



Jim Mitrisin <jim.mitrisin@edcgov.us>

Fwd: Consent Calendar Item #7; File # 13-0988--January 6, 2015 BOS Meeting

1 message

Roger Trout <roger.trout@edcgov.us>
To: Jim Mitrisin <jim.mitrisin@edcgov.us>

Tue, Jan 6, 2015 at 9:28 AM

Please add to record for item 7 today. Thanks.

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

From: Langley, Cheryl@CDPR <Cheryl.Langley@cdpr.ca.gov>
Date: Monday, January 5, 2015
Subject: Consent Calendar Item #7; File # 13-0988--January 6, 2015 BOS Meeting
To: Roger Trout <roger.trout@edcgov.us>

Mr. Trout

Thank you for your reply. I agree that I was confused regarding the terms of the mitigation, and apologize for any additional staff time spent developing the explanations necessary to bring me up to speed. I was confused mainly by the motion made by the Board of Supervisors at the August 20, 2013 meeting, and some of the conversation that preceded that motion.

Thank you once again for the clarification.

Cheryl Langley

From: Roger Trout [roger.trout@edcgov.us]
Sent: Monday, January 05, 2015 11:22 AM
To: Langley, Cheryl@CDPR
Cc: Mikulaco, Ron@EI Dorado; Nutting, Ray@EI Dorado; Veerkamp, Brian@EI Dorado; Briggs, Ron@EI Dorado; Santiago, Norma@EI Dorado; edc.cob@edcgov.us; Aaron D Mount; Steve Pedretti; Charlene Tim
Subject: Re: Consent Calendar Item #7; File # 13-0988--January 6, 2015 BOS Meeting

Cheryl,

Thank you for your email and comments on the item. I understand your point of view and apologize if the conditions and staff report were not clear on the oak tree mitigation aspect of the project.

The applicant is required through Condition 1 and 3 to complete full mitigation in Phase 1 for all oak trees previously removed.

The information to clarify that point is in the staff report attachment. See the the Chad Dykstra, Arborist Report, page 150 to 169 of Attachment (E) in Legistar. In that report we identified that 26,000 square feet of oak canopy had been removed. Conditions 1 and 3 requires all of that to be replaced with any Phase 1 building permit.

I see now the condition is not clear unless you had the report to compare it with. The condition/mitigation measure allows some discretion to the Development Services Director (me) to allow some phasing of completion of the oak tree planting, but no such request has been made and I have no reason to allow the replanting to be phased.

Condition 1 may have added to the confusion by stating that Phase Two requires mitigation of oak tree impacts "at that time." This may appear to be deferring oak mitigation to Phase 2, but it is not. The statement was intended to simply say that whatever is proposed in Phase 2 will have to mitigate for oak tree impacts that occur with Phase 2.

As to your suggestion of a "lien (or other such instrument) against the property" to ensure mitigation in the event the property is sold, I simply disagree that would be necessary. First, the applicant has a limited time frame to comply with the permit conditions, and in this case, he has requested a time extension. Second, if he should fail to comply with the permit conditions, the County has other, more appropriate, Code Enforcement tools to address non compliance with the County Code. Lastly, the removed oaks will be a burden on any future owner of the property. The permit and the code violation run with the land and not the current owner.

I hope that helps. Please let me know if you have any questions.

On Sun, Jan 4, 2015 at 7:28 AM, Langley, Cheryl@CDPR <Cheryl.Langley@cdpr.ca.gov> wrote:

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> Re: January 6, 2015 Board of Supervisor's Meeting

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> I reviewed the August 20, 2013 Board meeting regarding the Macauley proposed project on Greenstone Road and have the following comment regarding oak tree mitigation. As it was decided during the August meeting that Mr. Macauley need only meet the portion of oak tree mitigation required under Phase I—that full mitigation would be met only after Phase II was approved—it seems prudent that a lien should be placed against the property in an amount that would ensure full mitigation will be met, regardless of project outcome. Otherwise, complete mitigation may never be realized if:

- > · Phase II is never approved/constructed (due to project denial by the County);
- > · Mr. Macauley simply decides not to pursue development of Phase II; or
- > · the property is sold prior to Phase II construction.

> Assuming you share these concerns, I request that the Board consider the following as a condition of building permit extension approval:

- > · Require that full oak tree mitigation be completed if Mr. Macauley retains ownership of the property and Phase II has not been approved for construction with a specific time period—say 5-7 years; and
- > · Place a lien (or other such instrument) against the property in an amount that would ensure full mitigation will take place in the event the property is sold.

> I believe the establishment of these criteria for will best ensure that the loss of oaks on the property will be appropriately mitigated.

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> Cheryl Langley

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> Shingle Springs Resident

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> cc: Roger Trout, Director, Development Services

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Jim Mitrising, Clerk of the Board

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