

Received at Hearing  
**Holiday Hills Estates Homeowners Association**

ZA 11-20-2019  
Item 4.a.

11/11/2019

To: El Dorado County Board of Supervisors, Planning Commission and Planning Department

Re: Proposal to subdivide 140 acres at Sawmill Creek Ranch, P18-0004

We the residents/ owners of Holiday Hills Estates Homeowners Association very much oppose this proposal for the following reasons:

Background: This is the latest in a more than 20 year series of attempts to subdivide Sawmill Creek Ranch as well as the White Ranch (253.5 ac) and the Scheiber Ranch (286.6 ac). For more than 2 decades we have fought this project's attempts to use our Private Road, Holiday Lake Drive as ingress and egress. We will continue this fight, in court if necessary.

We see this as the first stage of more subdivision to come and since all three ranches have planned for a combined development in the past and years ago have recorded cross-access easements, potentially several hundred more dwelling units could be using Holiday Lake Drive several times a day for ingress and egress.

Previously we supported a proposal for a subdivision of these properties that had a master plan for development and for roadway access off Motherlode Dr. and French Creek Road that did not use Holiday Lake Drive, Tulle, Lane or Ridge Rd.

We request that a similar master plan for development of large parcels and a perimeter roadway be developed for the entire 680 Sawmill Creek, White and Scheiber ranches.

Respectfully yours,

NAME

Paul Coudery  
Nichele Coudery  
\_\_\_\_\_

ADDRESS

4620 Scenic Dr.  
Shingle Springs, CA  
95682  
\_\_\_\_\_

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NAME

STAN Mejia  
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ADDRESS

4540 FAITHILL DR.  
SHINGO SPRINGS, CA 95682  
\_\_\_\_\_

## INTRODUCTION

My name is Bradley Pearson, I live at 4521 Holiday Hill Court, Shingle Springs, CA. several hundred feet from the subject project.

I am here today to speak on behalf of Holiday Lake Community Services District, Holiday Lake Ranches Homeowners Association and Shingle Springs Neighbors for Quality Living. I believe that Mr. Mike Doran is here today to speak on behalf of Holiday Hills Estates Homeowners Association although my verbal and our written comment letter address that HOA's concerns as well..

The comments presented here at this public hearing on November 20, 2019 for project P 18-0004 reflect a summary of our detailed comment letter submitted to the County on November 15, 2019

I will try to be as brief as possible.

I will start with our conclusion and then show how we arrived at it.

## CONCLUSION

The major fatal flaw of this project's processing is that the County views this as an isolated, inconsequential minor land division of just 3 new lots on an existing 134 acre parcel.

We have shown in our comment letter dated November 15, 2019 that this project and other associated projects on the same property go back 30 years and that history is well known by the county yet nowhere acknowledged in the project description nor processing.

We show that it is well known that the landowner, his neighbors and successive sub dividers fully intend to develop a much larger project of 653 acres covering 3 ranches.

We show that the current minor land division of 134 acres is growth inducing by means of this 1<sup>st</sup> stage of that larger development that will slowly piecemeal its future subdivisions into an ever-larger development. This process will create cumulative impacts that are significant and avoidable.

Finally we show that the above scenario is foreseeable and predictable. It is foreseeable because it is legally possible and is a logical progression of the subdivision process utilizing pyramid minor land division. It is predictable because the landowners have clearly signaled their intentions in their past submittals to the county, intentions to subdivide the property into small parcels.

In the end we see that the above scenarios are preventable, by means of a project alternative which the County has failed to disclose or analyze, an alternative we have proposed multiple times in the past, that the county, the applicant and the Scheiber and White ranches need to return to master planning the development of the entire 653 acres.

The following is a summation of concerns and of how those conclusions were arrived at.

**THIS PROJECT IS IMPROPERLY DESCRIBED AND AS SUCH CANNOT BE APPROVED IN ITS PRESENT FORM.**

The project has changed over the course of its submittal and the County has failed to update its Project Description and so inform county staff, agency staff and the public. Failure to properly describe the Project confuses and misleads public decision makers and county residents.

**THE COUNTY OF EL DORADO FAILED TO NOTIFY AND INVOLVE THE HOLIDAY LAKE COMMUNITY SERVICES DISTRICT IN THE PROCESSING OF THIS PROJECT.**

The Holiday Lake Community Services District is a public agency whose jurisdictional lands and public facilities are adjacent to and in part physically on the parcel to be subdivided. Holiday Lake Community Services District has raised a number of significant issues which should have been addressed by the applicant and the county months ago.

The District must be formally notified, consulted and allowed to participate in this project processing. Failure to do so is a breach of county responsibility.

**THE COUNTY OF EL DORADO FAILED TO NOTIFY AND INVOLVE THE HOLIDAY LAKE NEIGHBORHOODS IN A TIMELY MANNER.**

The Holiday Lake Ranches Homeowner's Association on the west side of Holiday Lake and The Holiday Hills Estates Homeowner's Association on the east side of Holiday Lake have never been notified of the existence of this project and its November 20, 2019 hearing. County files over 30 years show that the County knows of the existence and past involvement of these organizations relative to this and prior projects on the subject property.

**HOLIDAY LAKE DAM IS PARTIALLY ON SAWMILL CREEK RANCH PROPERTY**

The subject parcel to be subdivided currently has its northerly property line running east – west for several hundred feet through the outboard southerly face of the Holiday Lake Dam approximately 26 feet up the sloping dam face from the toe of the dam.

We find that this project's physical property line encroachment under the Holiday Lake Dam could have significant environmental impact upon lake and dam operations of the Holiday Lake Community Services District.

It is our determination that the county cannot legally subdivide private property when a publicly owned facility (such as Holiday Lake Dam) partially sits on top of that same private property.

**THE PROJECT DOES NOT ANALYZE THE EFFECT OF INUNDATION OF THE NEWLY SUBDIVIDED PARCELS FROM A CATASTROPHIC FAILURE OF THE HOLIDAY LAKE DAM.**

The subject project for subdivision is directly contiguous with the entire length of the Holiday Lake Dam. Should there be a catastrophic failure of the Dam, it would cause inundation of the property to be subdivided.

There is no mention in the project narrative or in the CEQA Initial Study of this issue.

**WELL DRILLING AND WELL WATER USAGE ON THE ADJACENT SAWMILL CREEK SUBDIVISION COULD SIGNIFICANTLY DRAW DOWN THE HOLIDAY LAKE UNDERLYING AQUIFER**

As a condition of approval of the subdivision, the county is not requiring the subdivider to provide domestic water service from El Dorado Irrigation District, EID. The county is requiring the developers of the parcels to provide water service from onsite wells on each parcel and from wells on successor parcels as the land is split up into ever smaller pieces.

The project's CEQA Initial Study fails to mention let alone analyze the environmental impact from the county's requirement for the subdivided parcels to obtain their water from onsite water wells.

It is our determination that this well usage allowance and requirement will be growth inducing of additional well usage and will have a cumulative impact on the underlying Holiday Lake Aquifer that will artificially and significantly lower the lake levels of Holiday Lake.

**PYRAMID SUBDIVISION OF LAND**

The Minor Land Division Ordinance of El Dorado County can be used to subdivide a large piece of land into 4 or fewer parcels and then subsequently take each of those 4 parcels and subdivide them each into another 4 or fewer parcels, and so on. In this manner 1 parcel becomes 4 that then divide into 16 and then into 32 and on and on.

One result of this minor land division project is that the county cannot place major mitigation conditions of approval, such as roadway improvements to address cumulative traffic impacts, not on this minor land division nor on future succeeding minor land divisions on the same property. State of California Subdivision law and the El Dorado Subdivision Ordinance states that conditions of approval be commensurate with the small number of lots being created.

This is a catch 22 that allows the county to approve a project that the county knows will develop into a whole string of small projects with successive and cumulative impacts. In order to approve the project, the county's own subdivision ordinance prevents it from mitigating known impacts.

We maintain that this is a land development strategy being employed by the County and applicant on this project.

We believe that the county understands the nature of using the Minor Land Division Ordinance to effect sequential minor land divisions, understands that it is being used in this case and indeed the county, in its proposed findings of consistency with its General Plan, encourages this pyramid subdivision on the subject property.

**THE PROPOSED PROJECT IS THE FIRST STAGE OF SUCCESSIVE PROJECTS LEADING UP TO A LARGE PROJECT WITH CUMULATIVE IMPACT.**

We believe that this same piecemeal approach currently applied for in the case of the 134 acre Sawmill Creek Ranch will soon be used to piecemeal the development of the adjacent 227 acre White Ranch and adjacent 286 acre Scheiber Ranch. Because of past cooperation and joint application of the three ranches for County land use entitlements, such a scenario is highly foreseeable and highly likely and therefore should be analyzed by the county in its project and CEQA processing.

**WE STRONGLY OBJECT TO THE PROPOSED USE OF HOLIDAY LAKE DRIVE AS ACCESS TO THIS PROJECT'S SUBDIVIDED PARCELS**

Since 1989 the Sawmill Creek Ranch has unsuccessfully claimed vehicular access to the private roads of the Holiday Lake Ranches Homeowners Association.

We have strongly objected to this in the past and yet the County and the applicant continue to persist. We have strongly maintained that Holiday

Lake Drive is a privately maintained, private road. Our attorneys have written the county as much as 20 years ago to state this case, that these streets are indeed private roads

We will continue to make this case and we intend to make this case in court if need be.

**WE STRONGLY OBJECT TO THE PROPOSED USE OF RIDGE DRIVE AND TULLE LANE AS ACCESS TO THIS PROJECT'S SUBDIVIDED PARCELS**

These are small streets not designed for the additional traffic share from either this project generating 577 daily trips nor the larger, multi ranch generation of 2886 daily vehicular trips.

Most of the opposition stated above to the use of the private road Holiday Lake Drive also applies to the project use of Ridge Drive and Tulle Lane. Those comments are incorporated here by reference.

The bottom line is it is inappropriate for this new subdivision and its successor minor land divisions and in fact the entire 653 acre combination of three ranches to dump their excessive traffic onto Ridge Drive and Tulle Lane.

**CEQA ANALYSIS AND DETERMINATION**

The initial study does not include a traffic analysis. There has been no initial study of Piecemealing, Growth Inducement or a Cumulative Impact study that analyzes this project as the foreseeable and predictable first stage of a larger project, i.e. a subsequent series of small subdivisions cumulatively resulting in the subdivision of the entire property into many smaller parcels.

We find that this project requires an Environmental Impact Report that analyzes potentially significant cumulative traffic impact, growth inducement and the intentional use of piecemealing to slow walk a small project into a much larger, more impactful project or series of projects while keeping cumulative impacts under the public radar.

We find that this is the first stage of a larger project that could indeed have significant effect on the environment and therefore an Environmental Impact Report must be prepared to analyze this impact.

We show above the need for an environmental Impact report to analyze and disclose potentially significant impacts due to inundation from dam failure and drawing down the Holiday Lake Aquifer and on the Holiday Lake Dam being partially on private property.

**LISTED BELOW ARE TWO FINDINGS THAT THE APPROVING  
AUTHORITY MUST MAKE**

Section 120.44.030 of the El Dorado County Subdivision Ordinance stipulates: "The approving authority shall not approve a tentative map if the approving authority makes any of the following findings.

**Finding E.** "That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat."

We have shown above that the project's reliance on and requirement to use water wells for domestic water supply will have catastrophic consequences on water levels in Holiday Lake with the potential to de-water the lake and cause "substantial and avoidable injury to fish or wildlife or their habitat".

Sawmill Creek, flows through Holiday Lake. Sawmill Creek is tributary to French Creek which is tributary to the Consumes River which flows into the San Francisco Bay Delta and the Pacific Ocean. Environmental impacts to Sawmill Creek and Holiday Lake have environmental consequences throughout this complicated aquatic system.

**Finding F.** "That the design of the division or the type of improvements is likely to cause serious public health hazards".

We have shown that the partial ownership of a public agency dam by the private land to be subdivided is dangerous to the safe operation of the dam by its public agency owner, Holiday Lake Community Services District. Creating a new subdivision of land that perpetuates private ownership of a portion of a dam can jeopardize the mission and the operations of the Holiday Lake Community Services District to maintain a safe dam for Holiday Lake. This violates State of California law and policy that entrusts the Holiday Lake Community Services District to protect the public health, safety and welfare.

### **SUMMATION**

We have submitted a detailed combined comment letter from our 4 neighborhood organizations.

Should the County continue with the approval of this project we request from the County a point by point response to that comment letter.

Thank you for the opportunity to speak today on this project of great importance to the Holiday Lake Community.