Medium-Density Residential (MDR)	1 DU/ac	—	—	—
Low-Density Residential (LDR)	1 DU/5 acres	—	—	—
Rural Lands (RL)	1 DU/10 acres	—	—	—
<i>Nonresidential Land Uses</i>				
Agricultural Lands (A)	1 DU/20 acres	—	—	0.1
Natural Resource (NR)		—	—	
<i>At or Below 2,500' Elevation</i>	1 DU/40 acres	—	—	0.05
<i>Above 2,500' Elevation</i>	1 DU/160 acres	—	—	0.05
Commercial (C)				
<i>Community Regions</i>	0-15 DU/acre	1.0	0.5	0.3
<i>Rural Centers</i>	0-8 DU/acre	1.0	0.5	0.3
Research and Development (RD)	—	0.2	—	—
Industrial (I)	—	1.0	0.5	—
Tourist Recreational (TR)	Project Dependent	0.5	0.5	0.2
Open Space (OS)	—	—	—	0.05
Public Facilities (PF)	—	0.5	0.5	0.2
<i>Other</i>				
Adopted Plan (AP) ⁴	Varies	—	—	—
Notes:				
¹ Where no residential density is specified, residential development is not allowed.				
² The gross floor area (total square foot area of each floor of all buildings on a parcel) permitted on a site divided by the total net area of the site (total area of a parcel, less any road right-of-way), expressed in decimals to one or two places. Where no FAR is specified, nonresidential development is not allowed.				
³ DU = Dwelling Units				
⁴ Densities, parcel sizes, and FARs differ by adopted plan.				
Densities may be higher or lower on a case-by-case basis to implement a transfer of development rights program established pursuant to Policy LU-7f.				

10/14



LEGEND

- Attached Plant
- Commercial
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Multi-Family Residential
- Natural Resources
- Open Space
- Public Facilities
- Research & Development
- Rural Lands
- Travel/Recreation
- Agricultural District
- Ecological Preserve
- Mixed Resources
- Specific Plans
- Community Design
- Rural Centers
- Transit/Highway/Traffic Lines
- Planned Subdivisions
- Major Roads
- Airport Safety Zones

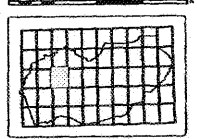
NOTES:

This document was prepared from computer-generated data and graphics. No warranty is made by the County of El Dorado. The County does not warrant regarding the accuracy, completeness or reliability of the information contained herein. Users should verify the accuracy of the data and graphics with the County Planning Department.

Land Use data is provided and updated by the El Dorado County Planning Department. The County does not warrant the accuracy or reliability of the data provided by the County Planning Department.

For more information regarding the Transit/Highway/Traffic Lines, contact the El Dorado County Planning Department.

Map created: 10/14/2009



Map Created By:
 El Dorado County Planning Department
 GIS Division
 2055 Fairlane Court
 Roseville, CA 95677
 (916) 621-4335
<http://www.el-dorado-county.org/planning>

Garden Valley

**EL DORADO COUNTY "ROADWAY CONSTRAINED SIX-LANE PLUS ALTERNATIVE"
LAND USE MAP**

sites in Rural Regions are recognized where they provide a service to the rural population or traveling public.

LAND USE DESIGNATIONS

The following text describes allowable uses under each of the base land use designations shown on the Land Use Map. The text also describes the General Plan land use overlay designations, which are intended to be applied in combination with the base land use designations. Finally, Table LU-1 outlines information about minimum or maximum parcel sizes and residential densities and/or nonresidential land use intensities allowed under each designation.

Base Land Use Designations

Base land use designations are used to classify and designate the type and scale of the use of property. El Dorado County uses the following land use designations on its Land Use Map:

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High-Density Residential (HDR): This designation allows development of residential dwellings at a maximum of two units per parcel. The HDR designation may be applied in Community Regions and Rural Centers only.

Medium-Density Residential (MDR): This designation allows residential dwellings (no more than two dwellings per parcel), accessory structures, and limited agricultural activities accessory to the residential use of the property. The MDR designation may be applied in Community Regions and Rural Centers only.

Low-Density Residential (LDR): This designation allows residential dwellings (no more than two dwellings per parcel), accessory structures, and small-scale agricultural operations in a rural setting where infrastructure is generally limited. Although intended for application in Rural Regions only, the LDR designation may be applied in Community Regions and Rural Centers where LDR parcels are surrounded by higher density/intensity land uses (i.e., MFR, HDR, MDR, Commercial, Industrial, and Research and Development).

Rural Lands (RL): This designation allows dispersed residential development in areas of limited infrastructure and public services at a maximum of two residential units per parcel. This designation is also applied to lands that are characterized by steeper topography, high fire hazards, and limited or substandard access. Although intended for application in Rural Regions only, the RL designation may be applied in Community Regions and Rural Centers

where RL parcels are surrounded by higher density/intensity land uses (i.e., MFR, HDR, MDR, Commercial, Industrial, and Research and Development).

Natural Resource (NR): This designation allows natural resource management activities, resource-based industries (e.g., agriculture, forestry, mineral extraction), protection of important habitat (e.g., riparian corridors, expanses of native vegetation), and protection of river canyons. A maximum of two residential dwellings are allowed. Although intended for application in Rural Regions only, the NR designation may be applied in Community Regions and Rural Centers where NR parcels are surrounded by higher density/intensity land uses (i.e., MFR, HDR, MDR, Commercial, Industrial, and Research and Development).

12/14

Commercial (C): This designation allows retail, office, service, and light manufacturing uses. It allows for mixed residential and commercial uses as long as the commercial use is the primary use. The C designation may be applied in Community Regions and Rural Centers only, with exceptions as outlined in Policy LU-4f.

Research and Development (RD): This designation allows high technology, nonpolluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities. Residential uses are not allowed. The RD designation may be applied in Community Regions only.

Industrial (I): This designation allows light and heavy manufacturing, processing, distribution, and storage uses. Residential uses are not allowed. The I designation may be applied in any unincorporated area of the county.

Tourist Recreational (TR): This designation allows tourist and resident-serving recreational uses, transient and seasonal lodging facilities, and supporting commercial activities. Employee housing that supports the recreational use is allowed. The TR designation may be applied in any unincorporated area of the county.

Open Space (OS): This designation identifies lands dedicated to natural resource protection or recreational uses. Lands may be under governmental title or privately owned. Residential uses are not allowed. The OS designation may be applied in any unincorporated area of the county.

Public Facilities (PF): This designation identifies public lands currently used for public facilities, including schools, parks, fire stations, libraries, government offices, cemeteries, wastewater treatment plants, and the county landfill. The PF designation may be applied in any unincorporated area of the county.

Adopted Plan (AP): This designation identifies areas for which specific land use plans have been prepared and adopted. Allowable residential land use densities and nonresidential intensities of use are dictated by the adopted specific plan for each area. The adopted plan for the Tahoe Basin is the Regional Plan for the Tahoe Basin and the Plan Area Statements adopted by the Tahoe Regional Planning Agency (TRPA) and the Meyers Community Plan

Land Use Overlay Designations

A number of land use overlay designations, which are to be applied in combination with the base land use designations, are used to recognize certain constraints that are geographically based, but not limited to any specific base land use designation. These land use overlay designations are Mineral Resource (-MR), Ecological Preserve (-EP), and Agricultural District (-A). The following briefly describes each overlay designation. Policies contained in the Conservation and Open Space Element (for -MR and -EP) and Agriculture and Forestry Element (for -A) provide additional guidance for application of the overlays.

13/14

Mineral Resource (-MR)

Consistent with the Surface Mining and Reclamation Act of 1975 (SMARA), the County identifies areas designated by the state as Mineral Resource Zone 2 (MRZ 2xx) through application of the -MR overlay designation. The overlay matches areas identified on the State Classification Reports outside of Community Regions and Rural Centers. The intent of the overlay is to identify areas of potential mineral resource wealth. The -MR overlay areas do not necessarily correspond with areas currently used for mineral resource extraction and may be applied to areas that have never been used for such activity.

Ecological Preserve (-EP)

The -EP overlay designation is used to identify land, both public and private, necessary to implement the strategies adopted by El Dorado County to protect special status plant and/or animal species. Application of the -EP overlay does not imply that the County or any other agency will purchase the property. It serves to identify lands that, if available, may be purchased or conservation easements secured in order to develop a long-term preserve strategy.

Agricultural District (-A)

The -A overlay designation is used to identify general areas that contain most of the county's federally designated prime, state-designated unique or important, or County-designated locally important soils (collectively referred to as *choice agricultural soils*; see the Agriculture and Forestry Element for more information). Application of the -A overlay designation mainly serves to identify areas where agriculture is the principal activity and where incompatible uses, such as higher density residential patterns (i.e., MFR, HDR, and MDR), are discouraged. Application of this designation also serves to encourage the expansion of agricultural production and associated activities but does not imply any restrictions on agricultural uses in areas not specifically designated with the -A overlay.

GOALS AND POLICIES

The second major part of the Land Use Element sets forth the goals and policies that will guide County decision making during the life of this General Plan. These goals and policies provide standards for both urban and rural development; protect and conserve natural and scenic resources; and provide ongoing implementation and monitoring of the General Plan.

adopted by El Dorado County and TRPA. Adopted Plan areas must be within Community Regions except in the Lake Tahoe Basin.

14/14

TABLE LU-1 Land Use Designation Standards				
Designation	Residential Density ¹	Maximum Floor Area Ratio (FAR) ²		
		Community Regions	Rural Centers	Rural Regions
<i>Residential Land Uses</i>				
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Low-Density Residential (LDR)	1 DU/5 acres	--	--	--
Rural Lands (RL)	1 DU/10 acres	--	--	--
<i>Nonresidential Land Uses</i>				
Natural Resource (NR)		--	--	
<i>At or Below 2,500' Elevation</i>	1 DU/40 acres	--	--	0.05
<i>Above 2,500' Elevation</i>	1 DU/160 acres	--	--	0.05
Commercial (C)				
<i>Community Regions</i>	0-15 DU/acre	1.0	0.5	0.3
<i>Rural Centers</i>	0-8 DU/acre	1.0	0.5	0.3
Research and Development (RD)	--	0.3	--	--
Industrial (I)	--	1.0	0.5	--
Tourist Recreational (TR)	Project Dependent	0.5	0.5	0.2
Open Space (OS)	--	--	--	0.05
Public Facilities (PF)	--	0.5	0.5	0.2
<i>Other</i>				
Adopted Plan (AP) ⁴	Varies	--	--	--
Notes: ¹ Density is further constrained by the limitation that an existing parcel may only be subdivided into a maximum of four parcels. Where no density is specified, residential development is not allowed. ² The gross floor area (total square foot area of each floor of all buildings on a parcel) permitted on a site divided by the total net area of the site (total area of a parcel, less any road right-of-way), expressed in decimals to one or two places. Where no FAR is specified, nonresidential development is not allowed. ³ DU = Dwelling Units ⁴ Densities, parcel sizes, and FARs differ by adopted plan. Densities may be higher or lower on a case-by-case basis to implement a transfer of development rights program established pursuant to Policy LU-7f.				

Intentionally Blank

Patricia L Moore
978 King Henry Way
El Dorado Hills, CA 95762

03 JUL 15 PM 2:53

July 13, 2003

RECEIVED
PLANNING DEPARTMENT

El Dorado County Planning Department
2850 Fairlane Court
Placerville, CA 95667

RE: General Plan DEIR Questions

To Whom It May Concern;

Based on how many parcels are already approved in El Dorado Hills identify the following:

1. Percentage of the County housing inventory available in El Dorado Hills vs. the remainder of the County.
2. Based on the projected growth for El Dorado Hills how many years will pass before the existing inventory is exhausted? Identify how many years will pass before the existing inventory for the remainder of the County will be exhausted?
3. Based on existing fees how much money will the development of existing and projected new parcels in El Dorado Hills generate for El Dorado County? How much will be returned to El Dorado Hills?

Finally, compare each alternative in reference to impacts to water, schools, air quality and especially traffic as they apply El Dorado Hills vs. the remainder of the County. Clearly identify each of the impacts on a Countywide basis vs. El Dorado Hills.

202-1
202-2
202-3
202-4

Sincerely

Patricia L. Moore

Sunday, July 13, 2003 9:51 AM

p.02

July 13, 2003

Peter Maurer, Principal Planner
 General Plan Team
 El Dorado County Planning Department
 2850 Fair Lane Court
 Placerville, CA 95667
 FAX (530) 642-0508
 e-mail generalplan@co.el-dorado.ca.us

Re: Opposition to proposed multiple land use designations of parcel # 10415008

Dear Mr. Maurer,

The purpose of this letter is to request that no action be taken by the county that could negatively impact the value of my property or interfere with my ability to exercise my private property rights as they currently exist. Please bear with the length of this letter; I am sure you are inundated with requests at this time.

Background: As a private property owner in El Dorado County I have the unique perspective of a native of El Dorado County. My family purchased a 200-acre parcel of mining property in the early 1950's. My father was in the mining industry and relocated here with an interest in contributing to the industry and overall well-being of the county, in addition to making a home for his family in the rural foothills. Our mother was a teacher here on the "Divide", contributing to the community in her own way. Our family property has a long and rich history and yet-untapped mineral resources. My two siblings and I have worked cooperatively to preserve the integrity of the family land as a whole. We have since divided the land into three parcels, approximately 62 acres each. Both my brother and I have returned to this land as established professionals with our families to continue the legacy established by our parents. Our sister, who lives away but owns the other third, continues to maintain her interest in preserving the same values as they relate to the land as those instilled in us as children raised in this county.

Issues:

1. **Problem #1:** There are six separate designations for my one parcel (according to the county web site) under each of the three proposed General Plan alternatives. What is unclear are the implications of the multiple and seemingly conflicting land use designations on subsequent zoning determinations. To illustrate the point, I present here a table summarizing what appears on the county web page for my one parcel:

acres	No Plan/96 - Land use designations + overlay	RC - Land use designations + overlay	EC - Land use designations + overlay
17.194	RR + no overlays	RL + no overlays	NR + no overlays
.605	RR + MR	RL + MR	NR + MR
6.813	RR + MR	RL + MR	NR + MR
10.067	RR + no overlays	RL + no overlays	NR + no overlays
20.422	OS + no overlays	OS + no overlays	OS + no overlays
6.937	OS + MR	OS + MR	OS + MR

203-1

In an attempt to clarify the implications of the above, I called your department late last week, but have yet to receive a return call. (It is understandable that you do not have the manpower to return all calls the week prior to the deadline for written responses to the proposed General Plan alternatives.) Of the approximately 62 acres on our parcel, only 14 acres have the Mineral Resources overlay designation. If this could result in the Mineral Resources zoning being dropped for the parcel as a whole, I must protest. My worst fear is that, as a result of the mixed messages inherent in the multiple land use designations, the intent of the land use designations could be misinterpreted at a later date. It would be helpful to hear from a representative of the planning department to clarify the intent of the county in breaking our land into six designations. Proposed solution: Clearly communicate the intent of the land use designation through the use of the "Natural Resources" designation with an overlay of Mineral Resources for the entire parcel. Rationale: Natural Resources is a better fit, as the land possesses mineral resources, and the Mineral Resources zoning that (I'm assuming) would result from the Mineral Resources overlay leaves no later confusion and gives us the needed flexibility to manage those resources. As I understand the provisions of the Natural Resources designation, it provides a balance, "land use as it relates to resource protections and/or production to assure the availability to future generations and realization of full economic potential".

203-1

2. Problem #2: The Open Space designation that appears for 20.422 of our acres, and then again for another 6.937 is wholly inappropriate. According to the county's definition of the open space designation, that designation is reserved for public lands, or private lands "to maintain natural features within clustered development where a General Plan amendment is processed". While there are natural features of minerals on our parcel, there is no evidence of a "clustered development" as the parcel is quite rural. Nor are we aware of any General Plan amendment processed which addresses our land use designation in relation to a clustered development. The first obvious sign that this must have been an oversight is that upon viewing the three proposed land use maps, it is clear, especially if one is familiar with the topography of the land in question, that there is nothing about the section of our parcel that is designated "Open Space" that would suggest that it has anything in common with any other land in the county that is designated "open space": 1.) it is not large, 2.) it is not public, 3.) it is not adjacent to other open space that is large or public, 4.) nor is it part of a density issues of a planned development. In fact, it sits alone, at the bottom of a long hill, a long irregular portion/strip of a larger parcel. Our primary concern is that the rhetoric surrounding the term "open space" implies public access for recreational use. The fact of the matter is that, perhaps because it is at the bottom of a long hill, this particular parcel of land has been particularly subject to trespassers, and we have had mixed results when calling upon assistance from the county Sheriff's Department. Anything that compromises our ability as private property owners to protect our land from trespassers who engage in the illegal discharge of weapons, the defacing our property or verbal assaults is opposed (we've endured all the above). To designate almost half our land "Open Space" flies in the face of our attempts to protect our physical well-being, the mineral resources and the historical significance of the property from trespassers who already have little respect for "private property rights".

203-2

In summary, as private property owners, we believe we are best-positioned to protect the overall public interest in our private land resources. Please do not restrict our ability to do