

Public Comment #30  
BOS Recd. 9-11-23

**From:** Cheryl Bly-Chester <cherylblychester@aol.com>  
**Sent:** Saturday, September 9, 2023 7:48 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Public Comments, Item 30, of the BOS September 12, 2023 hearing on the draft response to the Grand Jury Case #22-23 GJ03  
**Attachments:** Public Comment BOS Sept 12 2023 Item 30 Grand Jury Report.pdf  
**Follow Up Flag:** Follow up  
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Dear Clerk of Board,

Please find attached my public comments to Item 30, of the BOS September 12, 2023 hearing on the draft response to the Grand Jury Case #22-23 GJ03.  
District 2

Dr. Cheryl Bly-Chester, P.E.

**PUBLIC COMMENT**  
**ITEM 30**  
**BOARD OF SUPERVISORS HEARING**  
**September 12, 2023**

**GRAND JURY CASE #22-23 GJ03**  
**AN INVESTIGATION INTO DELAYS FOR BUILDING PROJECTS**

Cheryl Bly-Chester, District 2. - I have had an extremely difficult time with the Department of Planning and Building in getting my Accessory Dwelling Unit (ADU) granny flat through the process. I experienced most of the difficulties and delays outlined in the Grand Jury report, which I will address here along with comments on the adequacy of the County's response to the Grand Jury report.

**DELAYS**

The Grand Jury found several fundamental problems within the County Planning and Building Department contributing to delays and confusion in obtaining permits, including:

- *"It was consistently stated by interviewees that they had difficulty figuring out where their request was in the permit process."*
- *"Each agency is autonomous from other agencies leading to a lack of overall management and coordination resulting in delays."*
- *"A summary report has not been developed detailing the current status of permits in the system, as well as a lack of system alerts if a permit has stalled beyond an established timeline. If a customer was sent a letter asking for additional information, it is assumed that the customer received the letter. Building Services does not follow up nor is an alert triggered if additional information has not been received by a predetermined date."*
- *"The TRAKiT software continues to contribute to the delays in the permitting process due to the fact that TRAKiT was not successfully implemented. Building Services had to create and is still using manual workarounds to keep the system operational."*

For my ADU permit, I experienced all these problems, including the lack of coordination and inability to track the progress of my permit sufficiently on ETrakit, and not receiving multiple letters from the County that the County claims were sent.

The delays I experienced with an ADU permit have County-wide significance because the California Legislature enacted fast-tracking laws specifically for ADU's, lifting the consequences of the delays from the applicant and placing them squarely on the County. El Dorado County's delays on ADU permits, which I experienced, are in direct violation of those laws. So, this is not just about El Dorado County improving government practices, but rather the County's failure to perform mandatory duties in compliance with the State ADU laws.

The laws mandate that the ADU permit review shall take no more than 60 days at which point if the permit is not approved or denied, then the application “shall be deemed approved.”<sup>1</sup> The County has not implemented any path to recognize *deemed approved* permits with all the entitlements and privileges of regularly approved permits<sup>2</sup> or to update ETrakit for deemed approved permits to be able to pay building or school fees, or obtain inspections, or reassure contractors that the permit complies with County ordinances and state laws. Within the State ADU law, provisions are made for the applicant to initiate a delay in the review<sup>3</sup>, but the law does not provide for the County to initiate any delays. So, for everybody who has had their ADU permit application status marked as “submitted” on the 60<sup>th</sup> Day after ETrakit posted the permit package as complete - your ADU permit is deemed complete by State law regardless of the status of any of your correction responses. A permit application is not denied until a Notice of Denial has been sent to you by the Building Official by certified mail or hand delivered and posted on ETrakit *before* the 60-day review period has expired<sup>4</sup>.

**One Solution:** ETrakit software should be configured to automatically switch the status of a permit from “submitted” to “approved” on the 60<sup>th</sup> day after the application has been posted as complete unless the applicant has requested a delay or a formal notice of denial has been issued by the Building Official within that 60 day period in compliance with County Ordinance<sup>6</sup> and Government Code 65852.2 (3)(B)<sup>4</sup>.

## THE ROLES OF PLANNING SERVICES AND BUILDING SERVICES

The Grand Jury investigated problems and delays caused by combining planning services and building services into a single department. Based on my experience with the Planning and Building Department on my ADU permit application, I concur with the Grand Jury. The grand jury made the following statements which I will discuss in more detail:

- *The Director of the P&B Department stated in a presentation to the Board of Supervisors (BOS) on September 27, 2022, that the P&B Department is responsible for processing a wide variety of permits through its various Divisions.*
- *Building Services and Planning Services report to the P&B Department. Both have separate web pages but list the same mission. However, Planning Services and Building Services each have different functions described, as follows: 1) Planning Services guides land use and development consistent with the General Plan. 2) Building Services issues building permits after ensuring all regulatory requirements are met; and provides inspection services as projects progress throughout the building process.*

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<sup>1</sup> Government Code 65852.2 (3)(A) states in relevant part, “A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved **ministerially** without discretionary review or a hearing” AND “The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application”, AND “ If the local agency has not approved or denied the completed application within 60 days, the application **shall be deemed approved.**”

<sup>2</sup> A deemed-approved permit confers the same privileges and entitlements as a regularly issued permit. *Ciani v. San Diego Trust & Savings Commission*, 233 Cal. App. 3d 1604, 1613, 285 Cal. Rptr. 699, 705 (1991)

<sup>3</sup> Government Code 65852.2 (3)(A) states in relevant part: “If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.”

<sup>4</sup> Government Code 65852.2 (3)( B) *If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subparagraph (A), the permitting agency shall, within the time period described in subparagraph (A), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.*

- *The Planning/Building Services mission includes a customer service component that reads, “by providing accurate, **timely**, and courteous professional and technical services to our customers.”*
- *Once the complete package is received, Building Services inputs the information into the TRAKiT system. TRAKiT is the Workflow Software utilized by EDC departments to automate the management of project development, permitting, and code compliance.*

All my interactions with the staff of both the building services and the planning services were all courteous and professional and I was very impressed with their desire to move my permit forward. Having said that, **timeliness** was an issue with my permit. It appears that no one in either the building services or planning services were aware of the time constraints for review under the State ADU laws, least of all the Director of Planning and Building, who stated to me on or about September 6, 2022 (months after the 60-day review period had ended) that she was not familiar with the County ADU ordinances or the state ADU law and needed to seek County Council’s advice on both.

What the Grand Jury report did not uncover or discuss is that the Director Of Planning and Building is not a “Building Official” per our county ordinances<sup>5</sup> or as described in State Building Codes. The County Ordinance States: *“The Chief Building Inspector shall serve under the administrative authority of the Director of Planning and Building, but shall have the primary responsibility for interpreting and administering the California Building Standards Code as the Building Official”*. When combining the Department of Planning and the Department of Building, the Board of Supervisors did not grant the Director of Planning and Building the authority by the County to approve or deny a building permit<sup>6</sup>. The California State Professional Engineers Act reinforces that only a Licensed Professional Engineer can take responsible charge of such building permitting duties.

In my experience with my ADU permit, the Director of Planning and Building has usurped the Building Official’s authority to issue building permits in violation of County Ordinance and State Laws. Please see the attached letter from Director Karen Gardner dated August 18, 2023, and my response dated August 24, 2023.

As stated in the Grand Jury report, the role of the planning services is to guide land use and development consistent with the General Plan. For my ADU permit, I requested setback variances and inclusion of an outbuilding “traffic-rated root cellar” under my driveway with my ADU. These variances were approved in a public Zoning Administrator hearing on March 17, 2021, along with acknowledgment that my ADU and outbuilding plans were consistent with the General Plan.

According to the investigation provided to the Grand Jury and the County Ordinances, the approval by the Zoning Administrator should have fulfilled the role that Planning Services had in my permit approval. It did not. I received a correction letter from Planning Services stating that my setbacks were not adequate and the square footage was over the maximum. No measurements were provided.

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<sup>5</sup> **County Ordinance Sec. 2.18.040. - Building Official.** “The Chief Building Inspector shall serve under the administrative authority of the Director of Planning and Building ,but shall have the primary responsibility for interpreting and administering the California Building Standards Code as the Building Official.”

<sup>6</sup> **Sec. 2.18.050. Powers and Duties of Chief Building Inspector.** “The powers and duties of the Chief Building Inspector shall be as follows: A To enforce all the provisions of law, this Code, and the other rules and regulations. . AND B. To review applications for construction permits, issue permits, collect fees therefor, make inspections, issue certificates of occupancy and such other functions as are imposed on the Chief Building Inspector by the codes referenced in this chapter, either in person or by such assistants, deputies, or employees authorized by the Department of Planning and Building;

The correction requested new plans and/or supplemental information. I provided the supplemental information under my Professional Engineers License within days, which the Building Services Department concurred with and cleared my square footage as complying with the ordinance on ETrakit before the 60-day review period expired. Building Services has cleared every element of the building permit, but Director of Building and Planning Karen Gardner has refused to acknowledge that I provided the requested supplemental information or that building services has a responsibility to evaluate square footage. In refusing to acknowledge that my permit is approved and directing all of the planning services and building services staff that they cannot speak to me about my ministerial permit, the Director of Building and Planning is operating completely out of compliance with State law and County Ordinance.

## COUNTY BUILDING SERVICES OMBUDSMAN

The definition of **Ombudsman** is as follows: *“an official appointed to investigate individuals' complaints against maladministration, especially that of public authorities”*. *“An ombudsman has the power to investigate and file complaints against otherwise influential organizations or high-ranking officials. They often have the power to request key documents, interview individuals, and order a legal investigation if necessary.*

Throughout my experience with this County, I have noted that when accusations of maladministration are leveled, this County will aggressively push the accuser or whistleblower out instead of making any attempt to resolve or even address the maladministration. That attitude is reflected in this draft response to the Grand Jury report to do nothing about appointing an actual ombudsman for the benefit of the People of El Dorado County.

The grand jury found with regard to advocating for the homeowner applicant, that:

- *The Grand Jury investigation found that the Ombudsman does not represent the customer as an advocate.*
- *Currently, there is a Planning & Building (P&B) Ombudsman whose role is not clearly defined. S/he is simply available to answer questions, but does not resolve permit, planning, or building issues.*
- *The Ombudsman's performance is not measured by whether the customer's issue was resolved.*
- *The Ombudsman directs the customer to follow-up with the information provided versus retaining responsibility for the issue until resolution.*
- *Homeowners need to apply in person and no advocate and no qualified ombudsman with any standing in the department are available to resolve permit, planning, or building issues.*
- *Following the permit application through the process is difficult because current County systems do not automatically document progress. There is little or no assistance or communication from the County,*
- *The Grand Jury investigation found the job description does not adequately reflect the Ombudsman's actual duties. While the Ombudsman answers questions and provides guidance on what agency or person to contact, the Ombudsman does not retain ongoing responsibility to ensure issues are resolved.*
- *Instead, the Ombudsman has the designation and job description of an Administrative Analyst II. The job description for an Administrative Analyst II, as listed on the EDC website, states, “provides an authoritative understanding of all departmental functions and professional*

*activities and provides support to professional-level staff in the completion of their duties, in addition to completing complex clerical assignments including taking and transcribing meeting minutes and assisting in department-related projects and programs."*

- *In conclusion, the Grand Jury found the P&B Department, as a customer facing organization, should be doing more to help customers through the planning and building processes.*

The Grand Jury's recommendation number five was in regard to improving the ombudsman's role to address the failings of the ombudsman program as described above. The recommendation reads as follows:

*"The P&B Department should work with Human Resources to create a job description for the Ombudsman position commensurate with the actual duties. This would include empowering the Ombudsman to be responsible for addressing and spearheading the resolution of issues and complaints. This recommendation should be implemented by December 31, 2023".*

The draft response from the County Planning and Building Department indicates how completely clueless that Department is on the magnitude of their problem with regard to getting building permits through the department. The draft response reads as follows: ***"The recommendation will not be implemented because it is not warranted."*** The justification for the weak non-response reads in part, "Applicants that need assistance navigating their permit process, typically learn of the Ombudsman services through the website or through conversations with their assigned staff person." This directly contradicts earlier statement in the draft response that "There is not one point of contact from the beginning to the end of the building permit process" indicating that the homeowner does not have any "assigned staff person."

The El Dorado County Ombudsman's duty as posted on the Ombudsman webpage is as follows:

*"The Ombudsman works as an advocate for the customer, answering questions and coordinating with various County organizations to make customer interactions as trouble-free as possible. "* However the grand jury found that the ombudsman for El Dorado County does not actually retain any case through to resolution and does not have the qualifications as an Administrative Analyst II is little more than a clerical specialist in the field and cannot fulfill any of the definition of an actual ombudsman to advocate with any credibility on behalf of a building permit applicant.

An ombudsman requires a subject matter expert with enough status within the organization to go toe to toe with those accused of maladministration and with sufficient autonomy and influence wit in County leadership to actually effectuate lawful resolution to legitimate problems brought by constituents of the County. An Administrative Analyst II is under the thumb of the very high-ranking officials that are being reported and therefore cannot be an effective advocate for the public.

The Ombudsman Program must include:

- At least one high-level subject matter expert autonomous Ombudsman compensated at the same level of the County Building Official and with similar expertise who can take responsible charge of investigating the County's compliance with State Building Codes and County Ordinances, policies and procedures.
- At least one intake Administrative Analyst II of about the same level as what the County is currently calling an ombudsman.
- At least one assigned outside attorney on contract who can conduct a legal investigation, if necessary.

The County fully knows that the recommendations from the grand jury are completely warranted. County leadership is afraid that an actual ombudsman would succeed in eliminating maladministration by high-ranking officials in the county.

## POTENTIAL INVALIDATION OF THE COUNTY'S ADU ORDINANCE

As discussed above, building services and planning services both report to the Planning and Building Department as described in the Grand Jury report, below:

- *Building Services and Planning Services report to the P&B Department. Both have separate web pages but list the same mission. However, Planning Services and Building Services each have different functions described, as follows: 1) Planning Services guides land use and development consistent with the General Plan. 2) Building Services issues building permits after ensuring all regulatory requirements are met; and provides inspection services as projects progress throughout the building process.*

One of the consequences of the Director usurping the Building Official's' responsibilities is that the Director has claimed that planning services and building services interpret the ADU ordinance in different ways resulting in planners and building officials arriving at different square footage measurements. In claiming that there are multiple interpretations within her department to measure square footage under the El Dorado County ADU ordinance; Director Garner endangers the validity of El Dorado County's ADU ordinance. Page 12 of the State Housing and Community Development ADU Handbook<sup>7</sup> explaining mandatory ministerial permit review states, "subjective standards must not be imposed on ADU development." And "Subjective standards require judgement and can be interpreted in multiple ways."

In asserting that the ADU square footage measurement can be interpreted in multiple ways, Director Garner inexplicably is pushing ADU permit reviews into discretionary reviews with subjective standards, which is clearly unlawful under the ADU laws, and if the county affirms and backs up her assertions, as County Counsel apparently has done, the County ADU ordinance will likely be subject to invalidation.

In my experience with my ADU permit, Director Garner has refused to acknowledge my permit as deemed approved as of July 18, 2022 nor that the Building Official has the authority to verify square footage, not planning services. After telling me that she sought legal counsel on the County Ordinance and State laws, Director Karen Garner misstated the ADU ordinance in a September 15, 2022 letter to me that she forwarded to the State Housing and Community Development Agency. In that letter, she changed the meaning of the County Ordinance. In that letter, she stated:

*"EDC 130.40.300 defines Maximum Floor Area, which includes "all enclosed habitable or potentially habitable space" and is further defined as "living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but excluding the measurements of an attached garage." Under the applicable County code, the ADU plans you have*

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<sup>7</sup> ADU Handbook retrieved September 9, 2023 from <https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>

*submitted exceed the County's allowable floor area maximum of 1,600 square feet for your parcel. "*

Instead of directly quoting the ordinance, Director Garner manipulated the language to change the meaning to include all hallways, stairwells, attics, basements, storage areas, and equipment rooms in the square footage of an ADU, regardless of whether those spaces meet the minimum requirements of California Building Codes for habitable space conversions. Under that interpretation, a 5-foot high attic or basement would be counted in the habitable space square footage calculation against State Building Codes. This is a corruption of the actual ordinance language and meaning, which states:

*"Maximum Floor Area. The floor area of a secondary dwelling shall be measured from the outside of the exterior walls including all enclosed habitable or potentially habitable space, such as living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but excluding attached garages."*

*To anyone familiar with California Building Codes, the ordinance means that before adding any potentially habitable space<sup>8</sup> living area, hallway, stairwell, attic, basement, storage area, or equipment room to the square footage measurement, it must be evaluated according to State Building Codes as to whether or not it can be converted to habitable space. In California all living spaces must be heated, therefore areas that cannot be added to the heating system cannot be considered habitable space. There are also height, width, square footage, and secondary egress restrictions to areas considered potentially habitable.*

In claiming that there are multiple interpretations within her department to measure square footage under the El Dorado County ADU ordinance; Director Garner endangers the validity of El Dorado County's ADU ordinance. Page 12 of the State Housing and Community Development ADU Handbook explaining mandatory ministerial permit review states, "subjective standards must not be imposed on ADU development." And "Subjective standards require judgement and can be interpreted in multiple ways."

In asserting that the ADU square footage measurement can be interpreted in multiple ways, Director Garner inexplicably is pushing my ADU permit review into a discretionary review with subjective standards, which is clearly unlawful under the ADU laws, and if the county affirms and backs up her assertions, as County Counsel apparently has done, the County ADU ordinance will be invalidated.

## **PERSONAL EXPERIENCE**

as mentioned at the beginning of this public comment, I have had personal experience with many of the failings by the Department of Planning and Building that are spelled out in the grand jury report.

Here is the sequence of events on my permit.

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<sup>8</sup> **Habitable Space:** An area used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, hallways, storage spaces, and similar areas are not considered habitable space. Retrieved September 9, 2023 from the El Dorado Building Services website at [https://www.edcgov.us/Government/building/Pages/residential\\_plan\\_review\\_guidelines.aspx](https://www.edcgov.us/Government/building/Pages/residential_plan_review_guidelines.aspx)

- March 17, 2021 – zoning administrator public hearing results in approval of my ADU along with a traffic-rated root cellar and a water tank including recognition of consistency with the General Plan and, with approval of all the requested setback variances, that it adhered to all the other ordinances of El Dorado County.
- May 19, 2022 – ADU building permit application 0354396 is posted as complete on ETrakit
- June 10, 2022 - Planner Evan Mattes is unaware of the Zoning Administrator approval and requests a new set of plans and/or supplemental information reflecting corrections based on his belief that the ADU design does not meet setback requirements or square footage requirements. He presents no measurements or specificity of either issue.
- June 13, 2022 - I respond with the required **supplemental information** under my California Professional Engineer engineering stamp and signature fully addressing both correction issues and providing the supplemental information supporting that the setbacks and the square footage meet the requirements of California state law, El Dorado County ordinances, and/or the Zoning Administrator approval.
- July 12, 2022 - Plan Reviewer Steve Frizzle concurs with my plan measurements and/or supplemental information response. He verifies that my square footage is 1,587 ft.<sup>2</sup> and under the maximum of 1600 ft.<sup>2</sup> allowed for my property in El Dorado County and posts it on ETrakit. He later writes an email reconfirming the 1,587 ft.<sup>2</sup> and stating that he followed all County ordinances and state laws in conducting the measurement.
- July 18, 2022 – **my ADU permit is deemed approved**. The 60-days maximum review period expired and the building plans are no longer subject to El Dorado County review. By State Government Code,
- July 20, 2022 - all the final minor review comments are received from building services. There are no comments about the ADU structural plans - just further information requests about driveway profiles, retaining walls on driveway, grading overburden, and drainage and placement of propane tank.
- July 25, 2022 – I write an email to the final reviewer of the ADU plans providing answers to all of final questions, qualifying the answer as informational and stating that my permit is deemed approved by state law and no longer subject to review by the County as the comments came after the 60-day time period had expired. I requested that ETrakit be cleared as approved so that I could pay my fees online and be able to call in for inspections. I received no response at all to this request, however all of the required building services line items on ETrakit were later marked as approved, leaving only the lone June 10, 2022 planner's correction ( with the full supplemental information response) as not cleared on ETrakit.
- August 9, 2022 – El Dorado County received by certified mail a pouch consisting of two envelopes each containing a check, one addressed to the Building Department for review fees and the other addressed to the Office of Education for school fees. The school fees were posted on ETrakit based on a square footage of 1,587 ft.<sup>2</sup> verified by the Building Department.
- ETrakit status has remained as "submitted" ever since.

That should have been the last communication required for me to be able to start building my ADU. After that, I was singled out for discriminatory treatment by El Dorado County and specifically Planning Manager Aaron Mount and Director Karen Garner. I reported Aaron Mount's behavior in a complaint to Human Resources and my District 2 Supervisor.

My ADU permit has clearly been singled out for discriminatory treatment by Director Karen Garner, but her actions have dire implications for all ADU applicants within El Dorado County. Planning Director Karen Gardner has repeatedly refused to recognize my ADU Permit Number 0354396 as approved per

state law. All of her unlawful discretionary reviews took place after the 60-day review period expired and are deliberate attempts to obstruct me from obtaining accessible housing.

I sought help about Director Garner's failure to comply with the law through my District 2 Supervisor, George Turnboo, and through my District 2 Planning Commissioner Kris Payne. I also sought help through CAO Don Ashton, to no avail. Both George Turnboo and Kris Payne have repeatedly requested my ADU permit to be cleared on ETrakit. I then filed a complaint with the State Housing and Community Development (HCD) and through my State Assemblymember and my State Senate Office, all to no avail.

The basis Director Gardner stands on has never been specifically articulated. She claims that my ADU plans exceed the County ordinance allowable size, but no one at the County, least of all Director Garner, has ever offered an alternative measurement or identified potentially habitable space that is able to be converted to habitable space under the State Building Codes. Director Garner admitted in my meeting with her and my District 2 Planning Commissioner that she was not familiar with any of the building codes allowing for excess space within an building envelope to be converted to habitable space and would have to consult with her building services before making such a judgement. This was an admission on her part that she is not qualified to review potentially habitable square footage on building plans.

Director Karen Garner sent me the attached letter, and I responded (also attached). Karen Garner has caused me a significant amount of grief and delay from obtaining accessible housing to meet my disability needs that should have been built last year.



# PLANNING AND BUILDING DEPARTMENT

## DIRECTOR'S OFFICE

[www.edcgov.us/Government/Planning](http://www.edcgov.us/Government/Planning)

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August 18, 2023

Cheryl Bly-Chester  
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Re: Building Permit Application No. 354396 APN 046-431-014

The County is aware of a notice posted on your Somerset property purporting to be a "notice of permit" regarding the above referenced building permit application. As previously conveyed in my letter of September 15, 2022, the proposed project does not comply with the County ADU Ordinance as it exceeds the maximum floor area allowed. Until revised plans are submitted that comply with the prior correction letter, your application is denied and is not deemed approved.

I am aware of your vehement disagreement with this conclusion. In addition to our numerous discussions, the County was involved in several conferences with the California Department of Housing and Community Development ("HCD"), to whom you alleged (as in your notice) that the building permit application has been deemed approved. **No such determination has been made by the County nor HCD.** The authority cited in your notice refers to a permit deemed approved via the statutory provisions of the Permit Streamlining Act ("PSA"). There is no evidence the strict procedures of the PSA, enacted to ensure constitutional compliance with adjacent landowners' right to due process, has been complied with.

Please be advised there is no valid permit, deemed approved of otherwise, authorizing construction of the proposed project. **Should work proceed, the County retains legal authority to respond in any matter authorized by El Dorado County Code and state law.**

Sincerely,

Karen L. Garner, Director  
Planning and Building Department

August 24, 2023  
Director Karen Garner  
Planning and Building Department  
El Dorado County  
2850 Fairlane Court  
Placerville, CA95667

**SUBJECT: NOTICE OF PERMIT 354396 APPROVAL  
6700 Wood Duck Way, Somerset, CA  
Response to August 18, 2023 Letter**

Dear Director Garner:

I am in receipt of your letter of August 18, 2023, which continues to build the administrative record on my permit 354396 that was deemed approved on July 18, 2022 pursuant to Government Code 65852.2 (a)(3). The purpose of this letter is to respond to your letter and reaffirm to the County that my building permit is deemed approved and that I intend to build the accessory dwelling unit (ADU) as designed to meet my disability needs in order to help address my physical challenges by creating a safer place for me to live. Your statement that my permit is denied has no merit and is not supported by California state law or El Dorado County ordinance. Pursuant to Government Code 65852.2 (a)(3) you, Director Garner, have no discretionary authority to remove my building permit 354396 for an ADU from the ministerial review process, nor to deny the project, nor to interfere with the construction of the ADU. You were not involved with the mandated 60-day ministerial review and therefore have no lawful role now except to recognize the permit as approved with all the privileges and entitlements of other approved building projects.

**Government Code 65852.2 (a) (3)**

*(A) "A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing." . . . AND . . . "If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved. . . ."*

*(B) "If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subparagraph (A), the permitting agency shall, within the time period described in subparagraph (A), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant."*

If your letter was an attempt to deny the project, it fails for many reasons, including, but not limited to:

- a. The time limit to deny the project terminated on July 18, 2022, more than 400 days ago and 60-days after the application was deemed complete as of May 19, 2022;
- b. Your letter follows neither the specificity in content nor the format of a lawful denial notice in violation of state and local regulations, thus denying my due process rights; and
- c. Your rationale for not recognizing the permit is grossly in error.

Your letter of August 18, 2023 is the first written information of any contemplation of denial demanding that until I comply with the June 10, 2022 correction letter, you will treat the permit as denied. First, I fully complied with the June 10, 2022 Mattes Correction Letter wherein he requested as follows: *"Please provide two sets of revised plans and/or supplemental information to the Building Department to address the following issues..."* I provided the requested supplemental information on June 13, 2022. The permit application review within your department was never interrupted and your staff agreed with my engineering measurements, as a California Professional Engineer, of 1,587 square feet, posting the verification on ETrakit on July 12, 2022. There was no denial during the 60-day review period. The maximum 60-day review period ended July 18, 2022 and cannot be recommenced; recommencing review would be a violation of Government Code 65852.2.

Nothing you have written to me meets either the 60-day time element requirement or the specificity of defect sufficient to remedy the application required in Government Code 65852.2 (3)(B). The measurement for the ADU is 1,587 square feet, which is under the 1,600 square feet allowed on my property per El Dorado County Zoning Ordinance *EDC 130.40.300*. The square footage was posted on ETrakit on July 12, 2022 and no other measurement of square footage has ever been put forward by you or any of your staff. This is the same square footage of 1,587 square feet that was used to calculate the Office of Education fees due. Furthermore, I am attaching a statement from the Building Services staff member who conducted the ministerial review of the building plans and verified that the square footage was under the maximum allowable for the ADU permit.

On August 9, 2022, El Dorado Building Services received, by certified mail, a document package that I mailed on August 6, 2022. The package contained two envelopes, one addressed to the Office of Education and the other addressed to the Building Department. The envelope to the Office of Education contained a check for \$5,062.00 as posted on Etrakit as education fees due reflecting the verified square footage of the ADU as 1,587 square feet, which was also posted on ETrakit as shown in Figure 4. The other envelope addressed to the Building Department contained a check for permit review fees in the amount of \$4,298.81, which reflected the amount of review fees posted on ETrakit less fees already paid.

In your August 18, 2023 letter you make some reference to my not complying with the Permit Streamlining Act. The Permit Streamlining Act pertains only to **discretionary permits** and your repeated attempts to drive this permit out of the mandatory ministerial permit process is unlawful. Please note that I have been completely transparent about my intent to go forward under the belief that my permit is deemed approved pursuant to Government Code 65852.2 and have done the following by either posting the attached Exhibit or by sending mailings and copying multiple addressees on this letter. Please take note of the public notice in Exhibit 7 and note that I have informed the community by posting notice to the following locations or entities:

1. At my property;
2. The Somerset Post Office and other public locations,
3. By US mail to the property owners within 1000 feet of the building site off a mailing list provided by El Dorado County,
4. The local newspaper *Mt. Democrat*,
5. The County Clerk, and
6. Each of the County Supervisors.

If there is any other notification measure you might suggest, I will consider it.

Further evidence of your removing this ADU from the ministerial review process is contained in a recording of a meeting held between you and my District 2 Planning Commissioner on April 24, 2023 and by your directing to all departmental staff that none of your staff were allowed to discuss my ADU permit with me. That notice was the one and only memo to staff about any permit in the system that was taped to the bottom of the computer monitor at the Building Department reception counter (see Exhibit 5). You reported to the Board of Supervisors on September 27, 2022 that there were 13,872 building permit applications submitted during the fiscal year. My ministerial ADU permit was the only one of more than 13,000 permits to be singled out to receive this treatment. Exhibit 6 shows the email print out to all your staff.

The Legislative Intent of the California ADU Law was established pursuant to Government Code Section 65852.150, where the California Legislature found and declared that, "*California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of . . . people with disabilities, and others.*" You personally and the County staff were notified multiple times that this ADU is designed to meet my disability requirements. Confirmation of this requirement, signed by my physician, is on file with the County's Assessor's Office.

You are failing to perform your mandatory duty to recognize the privileges and entitlements due my deemed approved permit 0354396. The adverse effects on me will continue to mount, until you recognize that my permit is approved.

I feel that your letter of August 18, 2023 is another malicious attempt to bully me and a deliberate violation of the government code. Each day has been a detriment to me as a disabled person and I must do my part to stem the damages to the extent I am able. Therefore, I am going forward with building my ADU as deemed approved. Your preventing inspections or otherwise failing to treat my permit with all the privileges and entitlements of any other approved permit would be further violation of the Government Code 65852.2.

Sincerely,



Cheryl Bly-Chester, Trustee  
CABC Revocable Trust  
6711 Wood Duck Way  
Somerset, CA 95684

The following exhibits support the facts outlined in this letter.

**Exhibit 1** – ETrakit Posting of Application Complete Dated May 19, 2022

**Exhibit 2** – Etrakit Posting of Application Status “Submitted” and not either “Approved” or “Denied”

**Exhibit 3** – Etrakit Posting of Square Footage Verified July 12, 2022

**Exhibit 4** – Etrakit Posting of Office of Education Fees calculated based on 1,587 square feet.

**Exhibit 5** – Only notice of 13,000+ permit to be taped to Building Services reception computer monitor

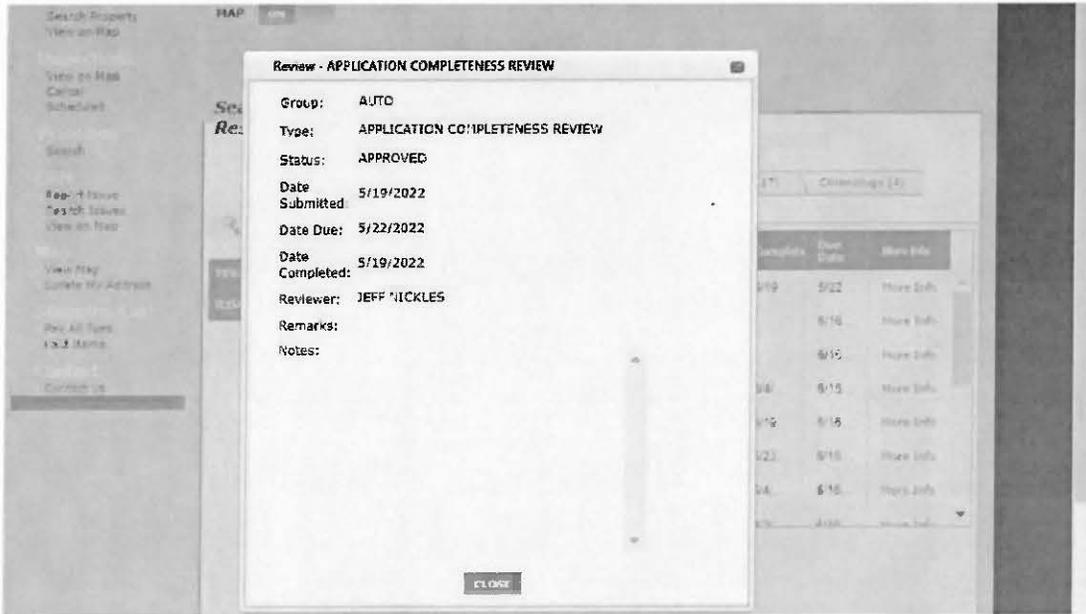
**Exhibit 6** – Dir. Garner providing direction to staff to not follow ministerial review process for my permit.

**Exhibit 7** – Email from Staff verifying that all the state and county laws and regulations were followed in measuring the square footage as 1,587 square feet.

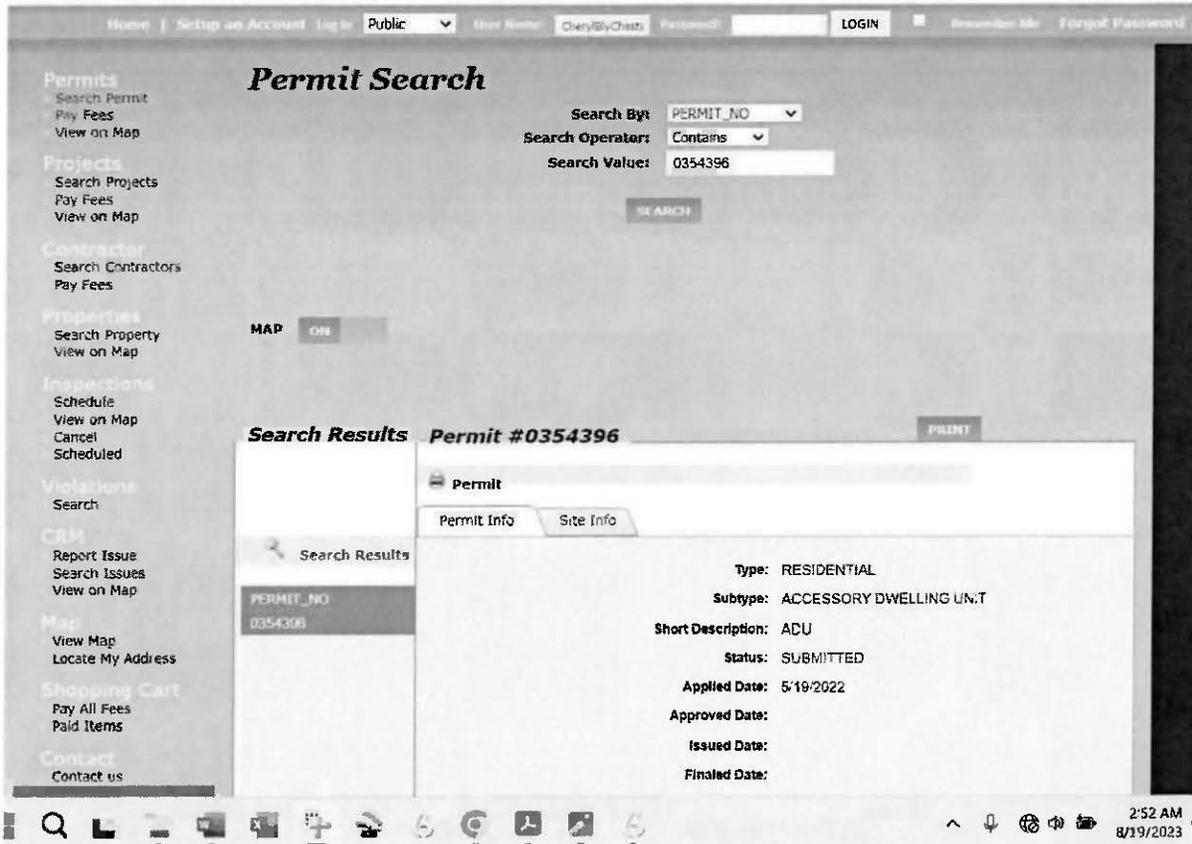
**Exhibit 8** – June 13, 2022 Supplemental Information provided to comply with the June 10, 2022 Correction Letter.

**Exhibit 9** – NOTICE OF PERMIT APPROVAL

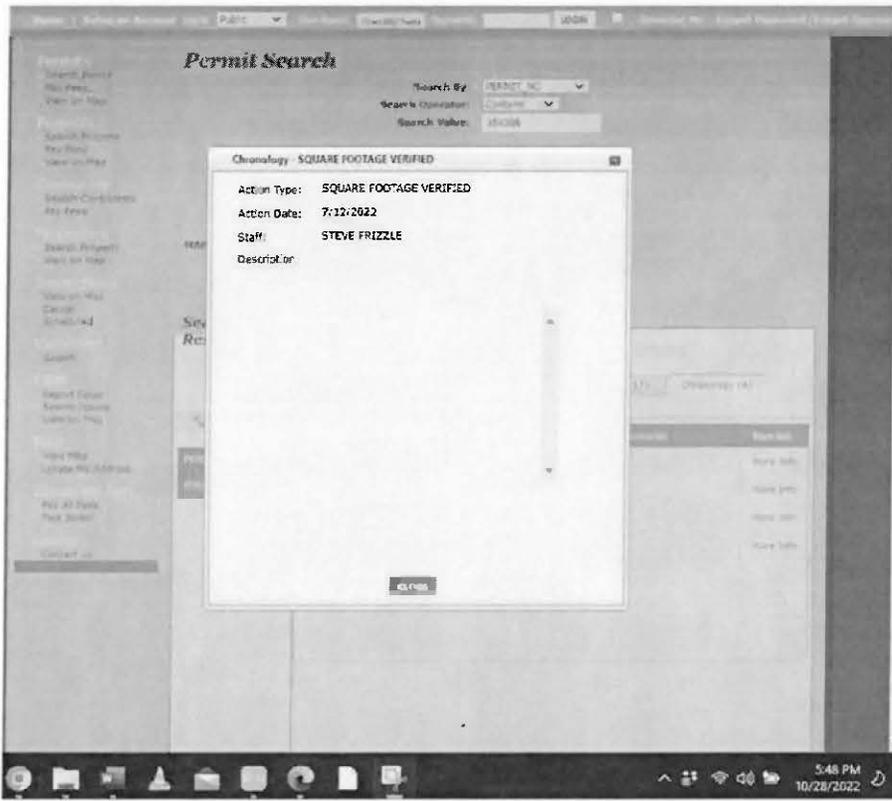
**Exhibit 1 – Application Complete Dated May 19, 2022 Starting the 60-day Clock**



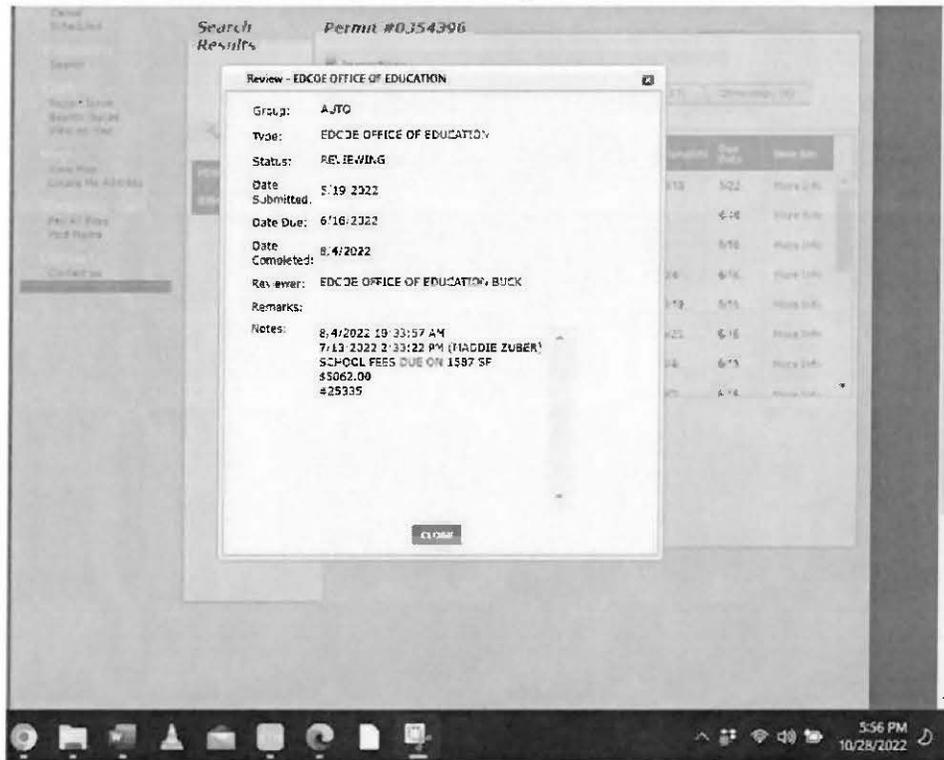
**Exhibit 2 – Status of Permit 0354396 is “Submitted” not “Denied” even now long after 60-days passed**



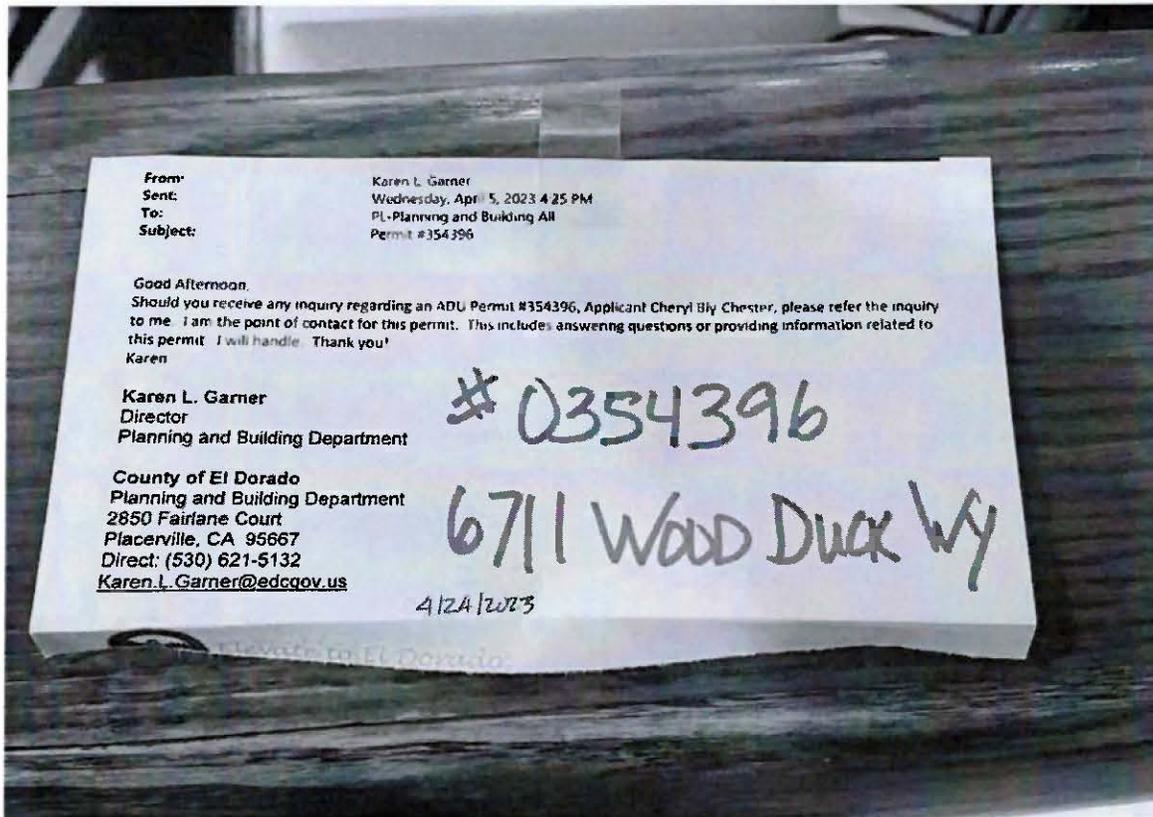
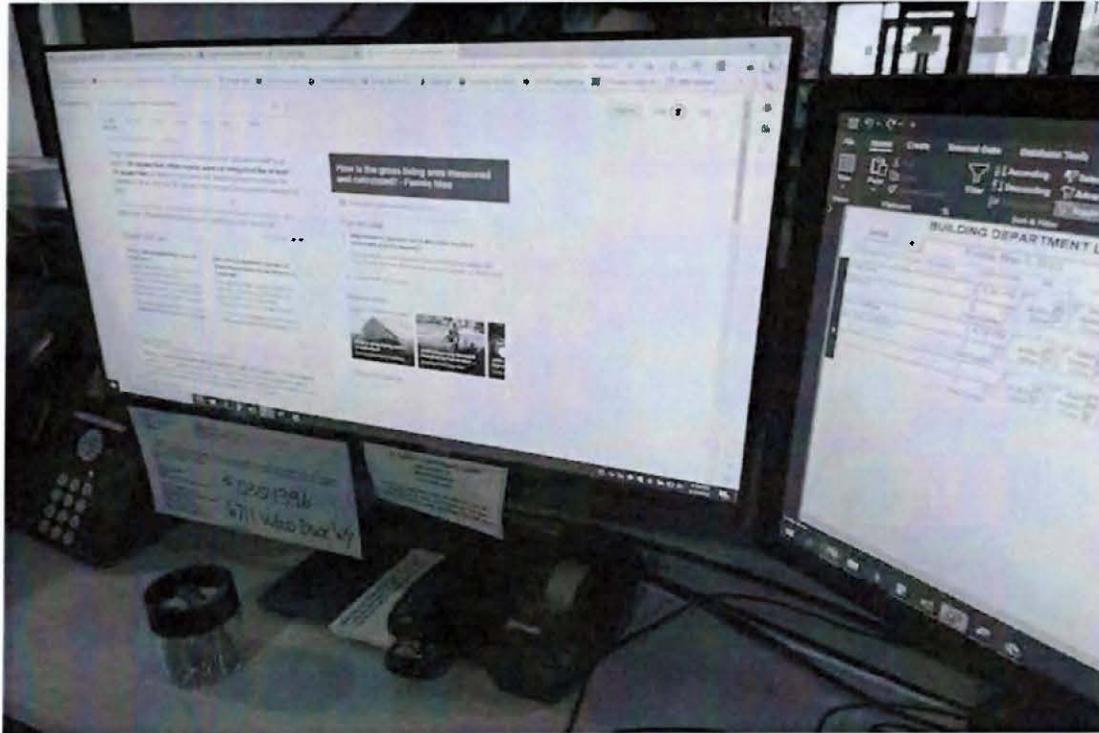
**Exhibit 3: ETrakit Posting on July 12, 2022 Square Footage Verified**



**Exhibit 4: ETrakit School Fees Based on 1,587 square feet ADU Permit 354396**



**Exhibit 5/6 Singling out my Ministerial Permit for Unlawful Retroactive Discretionary Director Review**



## Exhibit 7 - Email from Staff Confirming Square Footage

354396 sq ft

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From: Steve R. Frizzle (steve.frizzle@edcgov.us)

To: cherylblychester@aol.com

Date: Monday, April 3, 2023 at 07:06 AM PDT

---

To whom it may concern:

I am a Plan Checker employed by El Dorado County in the Building Department.

My official duties include being designated to measure the square footage of Accessory Dwelling Units (ADUs) for building plan applications in accordance with state laws, county ordinances, and county policies. The property in question for permit 354396 qualifies for the 1,600 square feet maximum. County policy allows for excluding from the square footage measurement unfinished/unconditioned areas

On July 12, 2022, I conducted the square foot measurement plan check for the building plans for ADU permit 354396 and verified the square footage as 1,587 square feet and then posted the verification on the county eTrakit website according to county procedures. The remaining plan check reviews were completed and approvals have been officially posted on eTrakit as required according to County procedures.

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# PLANNING AND BUILDING DEPARTMENT

## PLANNING DIVISION

<https://www.edcgov.us/Government/Planning>

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2850 Fairlane Court, Placerville, CA 95667

**BUILDING**

(530) 621-5315 / (530) 622-1708 Fax

[bldddept@edcgov.us](mailto:bldddept@edcgov.us)

**PLANNING**

(530) 621-5355 / (530) 642-0508 Fax

[planning@edcgov.us](mailto:planning@edcgov.us)

**LAKE TAHOE OFFICE:**

924 B Emerald Bay Rd

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

June 10, 2022

Cheryl Bly-Chester  
[cherylblychester@aol.com](mailto:cherylblychester@aol.com)

Re: Building Permit Application No. 354396 AN 046-431-014;

The Planning Division has reviewed the application referenced above for compliance with the El Dorado County Zoning Codes and General Plan Policies. Corrections/Revisions and/or supplemental information is required in order for the Planning Division review to recommence. Please provide two sets of revised plans and/or supplemental information to the Building Department to address the following issues:

- 1. 130.40.300 Accessory Dwelling Units (ADU), Maximum Size Allowance:** Review of the submitted project indicates that the proposed ADU exceeds the maximum ADU square footage. On parcels greater than one acre a detached ADU has a maximum square footage of 1,600 square feet. The floor area of an accessory dwelling unit is measured from the outside of the exterior walls including all enclosed habitable or potentially habitable space, excluding garages. Please revise your plans to comply with ADU size requirements.
- 2. 130.30050 Riparian Setbacks, Cosumnes River:** Review of the project indicates that the Cosumnes River runs through the project parcel. The Cosumnes River (North, Middle and South Forks) has a specific setback of 100 feet, measured from the ordinary highwater mark, unless a discretionary approval by the County provides a larger or smaller setback. The site plan measures the 100' riparian setback from waters edge, as opposed to the ordinary highwater mark. Additionally, the scope of disturbance is not well defined and appears to potentially impact the 100' riparian buffer. Please measure the riparian setback and define the scope of disturbance.

This corrections letter is consistent with corrections you may have already received from the Building Division.

This letter reflects the requirements from the Planning Division only. The submittal of your corrections/revisions may raise other issues which will be addressed at that time. Please note: corrected plans are to be resubmitted to the Building Department and will not be reviewed over the counter. The applicant shall be responsible for slip sheeting the revised sheets into the plan sets. You may also receive additional comments from other departments who are reviewing your application.

If you wish to discuss these requirements further, please contact me at [evan.mattes@edcgov.us](mailto:evan.mattes@edcgov.us)

Sincerely,

Evan Mattes, Senior Planner

Planning Division

cc: Permit Center Planning, Correction Letter Database, File #0354396

**Re: Responses to Evan Mattes El Dorado County Planning Building Permit 354396**

From: cherylblychester@aol.com

To: evan.mattes@edcgov.us

Date: Monday, June 13, 2022 at 01:28 AM PDT

Hello Evan - We are looking forward to getting this project underway in July. Thank you for taking the time to read and understand our responses. Your scrutiny, and that of all the reviewers, is an essential part of making this the best ADU design for my eventual retirement. In addition to the attached separate responses to your comments, I've attached the draft variance review that was adopted by the Zoning Administrator in a public meeting - with information about the construction disturbance area clearing the 100' riparian buffer zone without needing a variance. Please enjoy reading our responses. If you have any questions, do not hesitate to call me all day Monday. I will be in consecutive medical appointments on Tuesday morning, but will be responsive to texts and fully free to talk afterwards. I'm looking forward to hearing from you.

Best Regards, Cheryl Bly-Chester

Dr. Cheryl Bly-Chester, P.E.  
Managing Principal Engineer  
**ROSEWOOD ENVIRONMENTAL ENGINEERING**  
1079-B Sunrise Boulevard # 168  
Roseville, CA 95661

(916) 721-8557 (Pacific Time)  
(916) 747-2293 (mobile)

-----Original Message-----

From: Evan Mattes <evan.mattes@edcgov.us>  
To: cherylblychester@aol.com  
Sent: Fri, Jun 10, 2022 4:06 pm  
Subject: El Dorado County Planning Building Permit 354396

Cheryl Bly-Chester,

Please see the attached correction letter for BP 354396

--

**Evan Mattes**  
Senior Planner

**County of El Dorado**  
Planning and Building Department  
2850 Fairlane Court  
Placerville, CA 95667  
Office: (530) 621-5994 Fax: (530) 642-0508  
[evan.mattes@edcgov.com](mailto:evan.mattes@edcgov.com)

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-  response to Planning Plan Corrections Buffer Zone Setback.pdf  
467.2kB
-  response to Planning Plan Corrections ADU Size.pdf  
140.8kB
-  **REVISED** Initial Consultation Letter\_V20-0003 (8).pdf  
215.7kB

**RESPONSE TO ADU SIZE DETERMINATION**  
**BP 354396**

Dear Mr. Evan Mattes:

We all appreciate your help in working toward the success of this project. I am sure you will agree that while the site is small, it offers unique opportunities along with a wonderful view. Our approach solves the dual purpose of providing me with a single floor ADA-compliant accessory dwelling where I can enjoy the outdoors on my back porch and deck from a walker or wheelchair in my eventual retirement, while still hosting fairly large outdoor gatherings for my children and grandchildren in the space under the house.

**County Comment:**

1. 130.40.300 Accessory Dwelling Units (ADU), Maximum Size Allowance: Review of the submitted project indicates that the proposed ADU exceeds the maximum ADU square footage. On parcels greater than one acre a detached ADU has a maximum square footage of 1,600 square feet. The floor area of an accessory dwelling unit is measured from the outside of the exterior walls including all enclosed habitable or potentially habitable space, excluding garages. Please revise your plans to comply with ADU size requirements.

**Response:**

Customarily, El Dorado County and other Counties interpret the requirement to include only that space which is enclosed and conditioned or could be made conditioned easily with minor modifications. The design conditioned enclosed space for the ADU is 1,587 square feet. I'm sure we can easily address any questions you have. To convert any of the porches, attics, or downstairs spaces to conditioned spaces would require adding separate secondary HVAC systems and ductwork requiring major modifications and additional permitting not contemplated in this permit application.

**Attic:** In addition to providing renewable energy for the ADU, we likely will be able to have surplus capacity to supply emergency power to the Main house during power outages. Power has been out at our house for as long as 9 days during the past winter. I am sure you can appreciate this issue and our efforts to achieve some independence from the grid during these times. You know that this much equipment takes a lot of space. Our team worked hard to provide enough mechanical plant for this purpose and have found a great solution in building out the attic to provide ample room for the equipment. The attic also provides easy access for my son to be able to come and help me by keeping the solar panels clear of debris. He can reach the roof deck through the unfinished attic without having to duck or crawl to get there. Of course, you understand that the attic space with the mechanical plant is not suitable for habitation.

**Front Porch:** Because of the design of the ceilings and roof deck space above the front porch, there is no opportunity to provide ducting for an HVAC system. It would take a significant design modification not proposed in this permit application. Furthermore, the dumbwaiter in that space is specifically for bringing up firewood to the porch and wood will be stored in a large crib on the porch. The porch was originally not going to be enclosed, but with three exterior doors opening to the porch that presented a security problem, especially for a disabled person. This space is not conditioned and cannot be easily converted to be so.

**Back Porch:** Similarly, the back porch is not conditioned. The space is too far away from the primary HVAC system and the attic above the porch is not contiguous with the attic housing the mechanical plant. A full secondary HVAC system would have to be designed to condition the space, which is not contemplated in this permit application. With the glass wall to the deck pulled back most of the year, the back porch provides a sheltered outdoor experience accessible with a walker or wheelchair. The bay window facing the river granite cataracts provides a space for a disabled person to enjoy the outdoors and view without being in the way of those passing through the porch to the back deck. The Café window from the kitchen to the porch gives the kitchen a sheltered opening to the outdoors. Converting this space to conditioned space would require design modifications not contemplated in this permit application.

Under the house: None of the spaces under the ADU have any conditioning contemplated and would require extensive modification to develop HVAC capability. This space will be difficult to make ADA compliant for regular habitable use by the resident.

Because the El Dorado County Code 130.40.300 refers to "habitable space" then that strict interpretation would follow the State Code definition of "habitable space" which for the design of our ADU is 1,463 square feet.

California State Code Definition, (as well as federal and international definitions) of "Habitable Space" is as follows:

23 CCR § 370.04(a)(9)

Habitable floor space is defined as that **space used for sleeping, living, cooking or dining purposes**, and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

The ADU design square footage excluding closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces equals 1,338 square feet. However, adding in the downstairs outdoor kitchen, then the area equals 1,463 square feet.

Therefore, the habitable space does not exceed 1,600 square feet by either definition as conditioned enclosed space or as strictly defined habitable space.

I trust this explanation provides you with enough information to clear the project to the next step. Thank you so much for taking the time to read and understand our ADU project for my forever house!

Best Regards, Cheryl Bly-Chester

**RESPONSE TO HIGH WATER MARK DETERMINATION COMMENT**  
BP 354396

Dear Mr. Evan Mattes:

Thank you being responsive in working my plan set through the review process. I am providing additional information for your consideration about the 100-year setback determination from the ordinary high-water mark.

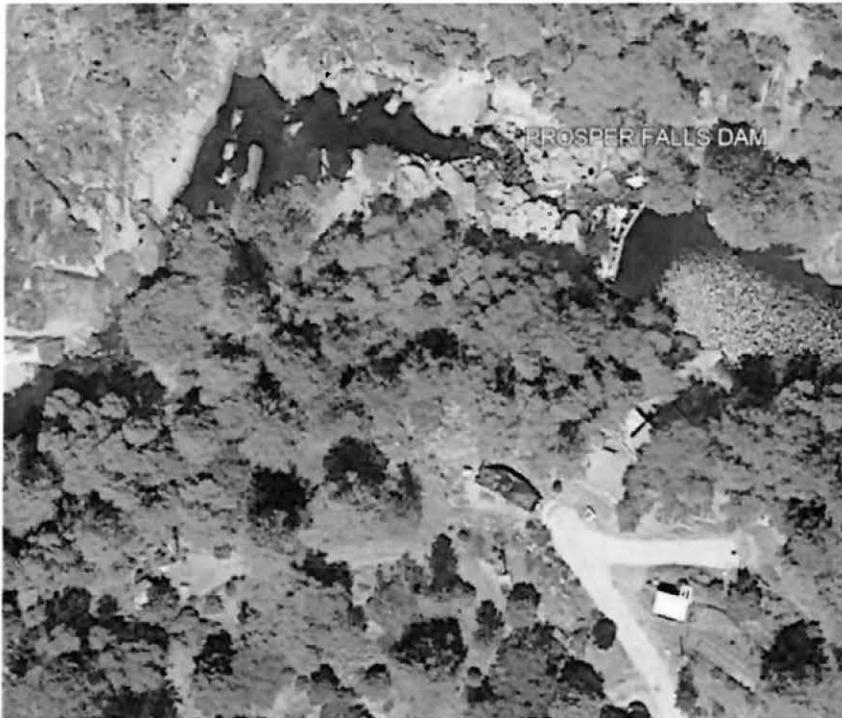
**Correction Comment**

2. 130.30050 Riparian Setbacks, Cosumnes River: Review of the project indicates that the Cosumnes River runs through the project parcel. The Cosumnes River (North, Middle and South Forks) has a specific setback of 100 feet, measured from the ordinary highwater mark, unless a discretionary approval by the County provides a larger or smaller setback. The site plan measures the 100' riparian setback from water's edge, as opposed to the ordinary highwater mark. Additionally, the scope of disturbance is not well defined and appears to potentially impact the 100' riparian buffer. Please measure the riparian setback and define the scope of disturbance.

**Response**

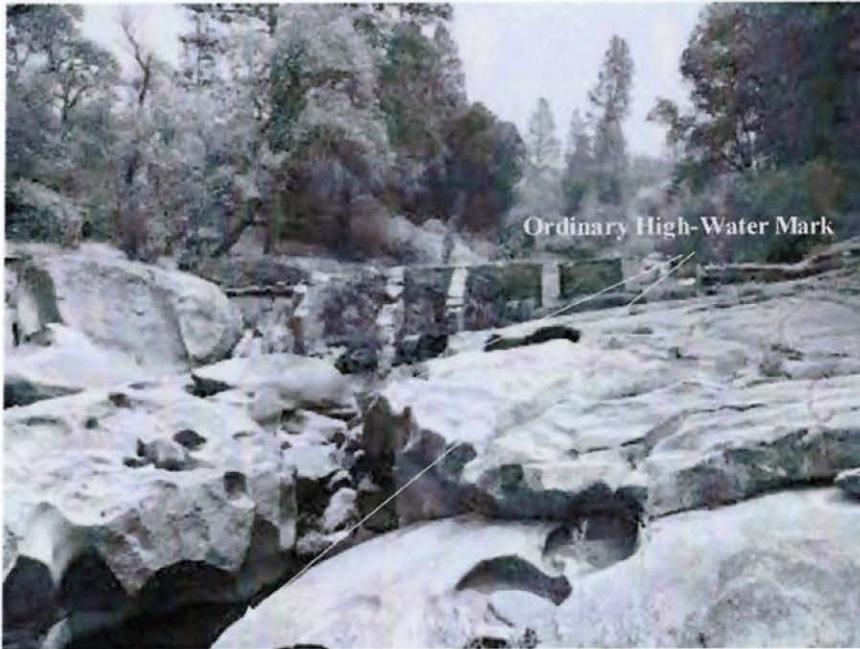
The Middle Fork of the Cosumnes River flows at the northern and western edges of the property, wrapping around the construction site. According to the property Deed, the centerline of the Middle Fork of the Cosumnes River forms the property line. The ordinary high-water mark has been surveyed and marked by EID when they rehabilitated the Dam last year.

**Figure 1 is an aerial view from Google Earth Pro showing the granite rock river formation below Prosper Falls Dam.**



When Bianca Dinkler at the County originally reviewed our variance application, she offered an 80-ft setback variance. The setback requirement was looked at closely at that time and it was determined that the construction disturbance would not encroach on the 100-year buffer zone setback from the ordinary high-water mark. So, she revised the draft (as shown in the attachment) and that was what the Zoning Administrator approved during a public hearing.

I can see why you thought the measurement was 100 feet from the regular water line. In this case, the low flow water line and the ordinary high-water mark are one and the same as shown in Figures 2 and 3 respectively.



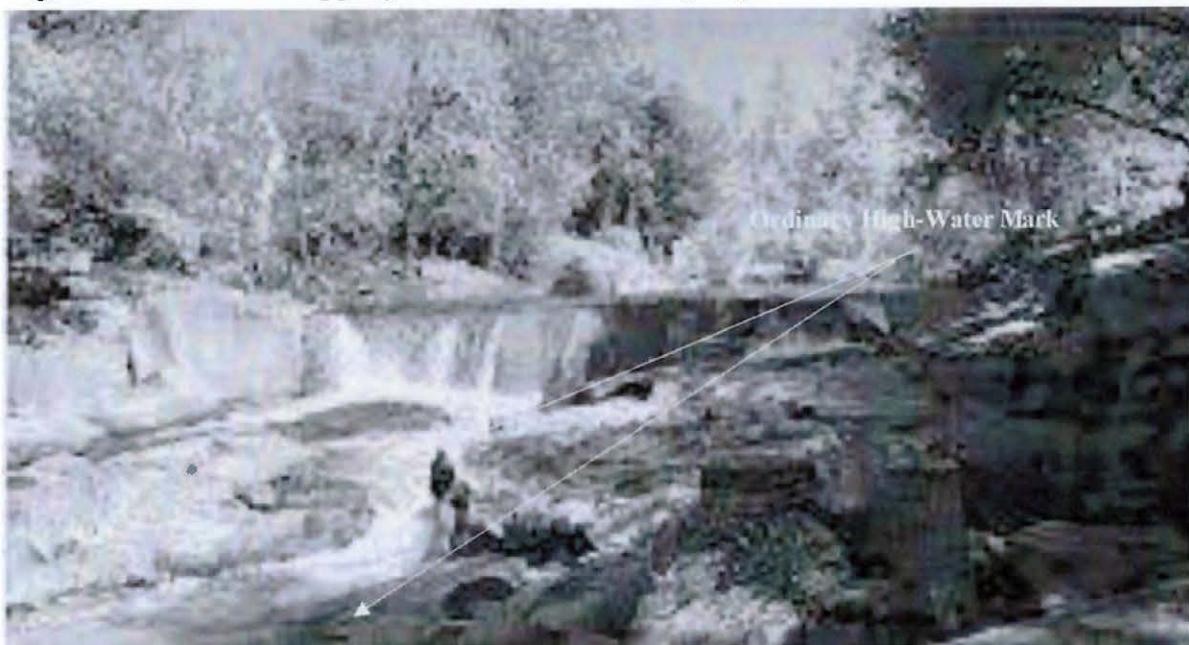
**Figure 2 shows the river flow through the granite rocks at low flow right before dam rehabilitation began at the end of summer 2021.**

The right side of the photo shows the granite rocks adjacent to the construction site. As can be seen, the walls of the rocks are vertical and form the high bank of the river.

The dam was rehabilitated, but kept at the same level as before

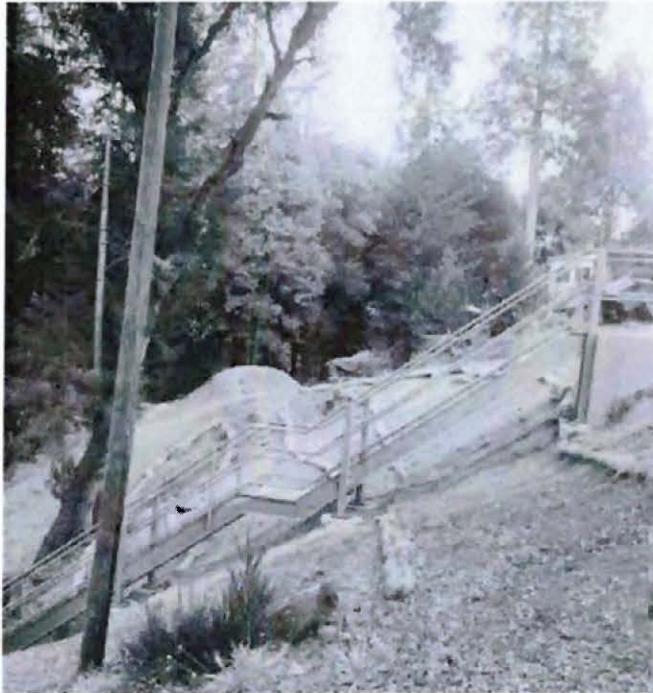
rehabilitation. As can be seen in Figure 3, the river flows out over the opposite bank at high flows, but does not rise to the levels of the rocks on the construction side bank.

**Figure 3 – Water overtopping dam at above ordinary high-water flows in December 2021.**



As to the area of disturbance for the construction, last year EID had a temporary construction easement for the dam rehabilitation that included our ADU building site as a staging area. Under emergency drought conditions, EID cleared the whole area, reconstructed the access, and built stairs down the slope to the river bank. Their actions included building a walking path down the slope in front of our building site with a chain hand railing. EID placed straw waddles in multiple series down the slope and hydroseeded in the areas they disturbed. The work was done under a California Department of Fish and Wildlife Lake and Streambed Alteration (LSA) review. Frankly, we were pretty upset with the amount of disturbance EID caused. We much preferred

the natural moss-covered boulder garden path that we had before their emergency dam rehabilitation and new pump station construction. We do not intend to disturb the north side of the ADU construction area (the side near the buffer zone) any further. EID left the straw waddles in place, which will serve our construction, too. There was nothing we, or anyone else, could do about it, because they were acting under a declared emergency.



**Figure 5 – EID’s hydroseeding**

Our intention for disturbing the area for our ADU construction is to grade only the areas against the southern back wall where the root cellar, storage, and outdoor kitchen are located, which is on the south side of the construction area as shown on plans. This is the area away from the buffer zone. There will be minor disturbance for leveling the outdoor fireplace and column footings and some trenching as shown on plans. None of those locations encroach on the buffer setback area. The buffer zone side will remain at current grade - how EID left it. We want to retain and not disturb the remaining natural granite outcroppings. Although EID did some tree work, a few nearby trees may need to be limbed-up more to meet fire code, but it is not anticipated that we will need to remove trees or shrubs after EID did their clearing.



**Figure 4 – Straw waddle placement after EID stripped the upper slope in 2021.**

We trust this information clears up that the 100-ft set back area is properly placed on the plans and that disturbance for our ADU will not encroach into the riparian buffer.

### PROFESSIONAL STATEMENT

I declare that, to the best of my civil engineering and environmental engineering knowledge and belief, I meet the qualifications based on professional licensure and registrations and certifications, education, and training to evaluate streams, rivers, and lakes. All services were performed under my direct supervision and I performed the Site inspections in conformance with current industry standards and practices. The opinions stated in this letter report are mine, informed by the opinions formed by professionals and specialists who developed the available dataset upon which I relied.

*Cheryl Bly - Chester*  
Cheryl Bly-Chester, PE C34358



California Stormwater QSP/QSD (00727)

NREP Certified Natural Resources Professional (CESCO 523572)

Certified Environmental and Safety Compliance Professional (CESCO 523572)

Certified Environmental Property Assessor (CESCO 523572)



# PLANNING AND BUILDING DEPARTMENT

## PLANNING DIVISION

<https://www.edcgov.us/Government/Planning>

### PLACERVILLE OFFICE:

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#### BUILDING

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[bidgdept@edcgov.us](mailto:bidgdept@edcgov.us)

#### PLANNING

(530) 621-5355 / (530) 642-0508 Fax

[planning@edcgov.us](mailto:planning@edcgov.us)

### LAKE TAHOE OFFICE:

924 B Emerald Bay Rd

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

REVISED

October 19, 2020

~~October 13, 2020~~

TO ALL CONCERNED AGENCIES:

Please find enclosed the Initial Consultation information for your review and comment regarding the following application:

**V20-0003 – PROSPER FALLS VARIANCE (Cheryl Bly/CABC Trust/CTA Engineering & Surveying):** A Variance request to reduce side setback from 30-FT to 5-FT and ~~reduce rear setback from Middle Fork of Cosumnes River from 100 FT to 80 FT~~ to accommodate a Secondary Dwelling Unit. The property, identified by Assessor's Parcel Number 046-431-014, consists of 3.96 acres, and is located on the west end of Wood Duck Way, approximately 100 feet west of the intersection with Summerhill Road, **in the Somerset area.**

Pursuant to Section 15063 of the State CEQA Guidelines, this Initial Consultation is being conducted to determine if the project may have a significant effect on the environment and determine whether an environmental impact report or a negative declaration will be prepared.

DRAFT project documentation is available for review online:

<https://edc-trk.aspgov.com/etrakit/Search/project.aspx>

Review and comment by your agency is requested to identify your concerns to be considered by the County during our environmental review to mitigate impacts, develop conditions of approval, and/or modify the project. Your agency's written responses must be received by the Planning Services **no later than October 28, 2020.** If we do not receive written correspondence from your agency by that date, we will assume your agency has no comment and your agency's concerns may not be reflected in our recommendations.

**The Technical Advisory Committee (TAC) will meet on November 9, 2020** to take one or more of the following actions; 1) Make an environmental determination, 2) Determine Final project conditions and/or, 3) Confirm the public hearing date. The meeting will be held in the *El Dorado County Planning Commission Conference Room*, at 2850 Fairlane Court, Placerville, CA. Please call this office one week prior to the meeting for the scheduled time. Technical Advisory Committee meetings are for agency discussion with the applicant and/or agent only. Other interested individuals may obtain project information by contacting the project planner.

If you have questions or need additional information, please call Planning Services office at (530) 621-5875.

EL DORADO COUNTY PLANNING SERVICES

County Planner: Bianca Dinkler, (530) 621-5875

BLD/ps

cc: Gary Miller, Planning Commissioner District 2  
Building Services  
Department of Transportation, Dave Spiegelberg  
Pioneer Fire Protection District

Shiva Frentzen, Supervisor District 2  
Environmental Management  
Air Quality Management District

# NOTICE OF APPROVED PERMIT

As of July 18, 2022, not having been denied by El Dorado County Department of Planning and Building before the 60-day maximum ministerial review period expired, Accessory Dwelling Unit (ADU) Building Permit 0354396, located at 6700 Wood Duck Way in Somerset, CA is deemed approved pursuant to Government Code 65852.2. Confirmation of consistency with all Planning Services requirements was approved on March 17, 2021, in a Zoning Administrator public hearing along with approval of setback variances, and California Environmental Quality Act (CEQA) categorical exemption. All Building Services requirements for an ADU permit are documented as met on ETrakit. Per *Ciani v. San Diego Trust & Savings Commission*, 233 Cal. App. 3d 1604, 1613, 285 Cal. Rptr. 699, 705 (1991), “A deemed-approved permit confers the same privileges and entitlements as a regularly issued permit.” Permit review fees and Office of Education Fees were received at the County Building Department by Certified mail on August 9, 2022. If El Dorado County fails to provide building inspections for Building Permit 0354396 as with a regularly issued building permit, then inspections will be performed by, and construction completion documented by, a California Licensed Professional Engineer or qualified third-party inspector. For more information contact the owner/builder, CABC Revocable Trust, at [CABCTrust@gmail.com](mailto:CABCTrust@gmail.com). (916) 721-8557.