



RESOLUTION No. 58-94

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, Title 16 of the El Dorado County Ordinance Code regulates the subdivision of land in the County; and

WHEREAS, Sections 16.16.010 and 16.16.020 of the El Dorado County Ordinance Code require all subdivision improvements to be constructed in accordance with the County Design and Improvement Standards Manual, as adopted and amended from time to time by resolution of the Board of Supervisors; and

WHEREAS, it is essential that subdividers furnish improvement security before beginning the work of constructing the subdivision improvements, because the public health, safety, and welfare require that the subdivision improvements be properly and fully provided; and

WHEREAS, there currently exists no adequate means of securing subdivision improvements which the subdivider chooses to undertake before the Final Map approval;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES HEREBY RESOLVE AS FOLLOWS:

The County Design and Improvement Standards Manual is hereby amended to add the following subsection F to Section 2, General Information and Criteria, of Volume II, Design Standard for Subdivisions:

F) Subdivision Improvements and Security:

- 1) After approval of the tentative subdivision map and before the Final Map is considered for approval, no subdivider shall commence or cause to be commenced any construction of subdivision improvements until:
 - a) The subdivider and County have executed a Subdivision Grading Agreement which substantially conforms to the Grading, Erosion and Sediment Control Ordinance terms set forth in chapter 15.14 of the El Dorado County Ordinance Code; and
 - b) The subdivider has furnished security for the construction and maintenance of the improvements, including erosion control, as determined by the Department of Transportation. The dollar amount shall be posted in an amount sufficient to return the subdivision property to an unimpaired (not impacting surrounding properties) or improved (safe and stable) condition, and shall be equal to 50% of the grading cost, plus 100% of the stormwater conveyance cost, plus 100% of the erosion control cost, or an amount mutually agreed upon.
- 2) Security accompanying a Subdivision Grading Agreement shall be released as set forth in section 15.14.660 (F) of the Grading, Erosion and Sediment Control Ordinance.
- 3) If any required subdivision improvements are not complete at the time the Final Map of the subdivision is considered for approval, the subdivider shall comply with sections 16.16.040 to 16.16.052, inclusive, of the El Dorado County Ordinance Code regarding a Subdivision Improvement Agreement and accompanying security.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 8th day of March, 1994, by the following vote of said Board:

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors
By Margaret E. Moody
Deputy Clerk

Ayes: Supervisors William D. Bradley, Raymond D. Hitting, J. Mark Nelson, William N. Rindler, John E. Dpton
Noes: none
Absent: none
John E. Dpton
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk

2.63.400 County Hearing Responsibility. General.

A county hearing is a form of administrative hearing whereby a dissatisfied claimant may obtain an impartial review of an agency action. Since the right to request a county hearing belongs to the claimant, the following regulations shall be interpreted in a manner which protects the claimant's right to a hearing. The responsibility for providing a full and impartial hearing to the claimant rests with the county. The county has a responsibility to:

- A. Investigate the case and assist the claimant prior to the hearing;
- B. Inform the claimant of his right to have an authorized representative;
- C. Provide the claimant with a written county position statement prior to the hearing;
- D. Present the county position during the hearing;
- E. Arrange for the attendance at the hearing of any department employee requested by the claimant or his authorized representative and to allow the claimant the right of cross-examination;
- F. Provide an impartial hearing officer from the supervisory level or above;
- G. Provide for recording of the hearing, and in case of judicial review, to provide transcripts to the recipient or applicant if requested;
- H. Provide a written decision, within sixty (60) days of a request for a county hearing, to the claimant which includes a reference to the legal statutes on which the decision is based.

*Show alphabetically
major actions.*

..Title

Hearing to consider an appeal of the approval Tentative Parcel map P07-0021 by the El Dorado County Zoning Administrator on July 2, 2008; said property consisting of 70 acres identified as APN 102-010-25 in the Rescue area; Appellant: Lillian C. Young. (District IV)

..Body

RECOMMENDED ACTION: Planning Services recommends the Board deny the appeal, thereby upholding the action of the Zoning Administrator to approve Tentative Parcel Map P07-0021, based on the findings and subject to the conditions listed on Attachment 2.

Background: Tentative Parcel Map P07-0021 was conditionally approved by the El Dorado County Zoning Administrator on July 2, 2008, to allow the creation of two parcels 20 and 50 acres in size. An appeal was filed on July 17, 2008.

Appeal Discussion: Attachment 1 has six pages that are a summary of the appellant's concerns. Comments with a similar subject matter are given a similar corresponding number and the responses to those comments are included below:

1. The project is noticed in the local newspaper advertising the required 30-day public review period for Negative Declarations as set by State law. The staff report and related environmental document are available for public review at Development Services – Planning Services after they are noticed. State law requires that residents within 300 feet of the project parcel boundary be notified ten days before the project goes to hearing. El Dorado County notifies those within 500 feet. The project staff report and related environmental document are posted on Planning Service's website prior to the hearing. All projects are noticed in the same manner.
2. Comments noted.
3. See comment number 1.
4. See comment number 2.
5. The submitted maps are included as exhibits to the staff report and were drawn by a State licensed Civil Engineer pursuant to the Tentative Parcel Map application checklist. The recorded Parcel Maps shown to exist along Old Neumann Road were reviewed to determine existence of easements from Deer Valley Road north to the end of Old Neumann Road and they are included as attachments. The file contains background information used to supplement the analysis of the submitted maps. The staff report provides an analysis of the submitted information as well as the advice and expertise of the trained, professional staff members of the concerned agencies that respond to the request to comments and

concerns. It is not a narrative of personal opinion but a department analysis and recommendation resulting of thorough evaluation of collected information and established County policy and standards.

6. The Design Improvement Standards Manual (DISM) permits deviations from road improvement standards with support from or alternatives suggested by the applicable fire district.

Design waivers are granted by the approving authority if found to be justified. Four findings must be made including the existence of special conditions or circumstances that justify the waiver; that strict application of the improvement standards would cause extraordinary hardship in developing the property; that the waiver would not be detrimental to the public health, safety and welfare; and that the objectives of the County standards are met.

7. See comment number 6.
8. A Parcel Map Guarantee from Placer Title Company dated June 9, 2008 was submitted by the applicant. The Parcel Map Guarantee showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2), is required by County Code prior to filing the parcel map. In this case it was submitted prior to the hearing. The appellant asserts that the details and locations of the Old Neumann Road easements as it relates to her parcel are disputable. The applicant was informed that disputes over the contents and locations of easements are a matter to be resolved in Civil Court but has chosen to appeal the subject decision. Pursuant to the submitted Parcel Map Guarantee, review of the surrounding parcel maps and submitted documents, and with advisement from the County Surveyor's Office staff, Planning staff determined that the applicants had satisfied the County Code requirements for proof of legal access.
9. See comment number 5.
10. The application was submitted May 18, 2007. It was deemed "incomplete" because of missing items and needed revisions on June 5, 2007. Those items were received in March of 2008 and the application was deemed "complete" on March 14, 2008. The staff report was completed on May 19, 2008 and was heard by the Zoning Administrator on July 2, 2008.
11. The final development plans for road improvements are submitted for review after the project is approved. Only after the hearing would the designing engineer and also the County Plan Checker know the final approved project as the project design and conditions can be changed by the Zoning Administrator. An applicant typically may submit a preliminary

grading and drainage plan if requested by the County, but not the final development plan. Resolution 58-94 (attached) relates to subdivision grading agreements and security for construction and maintenance of improvements after approval by the hearing body and before filing the parcel map.

12. See comment number 2.
13. See comment number 2.
14. See comment number 2.
15. See comment number 2.
16. See comment number 2.
17. See comment number 2.
18. See comment number 2.
19. See comment number 11.
20. See comment number 2.
21. See comment number 2.
22. See comment number 6.
23. See comment number 2.
24. See comment number 2.
25. See comment number 6.
26. See comment number 2.
27. See comment number 2.
28. See comment number 2.
29. See comment number 2.
30. See comment number 6.
31. See comment number 2.

32. See comment number 2.

Contact: Lawrence W. Appel (7698)/Pierre Rivas (5841)

Attachment 1 - Appeal form with six pages attached

Attachment 2 - Findings/Conditions of approval, 11 pages

Attachment 3 – The approved Parcel Maps along Old Neumann Road, 10/40,
21/72, 17/35, 49/130, 37/35, five pages.

Attachment 4 – Parcel Map Guarantee from Placer Title Company dated June 9,
2008, seven pages.

Attachment 5 - Resolution 58-94