

# PLANNING AND BUILDING DEPARTMENT

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Date: April 11, 2025

Agenda of: April 24, 2025

To: Planning Commission

From: Cerissa Deitchman, Assistant Planner

**Subject:** ADM-A25-0001 and ADM-A25-0002/Appeals of Administrative Permit,  
ADM24-0020/Equestrian Way Gate

## Recommendation

Based on the analysis of Administrative Permit ADM24-0020, staff recommends the Planning Commission deny the appeals and uphold the approval of Administrative Permit ADM24-0020, based on the Findings and subject to the Compliance Standards as approved by the Planning and Building Department Director (Director) (Exhibit H).

## Alternative Action

Grant the appeal(s) by Steve Viani (Appellant 1, ADM-A25-0001) and/or John Chapman (Appellant 2, ADM-A25-0002), thereby denying Administrative Permit, ADM24-0020, and instruct staff to return with Findings for Denial.

## Background

Administrative Permit ADM24-0020 approved an electric gate post-construction (as-built) across a 60-foot non-exclusive road and public utilities easement. The gate spans Equestrian Way (Exhibit A), a private road not maintained by the County, where two (2) or more residential lots are granted rights of access. This permit application was submitted as the result of Code Enforcement action for an unpermitted gate across a road easement. Project approval would correct the Code Enforcement case. Denial of ADM24-0020 would require demolition and removal of the existing gate. Both the El Dorado County Fire Protection District and the El Dorado County Department of Transportation (DOT) reviewed ADM24-0020. The fire district approved the as-built gate and DOT takes no exception. Compliance Standards are incorporated within the Revised Approval Letter (Exhibit H).

The project is located at Assessor's Parcel Number (APN) 104-080-029, a 39.94-acre property zoned RL-10 (Rural Lands), located at 2370 Equestrian Way in the Pilot Hill area, approximately 3,750 feet southeast of the intersection with Salmon Falls Road, in Supervisorial District 4.

Section 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) of the El Dorado County Zoning Ordinance does not include notification requirements for Administrative Permits for Gates; however, Planning staff determined that the proposed project is similar to the Administrative Permit requirements for Fences, Walls and Retaining Walls. Therefore, the 500-foot notification requirements for Administrative Permits for Fences, Walls and Retaining Walls were utilized for this project. Pursuant to Section 130.51.050.1 of the El Dorado County Zoning Ordinance, Administrative Permits are either required to have a 500-foot notification, 100-foot notification, or no notification, based upon Administrative Permit type. The initial Notice of Decision letter providing notification for the approval of ADM24-0020 was mailed to all property owners within a 500-foot radius on February 14, 2025, and an Amended Notice of Decision letter was mailed on March 13, 2025 (Exhibit I).

Section 130.30.090.C (Gates – Residential Subdivisions) of the El Dorado County Zoning Ordinance allows gates across non-County maintained road(s) within a residential subdivision consisting of two (2) or more lots with approval of an Administrative Permit when the following criteria are met: 1) The gate will not impede public access to a public resource, such as a public park, or interfere with existing or planned traffic circulation patterns; and 2) The project conforms to the standards of Subsection D (Design Standards for Gated Developments).

The Bureau of Land Management (BLM) verified placement of a locked vehicular gate located on APN 104-090-042, adjacent to the southeast corner of the project site (Exhibit D) beyond the proposed project location at the end of Equestrian Way. BLM confirmed vehicular use of this gate is not open for the public and that only landowners beyond this point have full access. Landowners beyond the BLM gate includes BLM, the American River Conservancy and private parcel owner, Melinda S. Snyder, as shown in the Maps and Parcel Owners attachment (Exhibit E).

The South Fork American River Trail system does not directly connect to the applicant's parcel as demonstrated in the South Fork American River Trail Map (Exhibit G). BLM identified three public access points to the South Fork American River Trail including the Salmon Falls Trailhead, Acorn Creek Trailhead and Cronan Ranch Trailhead with no trail access near Equestrian Trail. The *South Fork American River – A Management Plan* (SFAR Plan) (Exhibit F) identifies the land south of the applicant's parcel as the Norton Ravine Planning Unit (Exhibit G). The description of the Norton Ravine Planning Unit area shown on page 32 of the SFAR Plan states "Legal public access to the Norton Ravine Planning Unit is by boat or trail only. There is no public access by road." Page 33 of the SFAR Plan states "the only means of public access shall be by river or trail." ADM24-0020 proposed an as-built gate on 2370 Equestrian Way that does not impede public access to a public resource and conforms to design standards.

Administrative Permits are a staff-level review with Director approval and appealable to the Planning Commission. Administrative Permit ADM24-0020 was approved on March 3, 2025, with a revised approval on March 24, 2025. The revision was necessary due to a notification process correction. Administrative Permits are a ministerial project and are statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15268 of the CEQA Guidelines. As a ministerial project, only adopted standards may be applied.

## **Appeals Filed**

On March 3, 2025, two (2) appeals were submitted in a timely manner in reference to the first Notice of Decision. Appeal ADM-A25-0001 (Attachment 1), by Steve Viani, and Appeal ADM-A25-0002 (Attachment 2), by John Chapman, were submitted appealing the Director's approval of Administrative Permit ADM24-0020/Equestrian Way Gate. Additional correspondence was received by Appellant 1 prior to the revised appeal period of April 4, 2025, and incorporated into Attachment 1 for ADM-A25-0001. As stated in Appeals ADM-A25-0001 and ADM-A25-0002, the appellants, Steve Viani and John Chapman, are appealing the project due to concerns over adequate pedestrian and equestrian access, legality of the gate, Title 14 compliance, ADA compliance, processing of the project, proper noticing, property values, land subdivision and development.

## **Staff Response**

Below is a summary of staff's response to the concerns stated in the submitted appeals.

### Project Notification, Process and Materials

Both appellants state proper notification was not given for this project and emphasize a 30-day certified mail notice of administrative action is customary. Appeal ADM-A25-0002 states that they were the only property which received notification.

*Staff Response:* An administrative error was identified related to the original February 14<sup>th</sup> Notice of Decision for ADM24-0020 and the associated appeal period. Staff subsequently issued an Amended Notice of Decision with a March 13<sup>th</sup> mailing, which referenced a revised March 24<sup>th</sup> approval date and established a new appeal period for the project, which ended on April 4, 2025.

Current El Dorado County Zoning Ordinance Code requirements and Director Interpretation require at least a 10-day notice prior to Director decision for administrative projects for gates. Pursuant to Director Interpretation dated November 21, 2024, regarding El Dorado County Zoning Ordinance Section 130.51.050.E and Table 130.51.050.1 (Public Notice Requirements and Procedures - Administrative Projects; Gates), the Public Notice Requirements and Procedures for gates were added to the Project Type column with the same public noticing requirements for Fences, Walls, and Retaining Walls (greater than 7ft in height). Gates under this column require a 500-foot noticing radius and a minimum 10-calendar day notice prior to a Director Decision. Zoning Ordinance Section 130.52.090 (Appeals) grants a 10-working day appeal period from the decision by the review authority. For Administrative Permits, the review authority is the Director or their designee.

An Amended Notice of Decision for Director Approval was mailed out to all parcel owners within a 500-foot radius on March 13, 2025, with a 10-working day notice prior to Director decision. A Revised Approval Letter was completed on March 24, 2025 (Exhibit E), with a 10 working-day appeal period ending on April 4, 2025. The initial approval letter and associated exhibits were uploaded to the online eTrakit portal on March 3, 2025. The revised approval letter was uploaded to the online eTrakit portal on March 24, 2025. All processing materials were available upon request.

### Easement and American River Access

Appeal ADM-A25-0001 states that they have deed access to utilize the subject road easement to access the American River.

*Staff Response:* The project was reviewed for those parcels directly affected for access from the project proposal. Planning Staff does not determine easement rights, which is to be determined by the appropriate judicial authority.

### Pedestrian and Equestrian Access

Appellant 1 states that the gate has inadequate pedestrian and equestrian infrastructure and is not ADA compliant.

*Staff Response:* The applicant, Roger Leasure, stated that both appellants have been provided the gate code for full access through the proposed as-built gate. The pedestrian gate is 4 feet in width (Exhibit B) and meets criteria of Section 130.30.090.D.8. of the El Dorado County Zoning Ordinance requiring one pedestrian access at the gated entrance. Planning Staff does not ~~determine~~ **regulate** federal standards in the American Disabilities Act (ADA), ~~which is to be determined by the appropriate judicial authority.~~

### Title 14 Fire Safe Regulations

Appellants state that the gate does not meet minimum requirements under Title 14 Fire Safe regulations.

*Staff Response:* The as-built gate was approved by the El Dorado Hills Fire Department on October 29, 2024. An approved review was completed in the Trakit system for ADM24-0020.

### Land Division and Development

Appellant 1 states that properties will be developed and subdivided beyond the proposed gate location.

*Staff Response:* All but two parcels beyond the constructed gate location are owned by BLM. One non-BLM parcel is located between the constructed gate and the BLM gate, and the second non-BLM parcel is described as a remainder parcel within the South Fork American River Trail area as identified on the South Fork American River Trail Map (Exhibit G). The privately owned parcel owners have access through the constructed gate and the BLM gate located on APN 104-090-042, adjacent to the southeast corner of the project site (Exhibit D). The public does not have vehicular access through the BLM gate. **No subdivision of adjacent lands are being processed at this time.**

### As-Built Gate

Appellants state that the applicant has been allowed to close the constructed gate and deny deeded access and that the Administrative Permit should not be granted while there is an open Code Enforcement case.

*Staff Response:* There is an open Code Enforcement case on the project site for an unpermitted gate. The applicant has been instructed by the Code Enforcement Division that the gate shall remain open while not permitted. Planning staff cannot verify that the as-built gate is always

open. Section 130.67.050 (Code Enforcement – Subsequent Permits) of the El Dorado County Zoning Ordinance states that where a structure or use of a lot is not in compliance with the provisions of Title 130, no subsequent permit shall be issued by the County for any other structure or use on the same lot until such time as the illegal structure or use is brought into compliance or otherwise abated, except where such permit would bring the illegal structure or use into compliance. As the Administrative Permit ADM24-0020 would bring the project into compliance, an Administrative Permit approval is permissible.

## **SUPPORT INFORMATION**

### **Attachments to Staff Memo**

Attachment 1 .....	Appeal ADM-A25-0001
Attachment 2 .....	Appeal ADM-A25-0002
Exhibit A .....	Aerial Map
Exhibit B .....	Site Plans/Elevations
Exhibit C .....	As-Built Gate Photo
Exhibit D .....	BLM Gate Location and Photos
Exhibit E .....	Maps and Parcel Owners
Exhibit F .....	The South Fork American River – A Management Plan
Exhibit G .....	South Fork American River Trail Map
Exhibit H .....	Revised Approval Letter
Exhibit I .....	Amended Notice of Decision Letter, Mailing Labels and Notification Map

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