

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
BOARD OF SUPERVISORS  
STAFF REPORT**



**Agenda of:** August 25, 2009

**Staff:** Aaron Mount

**REVISED CERTIFICATE OF COMPLIANCE**

**FILE NUMBER:** COC88-0127-R

**AGENT:** Brian Armstrong

**OWNER:** Farrell Ventures, LLC

**REQUEST:** Request for a revision to a previously approved conditional certificate of compliance. The request is to modify conditions of approval and allow final occupancy of a commercial structure on the site.

**LOCATION:** On the north side of Venture Road, approximately 1600 ft west of the intersection with Mother Lode Drive in the El Dorado area, Supervisorial District III. (Exhibit A)

**APN:** 331-020-46

**ACREAGE:** 4.37 acres

**GENERAL PLAN:** Industrial (I) (Exhibit B)

**ZONING:** Industrial (I) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines

**RECOMMENDATION:** Staff recommends that the Board of Supervisors take the following action:

1. Certify that the project is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

2. Authorize the Building Official to final Building Permit #171396 pending approval from all other departments, final inspection, and bonding or completion of required road improvements; and
3. Issue a revised Conditional Certificate of Compliance for APN 331-020-46, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

## **BACKGROUND**

The project parcel has a conditional certificate of compliance recorded against it (COC88-0127), approved by the Board of Supervisors on October 18, 1988. Therefore, the property cannot be developed until such time as the conditions of approval have been satisfied. A total of eight conditions of approval were required including the condition to construct road frontage improvements, placement of a fire hydrant, and connection to public water and sewer.

The project parcel is one of seven parcels for which certificates of compliance were issued following a Board directed Notice of Intent to record a Notice of Violation. Following the issuance of a conditional certificate of compliance for APN 331-020-51 on June of 1988, the Board directed staff to follow up on the remaining seven parcels that were created from Parcels 1 and 2 of parcel map PM 24-104 with a Notices of Violation. Since the respective owners of the affected parcels agreed to work with Planning staff, the Planning Commission considered an improvement agreement, rather than Notices of Violation, which was signed by all those parties affected.

A commercial structure has been constructed on the subject parcel under building permit #171396 with Planning Services approval for issuance; however final occupancy has not been approved. Issuance of the building permit was approved by Planning Services based on an agreement with the property owner that the owner would construct full width road improvements to Venture Road from Mother Lode Drive to Davidson Road (Exhibit G). The owner is asking for a modification to that agreement as reflected in the conditions of approval, new road improvement requirements have been conditioned by the Department of Transportation. The 6,700 square foot structure is comprised of 3,500 square feet of office space and 3,200 square feet of storage space. The structure will be served by public water and a septic system until sewer improvements are completed for the site and adjacent parcels.

## **STAFF ANALYSIS**

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Board of Supervisors consideration are provided in the following sections.

**Project Description:** Revised Certificate of Compliance for Assessor's Parcel Number 331-020-46, which would acknowledge the County's acceptance of the parcel as legally created accordance with the Subdivision Map Act and local subdivision ordinances. The parcel would be served by public water and onsite septic wastewater system. The parcel takes access directly from Venture Road.

**Site Description:** The 4.37-acre parcel is located at approximately 1,600 foot elevation above sea level. The developed parcel is devoid of most native vegetation and is mainly used for storage of construction equipment and materials. The aforementioned commercial structure is the only permanent structure at the site. Access to the site is from Venture Road which connects to Mother Lode Drive.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	<b>Industrial</b>	<b>Industrial</b>	Industrial/Commercial Structure in Progress, Industrial Storage
<b>North</b>	<b>Industrial</b>	<b>Industrial</b>	Industrial/Trucking Company Storage
<b>South</b>	<b>Industrial</b>	<b>Industrial</b>	Industrial/Concrete Plant and Commercial Structures
<b>East</b>	<b>Industrial</b>	<b>Industrial</b>	Industrial/Commercial Structures
<b>West</b>	<b>Industrial</b>	<b>Industrial</b>	Vacant

**Discussion:** The subject parcel is located within an industrial park. The revised COC and finaling of the building permit will allow occupancy of the constructed commercial structure and in turn the property owners will provide necessary improvements to the on and off site road system. The structure and its proposed uses are consistent with adjacent uses and the Industrial zoning and land use designation.

**Roads:** The applicant is requesting to modify the two following conditions that were placed on the Certificate of Compliance (COC88-0127) in 1988.

1. Subject to improving road easements to County Standard Plan 112 with a 32 foot width and no sidewalk requirement. Said improvements shall be along the entire road easement from the northeast corner of the property to the northwest corner of the property; from the northwest corner of the property to the southwest corner, and from the southwest corner of the property to the southeast corner.
2. A complete drainage plan shall be submitted to the County Department of Transportation for approval. A letter of compliance from the Department of Transportation shall be provided to the County Planning Division prior to issuance of a Certificate of Compliance.

A letter dated March 5, 2007 to Michael Farrell from Development Services memorialized the agreement between the applicant and the County for issuance of building permit #171396. The agreement required full improvements to Venture Road from Mother Lode Drive to Davidson Road specified as a 40-foot wide road with rolled curb and gutter each side in lieu of frontage road

improvements as required by COC88-0127 (Exhibit D). These improvements were to be completed prior to obtaining final certificate of occupancy of the Farrell Building.

As indicated in the December 18, 2008 letter from the applicant to the County Board of Supervisors Farrell Ventures would like to modify the required road improvements as modified by agreement memorialized in the March 5, 2007 Development Services letter referenced above and obtain final occupancy for the constructed office building. The applicant is proposing to:

- a. Build Venture Road full width including the encroachment at Davidson to approximately 1,625 feet east which equals about 27,000 square feet; and
- b. Build Venture Road encroachment onto Mother Lode Drive which equals about 4,000 square feet.

However, the applicant indicates due to the current economic climate, immediate construction of the road improvements is not feasible. The applicant offers to provide financial assurance through a performance bond based on a Road Improvement Agreement executed with the County.

Department of Transportation (DOT) staff has reviewed the project history and would require the applicant construct the roadway improvements to the current 101A standard (40 foot wide roadway without sidewalk) from the connection with Davidson Road to the eastern property line. A Type 1 rolled curb will be required along the project frontage as well. The encroachments onto Davidson Road and Mother Lode Drive shall be constructed to 103E standard. Once the board approves the Road Improvement Agreement (RIA) the agreement will remain active for 2 years with the possibility of a 1 year time extension.

With respect to a drainage report, this is a requirement of all development in order to assess the potential increase in storm water runoff and how to adequately contain and convey the runoff.

These modified road improvement requirements are reflected in conditions of approval numbers 7 and 8.

**Water:** The project parcel is served by public water. A letter dated February 27, 2008 from the El Dorado Irrigation District (EID) states that in order to provide fire flow and receive service, the applicant must construct a water line extension connecting the existing 8-inch water line located in Venture Road.

The Diamond Springs/El Dorado Fire Protection District determined that the minimum fire flow for building permit #171396 is 1,500 gallons per minute. EID has indicated they can only guarantee 800 gallons per minute without extensive infrastructure improvements. In an attempt to mitigate the inability to meet the required fire flow the Fire District has required the building to have a full sprinkler system installed. Further, a deed restriction shall be recorded on the building which will prohibit any changes in the use of the building and from performing any future development or tenant improvements to the building until the required fire flow of 1,500 gallons per minute is available.

**Sewer:** The building permit for the site, #171396, has been issued with a septic system for wastewater disposal approved by the El Dorado County Environmental Management Department. A condition of approval from COC88-0127 states "El Dorado Irrigation District water and sewer service shall be provided to the property in accordance with the regulations of the El Dorado Irrigation District". A letter dated November 4, 2008 states that if this industrial area came to EID and requested wastewater service as a new development, they would be required to construct a gravity sewer collection system, a sewer lift station, and force main designed and built to District standards. Total participation from the adjacent property owners in this area would be required to facilitate the design, funding, and construction of these wastewater facilities. EID concluded that at this point in the development process it does not seem reasonable to require this amount of sewer infrastructure to be constructed. Based on these circumstances EID strongly recommended that the parcel be allowed to utilize a septic system.

General Plan Policy 5.3.1.1 directs that Industrial projects shall be required to connect to public wastewater collection facilities as a condition of approval. This is a mandatory and specific policy and has remained as a condition of approval from the original COC to the revised COC. The issued building permit will use a septic system and no further development will be allowed until such time as the parcel is connected to a public wastewater system.

**Conditions of Approval:** Conditions 1-5 have been added as they are standard conditions of approval for a current project. Condition number 6 has been amended to reflect the revised status of this project. Conditions originally numbered 5 and 6 have been removed as they have been completed to the satisfaction of the respective agencies. Condition originally numbered 7 has been removed allowing an unlimited time frame for completion of the conditions of approval.

**Zoning:** The subject parcel is zoned Industrial (I) which permits a minimum parcel size of ten thousand square feet. All development on the parcel is subject to the development standards contained in Section 17.34.040 of the County Code. The project parcel size is 4.37 acres and exceeds the minimum ten thousand square foot parcel size for the I Zone District.

**Conclusion:** As discussed above, and as conditioned, staff finds that the project can be found to be consistent with the I Zoning District and that the necessary findings can be made to support the request for a Certificate of Compliance. The details of those findings are contained in Attachment 2.

**Authority to Issue a Certificate of Compliance:** Section 16.76.050 of County Code states that the Subdivision Map Act requires conditional certificates of compliance to be issued on certain types of parcels which were created in violation of the Subdivision Map Act. A local agency may impose any conditions that would have been applicable to the division of the property at the time the current owner(s) acquired his or her interest, except that where the current owner(s) was involved in the initial land division violation, then the local agency may impose any conditions that would be applicable to a current division of the property. The current owners received title on April 22, 2003. Section 16.44.120, Design Criteria of the El Dorado County Code establishes the design criteria and improvements made and installed in conjunction with the approval of maps. The project would be

conditioned by the El Dorado County Department of Transportation and Planning Services for those criteria as applicable to the subject request.

## ENVIRONMENTAL REVIEW

This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The application is a revision of a previously approved Certificate of Compliance and building permit #171396 is a ministerial action The site requires minimal improvements to on and off site road access, contains developable area not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

A \$50.<sup>00</sup> administrative processing fee is required by the County Recorder to file the Notice of Exemption.

## SUPPORT INFORMATION

### Attachments:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Road Improvements required by COC88-0127
Exhibit E .....	Site Plan
Exhibit F .....	Assessor's Map Bk. 331 Pg. 02
Exhibit G .....	Proposed Road Improvements
Exhibit H .....	EID letter dated November, 4, 2008
Exhibit I .....	Development Services Letter Dated March 5, 2007
Exhibit J .....	Applicants letter dated December 18, 2009

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Certificate of Compliance Revision COC88-0127-R/Farrell Ventures  
August 25, 2009, Board of Supervisors Hearing

### CONDITIONS OF APPROVAL

#### Planning Services

1. This certificate of compliance is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit A through I dated August 25, 2009, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Certificate of Compliance for Assessor's Parcel Number 331-020-46 which will acknowledge the County's acceptance of the parcel as legally created in accordance with the Subdivision Map Act and local subdivision ordinances.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. All Planning Services fees shall be paid prior to recording of a revised Conditional Certificate of Compliance.
3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

4. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the appeal period of a final project decision.
5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County of the Certificate of Compliance.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

- 6 8. Issuance of permit #171396 and approval of a certificate of occupancy is hereby authorized only for the construction and use of 6,700 square foot structure comprised of 3,500 square feet of office space and 3,200 square feet of storage space. No additional building permits shall be issued until all conditions have been satisfied and a Clear Certificate of Compliance has been recorded.

#### **El Dorado County Department of Transportation**

- 7 4. On and Off site Access Improvements: The applicant shall construct the on and off site portion of Venture Road beginning at Davidson Road and extending to the eastern boundary line, to a 40-foot wide roadway consistent with the El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan ,101A . The applicant shall construct a Type 1 rolled curb and gutter along the property frontage only, and no sidewalks are required. The applicant shall construct the encroachments of Venture Road onto Davidson Road and onto Mother Lode Drive consistent with Design Std Plan 103E. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security prior to issuance of a Clear Certificate of Compliance.

Subject to improving road easements to County Standard Plan 112 with a 32 foot width and no sidewalk requirement. Said improvements shall be along the entire road easement from the northeast corner of the property to the northwest corner; from the northwest corner of the property to the southwest corner, and from the southwest corner of the property to the southeast corner.



- 8 2. A complete drainage plan shall be submitted to the County Department of Transportation for approval. A letter of compliance from the department of Transportation shall be provided to the County Planning Division prior to issuance of a Certificate of Compliance.

**El Dorado County Department of Environmental Management**

- 9 3. El Dorado Irrigation District water and sewer service shall be provided to the property in accordance with the regulations of the El Dorado Irrigation District prior to issuance of a clear Certificate of Compliance.

**Diamond Springs/El Dorado Fire Protection District**

- 10 4. A fire hydrant shall be provided within 150 feet of the subject property. A letter of compliance from the Diamond Springs/El Dorado Fire Department shall be provided to the County Planning Division and a deed restriction shall be recorded on the building which will prohibit any changes in the use of the building and from performing any future development or tenant improvements to the building until the required fire flow of 1,500 gallons per minute is available prior to issuance of the Certificate of Compliance.
- ~~5. The access road serving this development shall be named by filing a completed Private Road Name Petition with the County Surveyor's Office. Street signs, in conformance with Standard Plan 105 (C) shall be installed at each of the intersections of Mother Lode Dr. and the unnamed access roads.~~
- ~~6. The S600 Road Impact Fee shall be paid to the County Planning Division in accordance with Section 12.28.010 of the County Code.~~
- ~~7. All improvements shall be completed within three years from the date of issuance of this Conditional Certificate of Compliance.~~

# ATTACHMENT 2

## FINDINGS FOR APPROVAL

Certificate of Compliance Revision COC88-0127-R/Farrell Ventures  
August 25, 2009, Board of Supervisors Hearing

### FINDINGS

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

#### 1.0 CEQA Findings

- 1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site requires minimal improvements to off site road access, contains developable area not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services Department at 2850 Fairlane Court, Placerville, CA.

#### 2.0 Administrative Findings

- 2.1 The issuance of the conditional certificate of compliance for APN 331-020-46 meets the requirements of the *Subdivision Map Act* and *County Code Title 16* because the County would now be assuring the parcel is self sustaining in access, safety and ability to support industrial use and that a legitimate transfer took place with an accurate legal description.

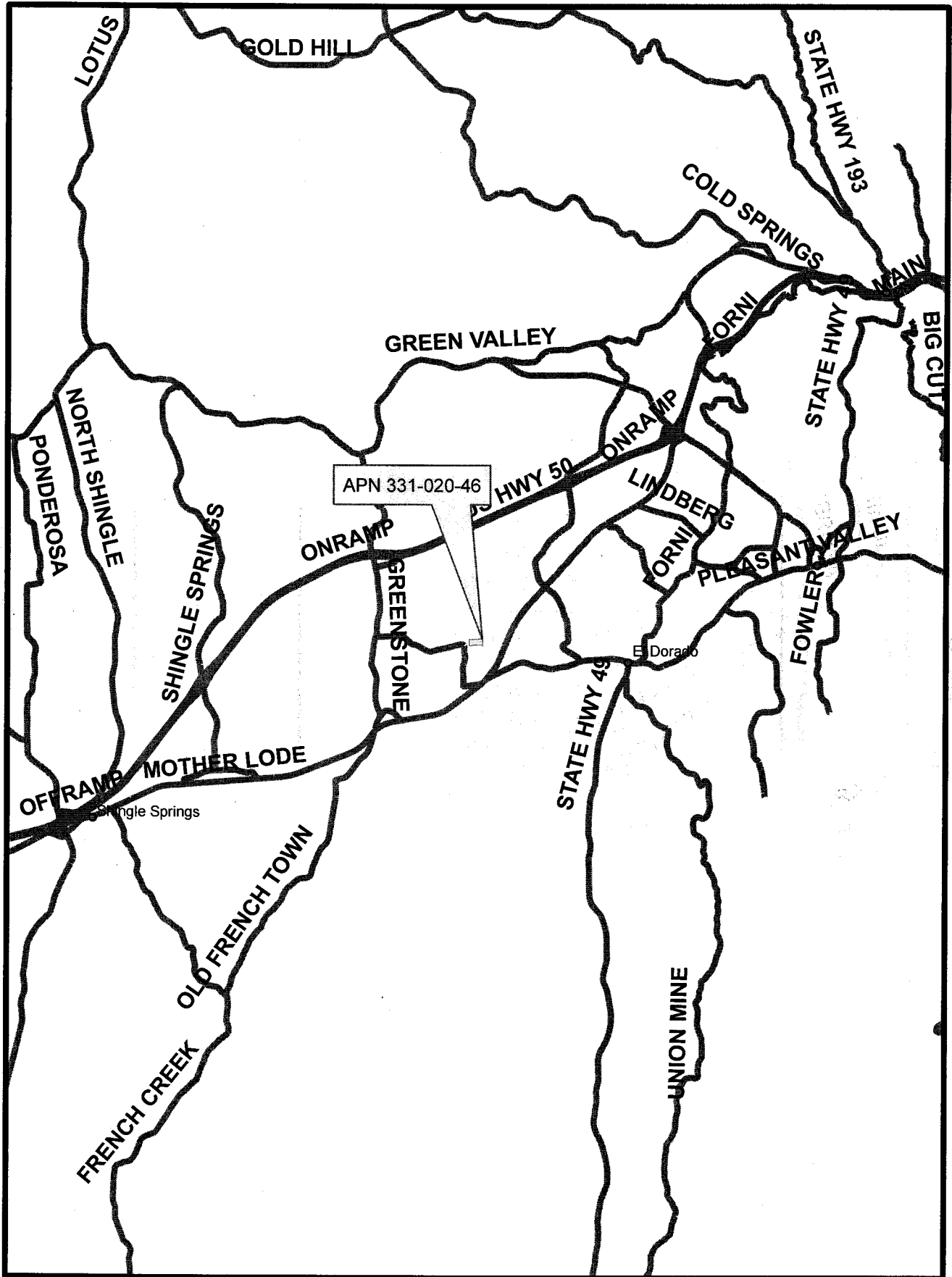
#### 3.0 General Plan Consistency Findings

- 3.1 The proposed certificate of compliance, as conditioned, is consistent with the Industrial General Plan land use designation for parcel size, density and land use.
- 3.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.21, and 7.4.4.4 because there are adequate roadways, utilities, and other public service infrastructure available. The project is consistent with the dominant lot pattern of development in the direct project vicinity. Native oak tree canopy will not be directly impacted with the project.

**4.0 Zoning Findings**

- 4.1 The project is zoned Industrial (I) which establishes a minimum parcel size of ten thousand square feet. The project would legalize a parcel 4.37 acres in size which is consistent within the I zone district. The proposed parcel conforms to existing zone district development standards.

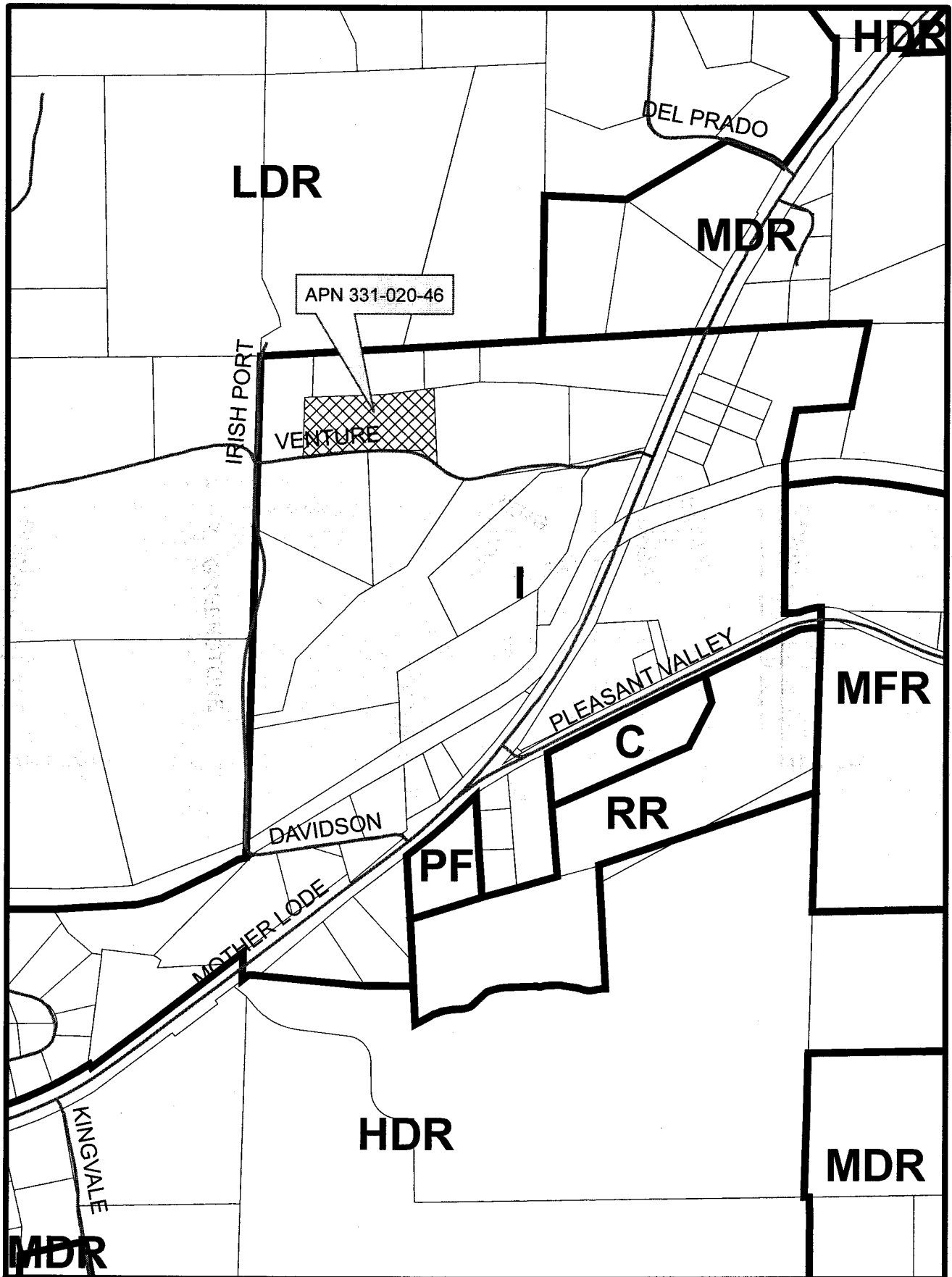
# EXHIBIT A: LOCATION MAP



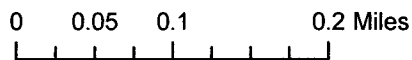
PERMIT # COC88-0127-R  
PREPARED BY AARON MOUNT



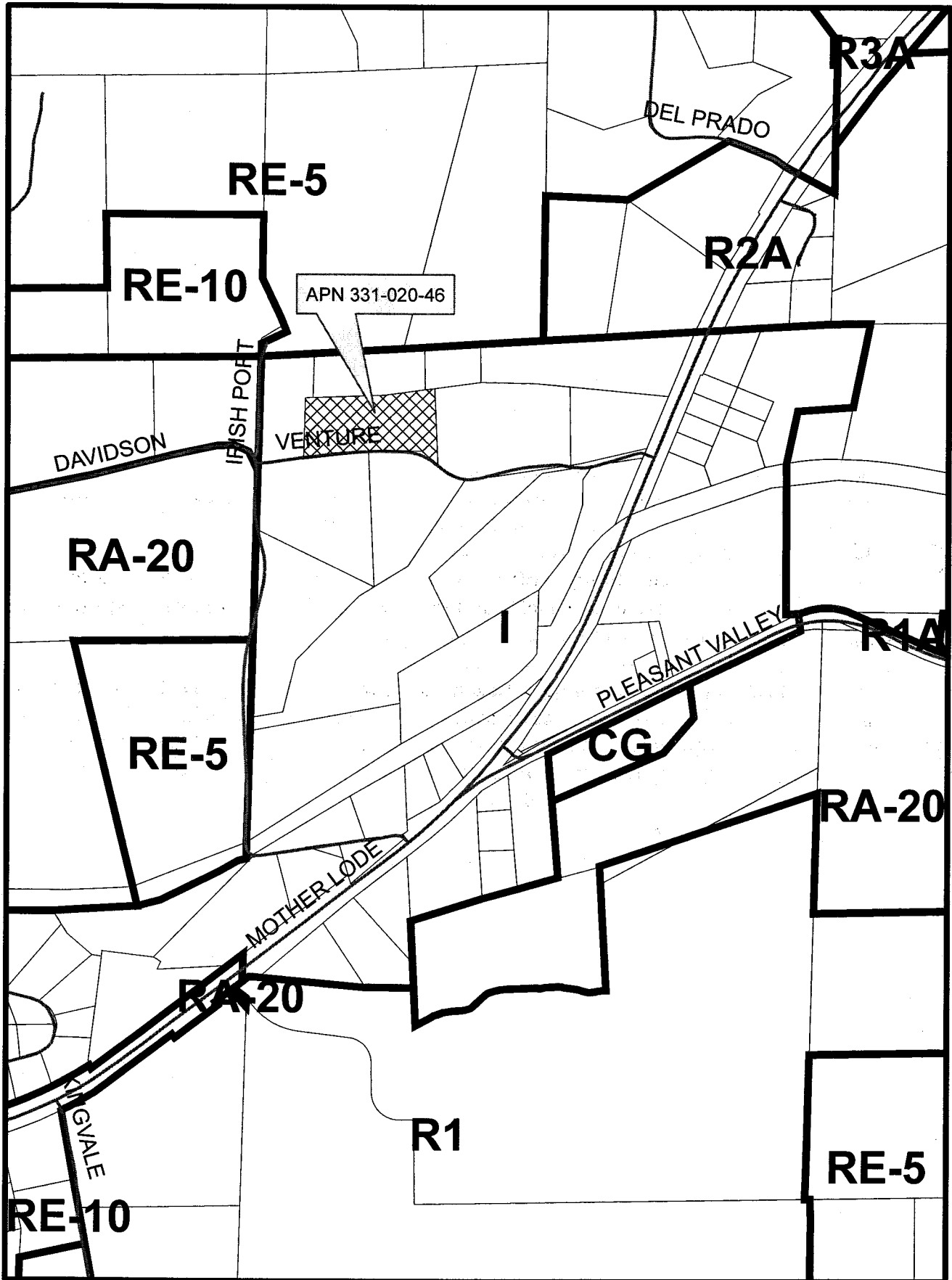
# EXHIBIT B: GENERAL PLAN MAP



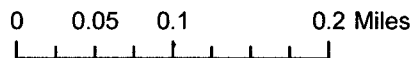
PERMIT # COC88-0127-R  
PREPARED BY AARON MOUNT



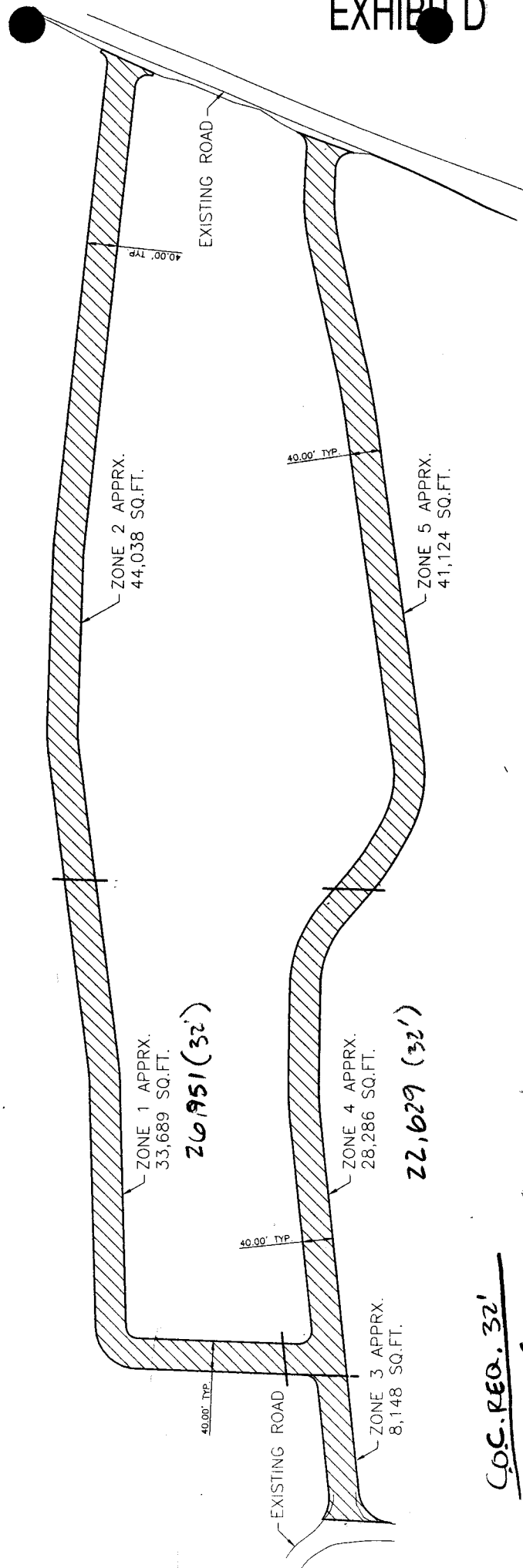
# EXHIBIT C: ZONE DISTRICT MAP



PERMIT # COC88-0127-R  
PREPARED BY AARON MOUNT



# EXHIBIT D



C.O.C. REQ. 32'  
 32' TOTAL FULL WIDTH  
 419,580 SQ.FT.  
 32' TOTAL 1/2 WIDTH  
 247,990 SQ.FT.

# EXHIBIT E

VENTURE ROAD BLDG  
3025 VENTURE ROAD  
PLACERVILLE, CA 95667  
APN 331-020-46



BY: JKL/TMP  
DATE: 4-28-00  
SCALE: 1" = 20'  
SHEET NO: C2  
SHEET

C2  
SHEET

JAMES L. LAMMERT  
REGISTERED PROFESSIONAL ENGINEER  
665 PLACERVILLE DRIVE, PLACERVILLE, CA 95667  
(530) 321-4867

EXISTING DRAINAGE THROUGH 14" DPC APN 331-020-48 CEMEX. SEE DRAINAGE STUDY REV 2 ATTACHMENT C.

ALL IMPROVEMENTS TO BE INSTALLED IN CONFORMANCE WITH STATE ROAD CONSTRUCTION AND BUILD-OUT REGULATIONS.

100 YEAR FLOOD = 1541.18

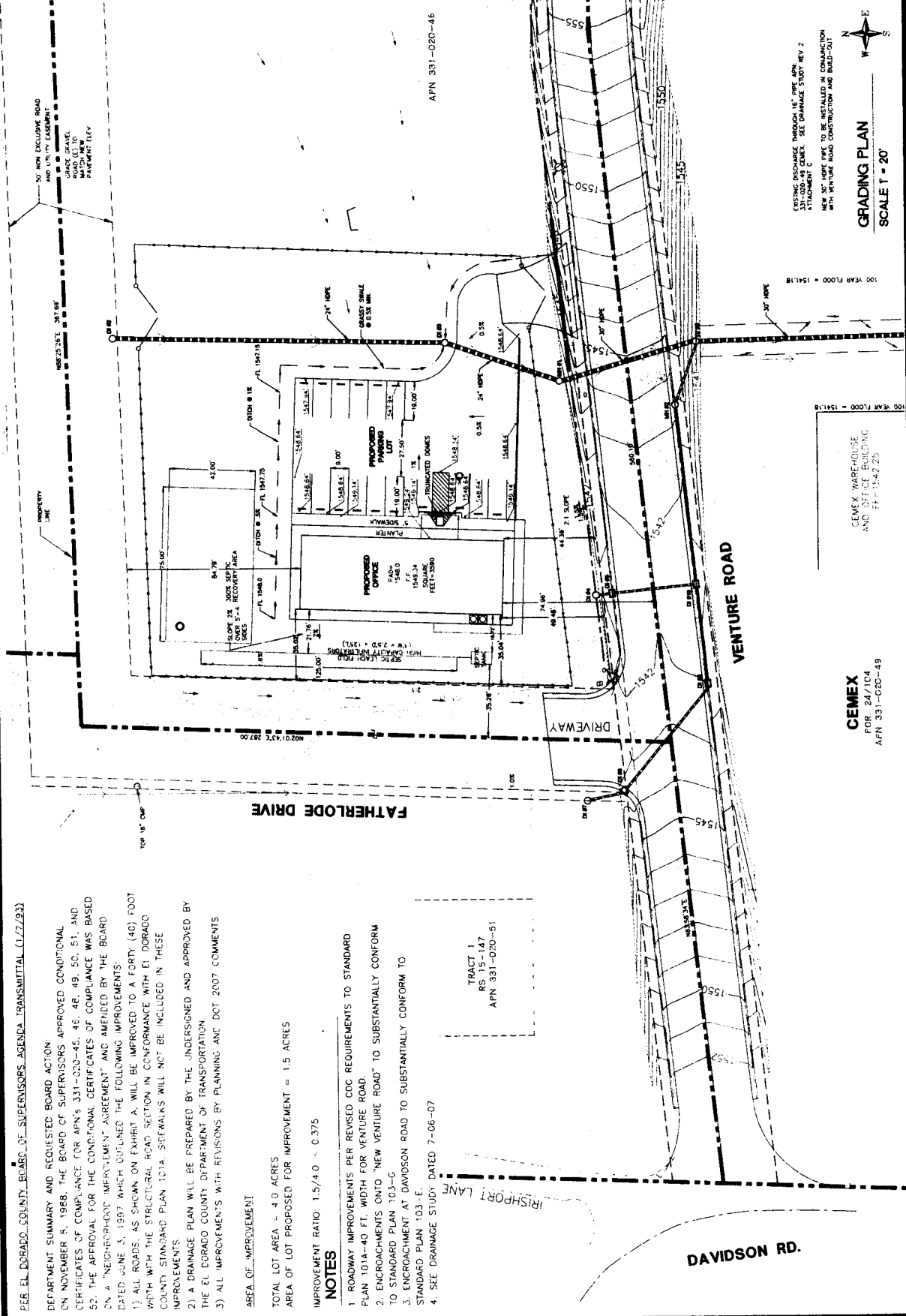
100 YEAR FLOOD = 1541.18



GRADING PLAN  
SCALE 1" = 20'

CEMEX WAREHOUSE AND OFFICE BUILDING  
FF = 1542.25

CEMEX  
FOR 24/104  
APN 331-020-49



FILE EL DORADO COUNTY BOARD OF SUPERVISORS AGENCIA TRANSMITTAL (1/27/93)

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:  
ON NOVEMBER 9, 1988, THE BOARD OF SUPERVISORS APPROVED CONDITIONAL CERTIFICATES OF COMPLIANCE FOR APN'S 331-020-45, 46, 48, 49, 50, 51, AND 52. THE APPROVAL FOR THE CONDITIONAL CERTIFICATES OF COMPLIANCE WAS BASED ON A "NEIGHBORHOOD IMPROVEMENT AGREEMENT" AND AMENDED BY THE BOARD DATED JUNE 3, 1997 WHICH OUTLINED THE FOLLOWING IMPROVEMENTS:

- 1) ALL ROADS, AS SHOWN ON EXHIBIT A, WILL BE IMPROVED TO A FORTY (40) FOOT WIDTH WITH THE STRUCTURAL ROAD SECTION IN CONFORMANCE WITH EL DORADO COUNTY STANDARD PLAN 101A. SIDEWALKS WILL NOT BE INCLUDED IN THESE IMPROVEMENTS.
- 2) A DRAINAGE PLAN WILL BE PREPARED BY THE UNDERSIGNED AND APPROVED BY THE EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION.
- 3) ALL IMPROVEMENTS WITH REVISIONS BY PLANNING AND DOT 2007 COMMENTS.

AREA OF IMPROVEMENT

TOTAL LOT AREA = 4.0 ACRES  
AREA OF LOT PROPOSED FOR IMPROVEMENT = 1.5 ACRES

IMPROVEMENT RATIO: 1.5/4.0 = 0.375

**NOTES**

1. ROADWAY IMPROVEMENTS PER REVISED COC REQUIREMENTS TO STANDARD PLAN 101A-40 FT. WIDTH FOR VENTURE ROAD.
2. ENCROACHMENTS ONTO "NEW VENTURE ROAD" TO SUBSTANTIALLY CONFORM TO STANDARD PLAN 103-G.
3. ENCROACHMENT AT DAVIDSON ROAD TO SUBSTANTIALLY CONFORM TO STANDARD PLAN 103-E.
4. SEE DRAINAGE STUDY, DATED 7-06-07

TRACT 1  
RS 15-147  
APN 331-020-51

COC 88-0127 R



# EXHIBIT F

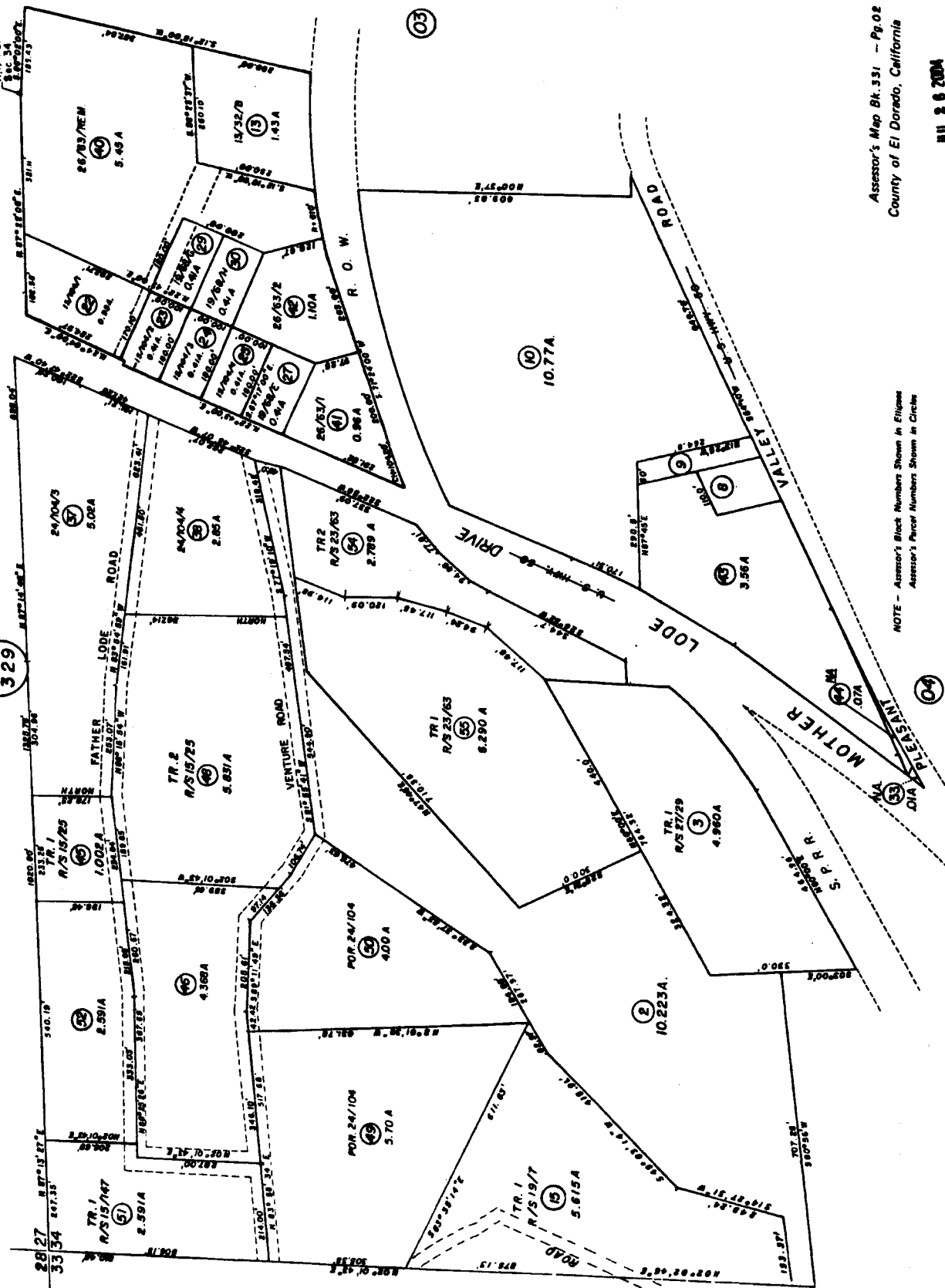
331:02

Tax Area Code

POR. N. 1/2 SEC. 34, T. 10N, R. 10E, M. D. M.

BK. 329

BK. 319



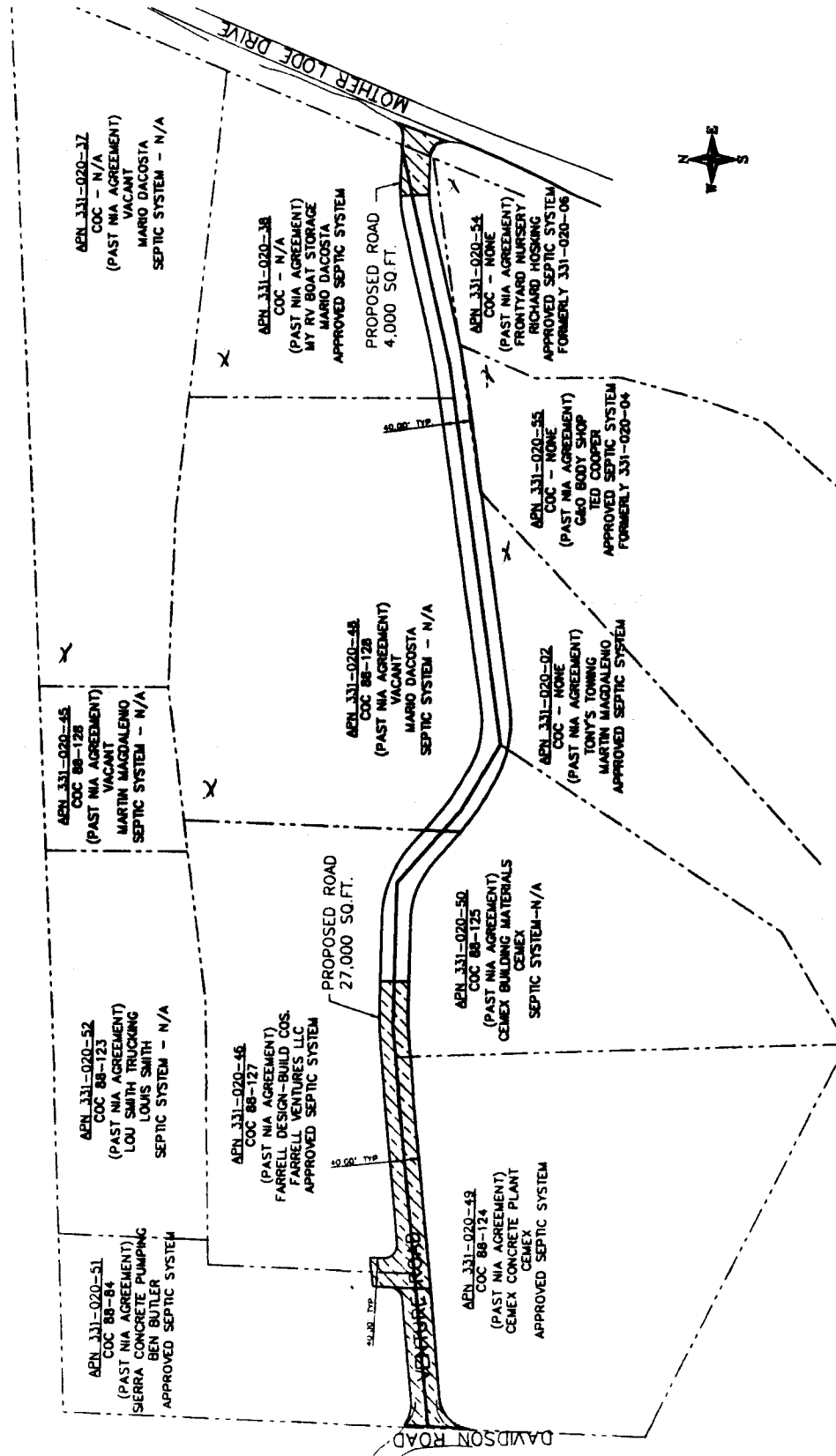
NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 331 - Pg. 02  
County of El Dorado, California

JUL 2 9 2004

ROAD IMPROVEMENTS PROPOSED BY APPLICANT

EXHIBIT G



1988 NIA PROPERTIES & CURRENT OWNERS 12-18-08 FIGURE 1

EXHIBIT H



**El Dorado Irrigation District**

George W. Osborne - *President*  
Division 1

George A. Wheelton - *Vice - President*  
Division 4

John R. Fraser - *Director*  
Division 2

Bill George - *Director*  
Division 3

Harry J. Norris - *Director*  
Division 5

In Reply Refer to: FML1108-285

November 4, 2008

Pierre Rivas  
Principal Planner - Development Services Department  
El Dorado County  
2850 Fairlane Court  
Placerville, CA 95667

Subject: 3025 Venture Road

Dear Mr. Rivas:

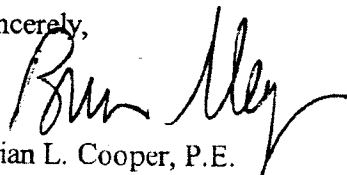
The purpose of this letter is to provide El Dorado County with El Dorado Irrigation District's (EID) opinion of enforcing provision four of the Neighborhood Improvement Agreement for the industrial parcels between Mother Lode Drive and Davidson Road, specifically parcel # 331-020-46. Apparently, this agreement is a requirement of Conditional Certificate of Compliance #88-123 thru 128.

If this industrial area came to EID and requested wastewater service as a new development, they would be required to construct a gravity sewer collection system, a sewer lift station and force main designed and built to District standards and then dedicated to EID to own, operate and maintain. Total participation from the property owners in this area would be required to facilitate the design, funding, and construction of these District wastewater facilities.

At this point in the development process it does not seem reasonable to require this amount of sewer infrastructure to be constructed. Based on this set of circumstances EID strongly recommends that parcel # 331-020-46 be allowed to utilize a septic system.

If you have any questions, please contact Marc Mackay at (530) 642-4135 or Brian Cooper at (530) 642-4019.

Sincerely,



Brian L. Cooper, P.E.  
Senior Engineer  
Water/Hydro Engineering Division

MM/BC:sk

cc: Katie Farrell, 685 Placerville Drive, Placerville, CA 95667

## DEVELOPMENT SERVICES DEPARTMENT

County of  
EL DORADO<http://www.co.el-dorado.ca.us/devservices>PLANNING  
SERVICES

**PLACERVILLE OFFICE:**  
 2850 FAIRLANE COURT  
 PLACERVILLE, CA 95667  
 (530) 621-5355  
 (530) 642-0508 Fax  
 Counter Hours: 8:00 AM to 4:00 PM  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)

**LAKE TAHOE OFFICE:**  
 3368 LAKE TAHOE BLVD. SUITE 302  
 SOUTH LAKE TAHOE, CA 96150  
 (530) 573-3330  
 (530) 542-9082 Fax  
 Counter Hours: 8:00 AM to 4:00 PM  
[tahoebuild@co.el-dorado.ca.us](mailto:tahoebuild@co.el-dorado.ca.us)

**EL DORADO HILLS OFFICE:**  
 4950 HILLSDALE CIRCLE, SUITE 100  
 EL DORADO HILLS, CA 95762  
 (916) 941-4967 and (530) 621-5582  
 (916) 941-0269 Fax  
 Counter Hours: 8:00 AM to 4:00 PM  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)

March 5, 2007

Michael Farrell  
 685 Placerville Drive  
 Placerville, CA 95667

Re: Venture Road Improvements  
 COC88-127  
 APN 331-020-46

Dear Michael:

I have reviewed the proposed road improvements that we discussed with engineering staff, and we have determined that the full improvements to Venture Road will satisfy the requirements of COC88-127 as amended by the Board of Supervisors. As discussed previously with the Department of Transportation, these improvements are a 40-foot road surface with 8" of class 2 aggregate base and 3" of asphaltic concrete, with curb and gutter on each side. The road improvements shall run from Mother Lode Drive to Davidson Road. Encroachment improvements to both roads shall meet the requirements of the Department of Transportation. These improvements are in lieu of the required improvements set forth by the Board of Supervisors in their action of June 3, 1997.

Staff finds that the improvements to Venture Road will provide superior access to the existing industrial development. It is expected that subsequent development of the vacant lots along the northerly access road (referred to as Father Lode Drive) will be required to make the necessary improvements to that road as the development occurs.

These improvements shall be completed prior to obtaining a clear certificate of occupancy. The needed grading or construction permits for the road, along with encroachment permits, shall be issued prior to or concurrently with the issuance of building permits for your development project.

Please contact me if you have any questions.

Sincerely,

Peter N. Maurer  
Principal Planner

cc: Bruce Person, DOT

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# EXHIBIT J

December 18, 2008

El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Subject: Urgent Request for Resolution to Amend COC 88-127  
APN 331-020-46  
Building permit No. 171396

Dear Board of Supervisors,

Farrell Ventures LLC respectfully requests project approval: Development Services and the El Dorado County Board of Supervisors are requested to approve Resolution to Amend COC 88-127 for the subject property at 3025 Venture Rd., APN 331-020-46 in Placerville, CA.

Farrell Ventures LLC (FVS) requests to be placed on the Board Agenda as soon as possible to request for approval of the Resolution to Amend (waiver and modification) the Certificate of Compliance 88-127.

**Please consider the following:**

At this time, FVS cannot move forward with any design, improvements, or mortgage financing. COC 88-127 describes certain improvements that FVS agrees to install. The attached Venture Road History presents a summary of changes and modifications made to the subject Certificates of Compliance over the past 20 years (see attached). Upon examination of the Conformed Board Agendas for 1988, 1991, and 1997, we have found numerous occasions where the Board did exercise the right to waive and modify some, any, many, none and/or all conditions recommended by the Planning Commission for the Certificates of Compliance. We request that with the same authority that the Board had to waive the above, the Board also waive and modify for COC 88-127. Members of FVS have lived and worked in El Dorado County for 30 years. The current conditions imposed upon FVS are unfair, unclear, and will cause cessation of a business that employs more than 20 people and vendors in the County and contributes taxes to the County.

**FVS proposes the following Resolution to Amend, waive, and modify COC 88-127:**

1. Whereas it is the commitment of Farrell Ventures LLC to operate its business in El Dorado County, provide financial assurance to install road improvements equal to an area required by the COC 88-127, to install Road Encroachments from Venture Road to Davidson Road and Venture Road to Mother Lode Drive thereby creating Safety in the County, and to prepare the complete Venture Road Improvement plans for approval.
2. Whereas approval of this Resolution to Amend COC 88-127 will allow recordation of completion of construction for the project and add new appraised value to County tax rolls.

Farrell Ventures LLC, 2040 Altos Circle, Placerville, CA 95667  
Tel (530) 621-4867 Fax (530) 621-4837

09-1039.A.22

3. FVS requests final inspection of the building at 3025 Venture Rd. Placerville, CA 95667, Building Permit No. 171396. The building and site improvements are substantially complete at this time. The project has been final signed-off by Diamond Springs/El Dorado Fire Department, Environmental Management, and El Dorado Irrigation District as of June 2008.
4. FVS requests the County Board of Supervisors waive the sewer cited by the COC 88-127 at this time. EID has recommended that the sewer requirement be waived for our project in their letter dated November 4, 2008 (see attached). Please note that land development has proceeded in the Venture Road area since 1988 with approved septic systems; including an approved and inspected septic system for the subject parcel. The County, EID and Environmental Management have already approved this building project with septic system design and subsequently have signed-off final on the installed septic system. A new sewer in Venture Road would be ineffectual as all of the current businesses on the road currently utilize septic systems and cannot bear the cost of remodeled construction for their individual sites and the cost of hooking up to a new sewer service.
5. FVS is committed to build an area of Road equal to the frontage portion of road required by the COC 88-127 for its parcel. These frontage requirements were verbally provided by Planning and defined by DOT in their plan check review dated January 12, 2007 as " ... 1/2 width improvements plus 4 feet along the frontage of your parcel in compliance with current standards is an acceptable alternative to the drawings as submitted." This road frontage equals an area of approximately 31,000 square feet of road. This is an issue of major contention, as County staff have envisioned that FVS shall build the entire Venture Road from Davidson to Mother Lode. As well, the County staff have revised the COC requirements for the road. This position is extremely inequitable as CEMEX, Sierra Concrete Pumping, G&O Towing, 5 Star Automotive, Tony's Towing, and Front Yard Nursery use the road as much or more than FVS. In an effort to create road safety and build the COC 88-127 road requirement, FVS proposes and is committed to:
  - a. Build Venture Road full width including the encroachment at Davidson to approximately 1625 feet east which equals about 27,000 square feet, and
  - b. Build the Venture Road encroachment to Mother Lode Drive which equals about 4,000 square feet (see attached Figure 1).
  - c. This proposal increases overall traffic Safety in the County at two encroachments to Venture Road and meets the square footage of frontage road improvement required by the COC 88-127 for our parcel.
6. Due to the current economic climate, immediate construction of the Road encroachments is not feasible. Consequently, FVS will prepare the Venture Road Improvement Plans as noted in 5.a and 5.b above for approval by DOT. FVS will provide financial assurance of the

proposed Road improvements noted in 5.a and 5.b above via a performance bond based on a Road Improvement Agreement executed with the County.

7. FVS requests occupancy of the building at 3025 Venture Rd. Placerville, 95667, Building Permit No. 171396, upon the County Department's agreement to recommend this Resolution to Amend for the Board's approval.

**Closing**

We are hopeful that the Board of Supervisors will see the value in supporting a local business that employs County citizens and desires to increase safety at two busy County Road encroachments.

Please let us know if you have any questions regarding our request (530) 621-4867.

Respectfully,  
Farrell Ventures LLC

Katie Farrell  
Member

Tom Farrell  
Managing Member

Attachments: Certificate of Compliance 88-127  
Venture Road History  
Map showing proposed Venture Road Improvements