

EL DORADO COUNTY  
BOARD OF SUPERVISORS  
AGENDA TRANSMITTAL  
Meeting of August 21, 2007

|  |  |
|--|--|
| <b>AGENDA TITLE: Administrative Relief From Agricultural Setback</b>   |  |
| <b>DEPARTMENT: Board of Supervisors</b>  | <b>DATE: August 14, 2007</b> <b>CAO USE ONLY</b>   |
| <b>CONTACT: Supervisor Ron Briggs</b>  | <b>PHONE: 621-6513</b>   |
| <b>DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION: Supervisor Briggs requesting on behalf of Burt &amp; Jo Harrell (Art &amp; Jill De Werk) Administrative Relief from Agricultural Setback for the Harrell's mobile home that is located on (APN 089-090-03/De Werk) within the agricultural setback.</b>              |  |
| <b>CAO RECOMMENDATION:</b>   |  |
| <b>Financial impact? ( ) Yes ( ) No</b>  | <b>Funding Source: ( ) Gen Fund ( ) Other</b>  |
| <b>BUDGET SUMMARY:</b><br>Total Est. Cost       \$ _____<br>Funding<br>Budgeted                 \$ _____<br>New Funding            \$ _____<br>Savings*                \$ _____<br>Other                     \$ _____<br>Total Funding Available       \$ _____<br>Change in Net County Cost     \$ _____<br>* Explain | <b>CAO Office Use Only:</b><br>4\5's Vote Req.               ( ) Yes ( ) No<br>Change in Policy               ( ) Yes       ( ) No<br>New Personnel                 ( ) Yes ( ) No<br><b>CONCURRENCES:</b><br>Risk Management<br>County Counsel<br>Other |
| <b>BOARD ACTIONS:</b>  |  |
| <b>Vote: Unanimous _____ Or</b><br><br><b>Ayes:</b><br><br><b>Noes:</b><br><br><b>Abstentions:</b><br><br><b>Absent:</b><br>Rev. 7/96 j:\agenda\win96  | I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.<br><br><b>Date:</b><br><br><b>Attest: CINDY KECK, Board of Supervisors Clerk</b><br><br><b>By:</b>                    |

**Attached are documents sequencing the permitting process of Permit #16751 – Parcel APN 089-090-03, submitted by Burt & Jo Harrell:**

**March 2, 2005 - The first meeting with the Planning Department, we were told that a large percentage of the adjoining property was grazing land with no setbacks and given the attached document, exhibit (1)**

**September 9, 2005 – Plan Review is approved for hardship TMA (exhibit 3)**

**September 9, 2005 -Plot Plan Approval for minimum setbacks of 30 feet, (exhibit 3a)**

**September 16, 2005 – First Permit issued for TMA, (exhibit 4)**

**September 22, 2005 – Newspaper article regarding the escalating road impact fees prompted us to try to make the home permanent, (exhibit 5)**

**October 5, 2005 – We went back to Planning and paid all the necessary fees: Building, DOT, school, etc. \$12, 678.20, (exhibit 6)**

**October 13, 2005 – Received our approved Permanent Permit from Planning**

**We received the Certificate of Compliance to notarize and have recorded and bring back to planning. We were called a few days later and were asked to destroy the Document, see note, (exhibit 8)**

**October 13, 2005 – We received the letter from the Planning Department revoking the Permanent Permit due to planning error. On October 17, 2005, we requested a refund in writing and two weeks later we received a phone call stating our request for refund was denied with no reason given, (exhibit 9)**

**October 17, 2005 – We were issued and received a third (3<sup>rd</sup>) permit. We are now returned to TMA “Hardship” Permit, (exhibit 10)**

**October 23, 2005 – the day before, with the house completed and all utilities functional – “A Stop Work Order” was placed on our front door. Apparently the neighbors had complained about the setback, (exhibit 11)**

**November 11, 2005 – We sent a letter to Greg Fuz. By the middle of January, 2006, most of our “held” funds for the permanent Permit were refunded thanks to Donna Terp. The Fire Department denied the refund, (exhibit 12 and 12a “Fire Dept”)**

**At this point, we were desperate to move into this home on which we have spent most of our retirement and 9 months of unbelievable stress. We were told by Planning that we could be in by the holidays if we signed this final Notice of Restriction. At this point we would have signed our lives away to get into our home, (exhibit 13)**

**June 16, 2006 – Final inspection and sign off sheet, (exhibit 14 & 14a)**

**Dec 20, 2005 to May 19, 2006 – Various correspondence and Agricultural Commission Agenda, Parcel Map, (exhibit 15)**

Given to us by Tom Dougherty in March 21 05

- B. Changes in each of the zoning districts of the unincorporated portion of the county may be changed by ordinance of the board of supervisors according to criteria established within this article. The changes shall be incorporated into official county index maps and sectional district maps and shall be made a part of this article by reference. (Ord. 3182 §1, 1981: Ord. 3174 §5, 1981: prior code §9405)

17.06.150 Special setbacks for agricultural protection.

- A. Notwithstanding any other provision, where agricultural and timber uses abut noncompatible uses as defined in Section 17.06.050, the following setbacks shall apply:

We are pre-1983

| Use                    | Williamson Act                             | Parcels Created Subsequent to August 11, 1983  |   |
|------------------------|--|--|---|
|                        | Parcels in Existence as of August 11, 1983 | Abutting Agricultural Land Located in Agricultural Districts or Timberland in Natural Resource Districts | Abutting Agricultural Land or Timberland Located in Rural Regions |
| Timberland             | No special setback if 10 acres or less     | 200 feet   | 200 feet  |
|                        | 200 feet is greater than 10 acres          | 50 feet if subject parcel located in Community Region or Rural Center                                    |   |
| Horticulture           | 100 feet if 5 to 20 acres                  | 200 feet   | 200 feet if 10 acres or larger                                    |
|                        | 200 feet if greater than 20 acres          | 50 feet if subject parcel located in Community Region or Rural Center                                    | None if less than 10 acres  |
|                        | No special setback if less than 5 acres    |  |   |
| Grazing Land           | None                                       | 200 feet   | 200 feet if 10 acres or larger                                    |
|                        |  | 50 feet if subject parcel located in Community Region or Rural Center                                    | None if less than 10 acres  |
| High-density Livestock | 50 feet if less than 5 acres               | 200 feet   | 200 feet if 10 acres or larger                                    |
|                        | 100 feet if greater than 5 acres           | 50 feet if subject parcel located in Community Region or Rural Center                                    | None if less than 10 acres  |
|                        | 200 feet if greater than 10 acres          |  |   |

Kat 199 projects  
 next door is  
 WAC #167  
 (25)

**Measurement.** The setback shall be measured from the property line of the abutting noncompatible use.

- B. - **New Agricultural Zoning.** Where new timberland or agricultural land is created subsequent to the adoption of this ordinance outside of agricultural districts designated in the general plan the special setbacks established in subsection A shall not apply except on parcels subdivided after the establishment of the agricultural or timber zoning.
- C. **Administrative Relief.** The County shall adopt by resolution of the Board of Supervisors criteria for providing administrative relief from the setback requirements established in subsection A.  
 (Ord. 4458 §1, 1997)

17.060.160 Family day care homes - permitted use. Family day care homes are considered to be a permitted accessory use in all zone districts which list single-family dwellings as a permitted use. As such, family day care homes must meet the same development standards applicable to a single family dwelling within the zone district in which it is located. (Ord. 4324, 1994)



**PLACERVILLE OFFICE:**  
2850 FAIRLANE COURT  
PLACERVILLE, CA 95667  
(530) 621-5775  
(530) 622-1708 Fax  
Counter Hours: 7:30 AM to 4:30PM  
[bdgdept@co.el-dorado.ca.us](mailto:bdgdept@co.el-dorado.ca.us)  
[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 & 542-9082 Fax  
Counter Hours: 8-12 PM & 1-4 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 & (530) 621-5582  
(916) 941-0269 Fax  
Counter Hours: 7:30-12 PM & 1-4 PM  
[bdgdept@co.el-dorado.ca.us](mailto:bdgdept@co.el-dorado.ca.us)  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)

PC# 167651

9/9/05

A **PLAN REVIEW** has been completed on your proposed project by the Building Department. Revisions to the plans are required. Please find our comments below. Note that a separate review of your site plan will be made by the *Planning Department*. Check our website for the review status of other agencies.

- Submit a revised plan per our comments. Also, please return the *original plans*.
- Revised plans may be reprinted, or revisions made on the original plans (in ink) if sufficient clarity and keying is retained.
- Return a copy of the plan check comments *noting where on the plans the corrections have been made*.
- Drop off the corrected plans at the Building Department permit center. No appointment is necessary. Allow up to five working days for the revised plans to be reviewed. **Plans will not be reviewed over the counter.** Plan examiners are available by appointment only.

Thank you for your cooperation,

*MD*

Tom Davis  
Building Inspector II

**Site review comments:**

1. Approved.

**Structural Comments:**

1. Provide a Approved California Stamp or a engineered design for the foundation system.
2. Indicate on the floor plan, which options are going to be installed, if any.
3. Indicate on the foundation plan and the site/plot plan, where the hitch end is.

cc: owner, applicant



(N) TURNAROUND

301.30'

3A

# Plot Plan

P

NEW DRIVEWAY

El Dorado County Planning Department  
Approved by *Cam Hall*

SEP 09 2005

Plans comply with Zoning Ordinances and Resolutions  
CONDITIONS 167651



| MIN. SETBACKS |     |
|---------------|-----|
| FRONT-        | 30' |
| RT SIDE-      | 30' |
| LT SIDE-      | 30' |
| REAR-         | 30' |

| INDEX TO BLUE PRINT |   |
|---------------------|---|
| p. 1                | Plot Plan<br>Site Plan<br>Driveway profile        |
| p. 2                | Foundation Plan                                   |
| p. 3                | Skyline's "Manufacture Installation for Blocking" |
| p. 4                | Engineering and detail: Anchor Braces.            |

El Dorado County Building Department  
 REGRADING PLAN REVIEW  
 Engineer: *JWD*  
 City Permit: *MAA*  
 Encroachment: *MAA*  
 Addressing: *MAA*

167651

|   |                                 |                      |
|---|---------------------------------|----------------------|
| <b>HARRELL PROJECT</b>  |                                 |                      |
| 1040 GOLD SPRINGS ROAD PLACERVILLE, CA. 95667   |                                 |                      |
| APN: 089-090-031  |                                 | 43.19 ACRES          |
| SCALE: (varies)   | APPROVED BY: <i>[Signature]</i> | DRAWN BY:            |
| DATE: 08/05/2005  |                                 | REVISED:             |
| OWNERS: ART and JILL DeWERK<br>1000 COLD SPRINGS ROAD<br>PLACERVILLE, CA. 95667<br>530 642-2443 |                                 |                      |
| DRAWN BY: R & G LITWIN<br>1540 SPRINGVALE ROAD<br>PLACERVILLE, CA 95667                         | 530 344-8378                    | DRAWING:<br><b>1</b> |



RESIDENTIAL  
09/16/2005

BUILDING NEW

TEMP MANF. DWLNG

14:33:55

# EL DORADO COUNTY BUILDING DEPARTMENT

PLACERVILLE 530-621-5315  
SO LAKE TAHOE 530-573-3330

EL DORADO HILLS 916-941-4967 OR 530-621-5582  
INSPECTIONS PLVL/EDH 530-621-5377 SLT 530-573-3330

**PERMIT: 167651**

**APN: 089-090-03-1**

JOB ADDRESS: 1040 COLD SPRINGS RD

DIRECTIONS: 178 D/6; COLD SPRINGS RD PAST GOLD HILL RD, 1/4 MILE  
ON LEFT SITE.

APPLICANT: DE WERK JILL  
APPL PHONE: (530) 642-2443  
NOTE: SKYLINE

APPL DATE: 08/15/2005 ✓  
ISSUE DATE: 09/16/2005  
EXP DATE: 09/16/2007

SETBACKS: F:      LS:      RS      R:      LOT SIZE:      43.190 COUNTY ROAD: YES

| SPECIFIC USE | TYPE | AREA  | SPECIFIC USE | TYPE | AREA |
|--------------|------|-------|--------------|------|------|
| HARDSHIP MH  | -    | 1,575 |              |      |      |

| INSPECTION           | DATE     | INSPECTOR | INSPECTION           | DATE     | INSPECTOR   |
|----------------------|----------|-----------|----------------------|----------|-------------|
| 1. SITE REVIEW       | 11/10/05 | DEM       | 45. DIRECT VENTS     | /        | /           |
| 2. SETBACK           | 10/10/05 | DEM       | 46. CHIMNEYS         | /        | /           |
| 4. FOOTINGS/FND      | /        | /         | 50. HEAT STOVE/FP    | /        | /           |
| 6. CONC.BLK COMPLET  | /        | /         | 51. TYPE             | /        | /           |
| 8. TILT-UP PANELS    | /        | /         | 52. HVAC-UNIT        | /        | /           |
| 9. SLAB              | /        | /         | 60. FLOOR INSULATION | /        | /           |
| 10. GIRDERS          | /        | /         | 61. WALL INSULATION  | /        | /           |
| 14. INT SHEAR/BR WAL | /        | /         | 62. CEIL INSULATION  | /        | /           |
| 15. EXT SHEAR/BR WAL | /        | /         | 64. MH TIE DOWNS     | 11/10/05 | DEM         |
| 16. ROOF NAIL/DECK   | /        | /         | 65. MH SET-UP        | 12/15/05 | DEM         |
| 17. FRAMING          | /        | /         | 66. SNOW LOAD        | /        | /           |
| 18. SHEETROCK        | /        | /         | 67. TEMPORARY POWER  | /        | /           |
| 19. FIREWALL         | /        | /         | 68. PERMANENT POWER  | 11/9/05  | DEM 200A    |
| 20. LATHING          | /        | /         | 69. GAS SER LP/NAT   | 12/15/05 | DEM         |
| 21. STUCCO/SCRATCH   | /        | /         | 70. LP SNOW PROTECT  | /        | /           |
| 23. T-BAR CEILING    | /        | /         | 73. ROCK GRADE       | /        | /           |
| 24. WATER SUPPLY     | /        | /         | 72. ROUGH GRADE      | /        | /           |
| 25. SEWER            | /        | /         | 71. SUBGRADE         | /        | /           |
| 26. SLAB PLUMBING    | /        | /         | 84. PRE-GUNITE       | /        | /           |
| 27. UND FLR PLUMBING | 12/15/05 | DEM       | 85. DECK EQUIP BOND  | /        | /           |
| 28. TOPOUT PLUMBING  | /        | /         | 88. PRE-PLASTER      | /        | /           |
| 29. SHOWER PAN       | /        | /         | 89. POOL EQUIPMENT   | /        | /           |
| 32. INT GAS TEST     | 11/10/05 | DEM       | 218. LIGHT SEALANT   | /        | /           |
| 31. EXT GAS TEST     | 12/15/05 | DEM       | 300. ENERGY FORMS    | /        | /           |
| 34. WATER HEATER     | /        | /         | 301. AGENCY FORMS    | /        | /           |
| 35. GND ELECTRODE    | /        | /         | 99. HANDICAP         | /        | /           |
| 36. TYPE             | /        | /         | 94. SEPTIC SYSTEM    | 11/1/05  | Paul Peters |
| 37. UND GROUND ELECT | 11/9/05  | DEM 12    | 95. EID FINAL        | /        | /           |
| 38. GFI/ARC FAULT    | /        | /         | 96. ENCROACHMT FINAL | /        | /           |
| 39. ROUGH ELECT      | /        | /         | 97. DRIVEWAY FINAL   | /        | /           |
| 40. MAIN PANEL       | /        | /         | 98. GRADING FINAL    | /        | /           |
| 41. SUB PANEL        | /        | /         | 102. PERMIT FINAL    | /        | /           |
| 42. UND FLR DUCTS    | 12/15/05 | DEM       |                      |          |             |
| 43. DUCTWORK         | /        | /         |                      |          |             |
| 44. GAS FLUES        | /        | /         |                      |          |             |

# JOB

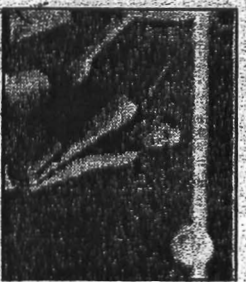
5



Automotive / A-12  
Mid-size  
high style



Sports / A-10  
Area volleyball  
results



THURSDAY  
SEPTEMBER 22, 2005

Vol. 154 - No. 151  
2 Sections  
20 Pages  
4 Supplements  
50868-00101

\*\*\*\*\*  
JILL M. WERN  
1000 HILD SPRINGS RD  
PLACERVILLE, CA 95667-9445

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# Mountain View

## County ups road fees on new construction

ACK program endured a verbal beating from the public before its adoption Tuesday evening, an adoption approved 3-1, reluctantly. For most of the evening, the El Dorado County Board of Supervisors seemed split 2-2 on whether or not to adopt the inter-

in program. It was Supervisor Rusty Dupray who tipped the balance in favor of adoption, but only after four hours of discussion and some cautionary words. "I'm not happy with this but we need to stop the bleeding," Dupray said after making his motion to accept staff's recommendation. Many grumbled in the audience after the vote. Supervisors Helen Baumann and Jack Sweeney, who seconded the motion, voted with Dupray. Supervisor Charlie Paine voted against it. Paine said he didn't have enough confidence in the numbers presented to approve the new interim fee program. The fees in the interim program are based on the expected cost of projects deemed necessary by the General Plan (\$630 million) minus fund balance already set aside for such projects (\$74 million), expected state and federal funding (\$99 million), cost reductions from phasing certain inter-

see FEES, page A-5

|                                     | Zone 1   | Zone 2   | Zone 3   | Zone 4   | Zone 5   | Zone 6   | Zone 7   | Zone 8   |
|-------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|
| Single family residential           | \$12,749 | \$28,384 | \$28,384 | \$13,594 | \$12,852 | \$16,870 | \$14,587 | \$22,686 |
| Office, per square foot             | \$1.94   | \$2.65   | \$2.65   | \$2.10   | \$2.09   | \$2.09   | \$2.10   | \$2.14   |
| General commercial, per square foot | \$7.53   | \$10.34  | \$10.34  | \$8.17   | \$8.17   | \$8.17   | \$8.17   | \$8.36   |



6

EL DORADO COUNTY  
BUILDING DEPARTMENT

RECEIPT #: 109064  
PAYMENT DATE: 10/05/2005

RECEIVED FROM: RAMONA HARRELL  
PARCEL ID: 089-090-03-1

|                 |                   |             |
|-----------------|-------------------|-------------|
| PERMIT # 167651 | DOT TIM FEE       | 3,379.00    |
|                 | DOT STATE RAZ2-5  | 1,678.00    |
|                 | FIRE/NON-SPK-EDC  | 1,100.00    |
|                 | DOT CENTRAL DIST  | 1,414.00    |
|                 | BUILDING FEE-PERM | 1,113.30    |
|                 | SITE ADDRESSING   | 25.00       |
|                 |                   | \$ 8,709.30 |

TOTAL: \$ 8,709.30

RECEIVED BY: BLPFM

*Handwritten initials*  
INITIALS

CHECK# 2106 \$ 8,709.30

BLPFM-10/05/2005-16:03:35

CASH \$ 0.00

5



# El Dorado County Office of Education

## RECEIPT FOR PAYMENT OF DEVELOPER FEES

*Handwritten notes:*  
Planning 8709.30  
Schools 3969  
Tot: \$12,678.30

Vicki L. Barber, Ed.D.  
Superintendent

Francie Heim  
Deputy Superintendent

Cathy Bean  
Deputy Superintendent

**County Board of Education**

Dolores Garcia  
John Lane  
Matt Boyer  
Gene Rasmussen  
Heidi Weillana

Received From: Harrell

Application # 167651 Parcel # 089 090 03 1

Amount Received \$ 3969 Date Received 10.7.05

County Office of Education Representative Candy Hicks

6





RESIDENTIAL  
10/05/2005

BUILDING NEW

2ND PERM.MANUF.DWELL  
16:08:55

# EL DORADO COUNTY BUILDING DEPARTMENT

PLACERVILLE 530-621-5315  
SO LAKE TAHOE 530-573-3330

EL DORADO HILLS 916-941-4967 OR 530-621-5582  
INSPECTIONS PLVL/EDH 530-621-5377 SLT 530-573-3330

**PERMIT: 167651**

**APN: 089-090-03-1**

JOB ADDRESS: 1040 COLD SPRINGS RD

DIRECTIONS: 178 D/6; COLD SPRINGS RD PAST GOLD HILL RD, 1/4 MILE  
ON LEFT SITE.

APPLICANT: DE WERK JILL  
APPL PHONE: (530) 642-2443  
NOTE: SKYLINE DOUBLE WIDE 2005 MODEL #7448 CT

APPL DATE: 08/15/2005  
ISSUE DATE: 09/16/2005  
EXP DATE: 09/16/2007

SETBACKS: F:      LS:      RS      R:      LOT SIZE:      43.190 COUNTY ROAD: YES

| SPECIFIC USE  | TYPE | AREA  | SPECIFIC USE | TYPE | AREA |
|---------------|------|-------|--------------|------|------|
| PERMANENT M/H |      | 1,575 |              |      |      |

| INSPECTION           | DATE | INSPECTOR | INSPECTION           | DATE | INSPECTOR |
|----------------------|------|-----------|----------------------|------|-----------|
| 1. SITE REVIEW       | / /  |           | 45. DIRECT VENTS     | / /  |           |
| 2. SETBACK           | / /  |           | 46. CHIMNEYS         | / /  |           |
| 4. FOOTINGS/FND      | / /  |           | 50. HEAT STOVE/FP    | / /  |           |
| 6. CONC.BLK COMPLET  | / /  |           | 51. TYPE             | / /  |           |
| 8. TILT-UP PANELS    | / /  |           | 52. HVAC-UNIT        | / /  |           |
| 9. SLAB              | / /  |           | 60. FLOOR INSULATION | / /  |           |
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| 28. TOPOUT PLUMBING  | / /  |           | 88. PRE-PLASTER      | / /  |           |
| 29. SHOWER PAN       | / /  |           | 89. POOL EQUIPMENT   | / /  |           |
| 32. INT GAS TEST     | / /  |           | 218. LIGHT SEALANT   | / /  |           |
| 31. EXT GAS TEST     | / /  |           | 300. ENERGY FORMS    | / /  |           |
| 34. WATER HEATER     | / /  |           | 301. AGENCY FORMS    | / /  |           |
| 35. GND ELECTRODE    | / /  |           | 99. HANDICAP         | / /  |           |
| 36. TYPE             | / /  |           | 94. SEPTIC SYSTEM    | / /  |           |
| 37. UND GROUND ELECT | / /  |           | 95. EID FINAL        | / /  |           |
| 38. GFI/ARC FAULT    | / /  |           | 96. ENCROACHMT FINAL | / /  |           |
| 39. ROUGH ELECT      | / /  |           | 97. DRIVEWAY FINAL   | / /  |           |
| 40. MAIN PANEL       | / /  |           | 98. GRADING FINAL    | / /  |           |
| 41. SUB PANEL        | / /  |           | 102. PERMIT FINAL    | / /  |           |
| 42. UND FLR DUCTS    | / /  |           |                      |      |           |
| 43. DUCTWORK         | / /  |           |                      |      |           |
| 44. GAS FLUES        | / /  |           |                      |      |           |

7

RECORDING REQUESTED BY:

EL DORADO COUNTY PLANNING DEPARTMENT

WHEN RECORDED, RETURN TO:

NAME: El Dorado Co. Planning Dept.  
MAILING ADDRESS: 2850 Fairlane Court  
CITY, STATE, ZIP: Placerville, CA 95667

*Notice of Restriction*  
*This was given to us after we were given a permit for a permanent house.* **8**

SPACE ABOVE RESERVED FOR RECORDERS USE

NOTICE OF RESTRICTION

NOTICE IS HEREBY given that a development limitation is imposed on the parcel designated as Assessor Parcel No. 089-090-03-1 as noted in the Official Records of the County of El Dorado.

This Notice of Restriction is imposed as a result of condition(s) placed on that site plan review of Building Permit Nos. 167651. Said development limitation follows:

- a. Either the proposed primary dwelling authorized by the referenced permits or the existing secondary residence identified as "existing" in the plans submitted may be rented; however, one of these single-family dwellings must be occupied by the property owner. The renting of both the secondary and primary dwelling is prohibited by County Code.
- b. The second dwelling cannot in the future be enlarged to exceed 1200 square feet if detached, or exceed 30 percent of the primary single-family dwelling floor area if attached to such dwelling.
- c. Any current or future improvements or attachments to the second dwelling, or any portion of the structure not currently enclosed, or unfinished shall not be improved or converted to additional second dwelling floor area if such conversion would exceed the maximum allowable floor area square footage described in "b" above. Further, no such conversion can occur without making application for a building permit.

Said notice of restriction shall be binding upon the heirs, assigns and successors in interest of the grantors, and shall remain in effect until rescinded by El Dorado County. The purpose of the Notice of Restriction is to give constructive notice of the development restriction.

By \_\_\_\_\_  
Property Owner(s)

STATE OF CALIFORNIA )  
COUNTY OF EL DORADO )

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, Notary Public \_\_\_\_\_, personally known to me, satisfactory evidence to be the person whose name is subscribed to the instrument, acknowledged to me that (s)he executed the same in his/her signature on the instrument the person or the entity upon be instrument.

WITNESS my hand and official seal.

*10/07/05 -*  
*As Discussed*  
*1. NOTARY SIGN*  
*2. RECORD*  
*3. Return Recorded Document (and/or Copy) to PLANNING*  
*Thanks*  
*[Signature]*

Notary Public in and for said State



**PLACERVILLE OFFICE:**  
2850 FAIRLANE COURT  
PLACERVILLE, CA 95667  
(530) 621-5775  
(530) 622-1708 Fax  
Counter Hours: 7:30 AM to 4:30 PM  
[blgddept@co.el-dorado.ca.us](mailto:blgddept@co.el-dorado.ca.us)  
[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: 8-12 PM and 1-4 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: 7:30 AM to 4:30 PM  
[blgddept@co.el-dorado.ca.us](mailto:blgddept@co.el-dorado.ca.us)  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)

October 13, 2005

Jill De Werk  
1000 Cold Springs Road  
Placerville, Ca 95667

Re: Permit #167651; APN: 089-090-03

Dear Mrs. De Werk:

In follow up to our recent conversations, this letter is to confirm that the above referenced permit for a second residential unit was issued in error. Your parcel is governed by a Williamson Act Contract (WAC) which allows only one permanent single family residential unit. Pursuant to policy, a permit for a temporary mobile home (TMA) may be issued on land governed by a WAC if the application is found consistent with the requirements of the TMA process. Such a permit was issued on August 08, 2005. Subsequently, the TMA permit was converted to a second residential unit permit without out any disclosure and/or discovery of your WAC's existence. This permit conversion is inconsistent with the requirements of your WAC and accordingly, no work or inspection by the County of any work done without a proper permit can occur.

*not true!*

The requirements of your WAC necessitate the withdrawal of permit #167651 and the submittal of a new application for a building permit for your temporary mobile home (TMA 05-0035) permit already approved and on file. Attached is the paperwork necessary to make this happen. Unless you choose to revise TMA 05-0035, the TMA file's paperwork and the actually plans already submitted for permit #167651 can be transferred to the new application. You will receive a full refund for permit #167651. However, appropriate and applicable fees will be due for the building permit for the construction of the hardship mobile home at the time of that permit's issuance.

Thank you for your understanding and assistance in this matter. Should you have any further questions on this matter, please do not hesitate to call. I may be reached at the numbers found on the letterhead above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Millard".

Mark Millard  
Associate Planner

cc: Virgil Toothaker, El Dorado County Building Services  
Lynda Sund, El Dorado County Building Services  
Bill Stephans, Agricultural Commissioner

10

RESIDENTIAL  
10/17/2005

BUILDING NEW

TEMP MANF. DWLING

10:07:55

EL DORADO COUNTY BUILDING DEPARTMENT

PLACERVILLE 530-621-5315  
SO LAKE TAHOE 530-573-3330

EL DORADO HILLS 916-941-4967 OR 530-621-5582  
INSPECTIONS PLVL/EDH 530-621-5377 SLT 530-573-3330

PERMIT: 167651

APN: 089-090-03-1

JOB ADDRESS: 1040 COLD SPRINGS RD

DIRECTIONS: 178 D/6; COLD SPRINGS RD PAST GOLD HILL RD, 1/4 MILE  
ON LEFT SITE.

APPLICANT: DE WERK JILL  
APPL PHONE: (530) 642-2443  
NOTE: 2005 SKYLINE #7448 CT

APPL DATE: 08/15/2005  
ISSUE DATE: 09/16/2005  
EXP DATE: 09/16/2007

SETBACKS: F:      LS:      RS      R:      LOT SIZE:      43.190 COUNTY ROAD: YES

| SPECIFIC USE | TYPE | AREA  | SPECIFIC USE | TYPE | AREA |
|--------------|------|-------|--------------|------|------|
| HARDSHIP MH  | -    | 1,575 |              |      |      |

*TMA*  
*Permit 2nd and final Hardship MH*

| INSPECTION           | DATE | INSPECTOR | INSPECTION           | DATE | INSPECTOR |
|----------------------|------|-----------|----------------------|------|-----------|
| 1. SITE REVIEW       | / /  |           | 45. DIRECT VENTS     | / /  |           |
| 2. SETBACK           | / /  |           | 46. CHIMNEYS         | / /  |           |
| 4. FOOTINGS/FND      | / /  |           | 50. HEAT STOVE/FP    | / /  |           |
| 6. CONC.BLK COMPLET  | / /  |           | 51. TYPE             | / /  |           |
| 8. TILT-UP PANELS    | / /  |           | 52. HVAC-UNIT        | / /  |           |
| 9. SLAB              | / /  |           | 60. FLOOR INSULATION | / /  |           |
| 10. GIRDERS          | / /  |           | 61. WALL INSULATION  | / /  |           |
| 14. INT SHEAR/BR WAL | / /  |           | 62. CEIL INSULATION  | / /  |           |
| 15. EXT SHEAR/BR WAL | / /  |           | 64. MH TIE DOWNS     | / /  |           |
| 16. ROOF NAIL/DECK   | / /  |           | 65. MH SET-UP        | / /  |           |
| 17. FRAMING          | / /  |           | 66. SNOW LOAD        | / /  |           |
| 18. SHEETROCK        | / /  |           | 67. TEMPORARY POWER  | / /  |           |
| 19. FIREWALL         | / /  |           | 68. PERMANENT POWER  | / /  |           |
| 20. LATHING          | / /  |           | 69. GAS SER LP/NAT   | / /  |           |
| 21. STUCCO/SCRATCH   | / /  |           | 70. LP SNOW PROTECT  | / /  |           |
| 23. T-BAR CEILING    | / /  |           | 73. ROCK GRADE       | / /  |           |
| 24. WATER SUPPLY     | / /  |           | 72. ROUGH GRADE      | / /  |           |
| 25. SEWER            | / /  |           | 71. SUBGRADE         | / /  |           |
| 26. SLAB PLUMBING    | / /  |           | 84. PRE-GUNITE       | / /  |           |
| 27. UND FLR PLUMBING | / /  |           | 85. DECK EQUIP BOND  | / /  |           |
| 28. TOPOUT PLUMBING  | / /  |           | 88. PRE-PLASTER      | / /  |           |
| 29. SHOWER PAN       | / /  |           | 89. POOL EQUIPMENT   | / /  |           |
| 32. INT GAS TEST     | / /  |           | 218. LIGHT SEALANT   | / /  |           |
| 31. EXT GAS TEST     | / /  |           | 300. ENERGY FORMS    | / /  |           |
| 34. WATER HEATER     | / /  |           | 301. AGENCY FORMS    | / /  |           |
| 35. GND ELECTRODE    | / /  |           | 99. HANDICAP         | / /  |           |
| 36. TYPE             | / /  |           | 94. SEPTIC SYSTEM    | / /  |           |
| 37. UND GROUND ELECT | / /  |           | 95. EID FINAL        | / /  |           |
| 38. GFI/ARC FAULT    | / /  |           | 96. ENCROACHMT FINAL | / /  |           |
| 39. ROUGH ELECT      | / /  |           | 97. DRIVEWAY FINAL   | / /  |           |
| 40. MAIN PANEL       | / /  |           | 98. GRADING FINAL    | / /  |           |
| 41. SUB PANEL        | / /  |           | 102. PERMIT FINAL    | / /  |           |
| 42. UND FLR DUCTS    | / /  |           |                      |      |           |
| 43. DUCTWORK         | / /  |           |                      |      |           |
| 44. GAS FLUES        | / /  |           |                      |      |           |

JOB



EL DORADO COUNTY BUILDING DEPARTMENT



PLACERVILLE:  
2850 Fairlane Court  
Placerville, CA 95667  
(530) 621-5315 FAX 622-1708  
Counter Hours: 7:30 to 3 M-F

LAKESIDE:  
368 Lake Tahoe Blvd. #302  
So. Lake Tahoe, CA 96150  
(530) 573-3330 FAX 542-9082  
Counter Hours: 8-12 & 1-4 M-F

EL DORADO HILLS:  
4980 Hillside Cir. Ste.A  
El Dorado Hills, CA 95762  
(530) 621-5582  
(916) 941-4967 FAX 941-0269  
Counter Hours: 7:30-12:30 & 1-4 M-F

STOP WORK

APN: 089-090-03 PERMIT #: 167651

NAME \_\_\_\_\_

LOCATION: 1040 Cold Springs

YOU ARE ORDERED TO STOP WORK FOR THE FOLLOWING REASONS:

① 200' agricultural setback  
needed from property line to house -  
prior setback information was  
incorrect.

grazing land  
setback (none)? p. 4.

You must obtain required permits or clearance from the Building Inspection Division no later than 10 days or legal action will be taken.

Date: 11-23-05 Inspector: Ray 13

K:\form\stopwork 10/01

Ray Wikand

12

November 30, 2005

Mr. Gregory Fuz  
Development Services Director  
2850 Fairlane Ct. Bldg. C  
Placerville, CA 95667

RE: Permit #167651 - APN: 089-090-3-1

Dear Mr. Fuz:

I address this letter to you to ask for your help in a most grievous situation concerning our experiences with the Development Services Department.

In March 2005 we came to the Planning Dept. to begin the process of installing a hardship case temporary mobile home on our daughter and son-in-law's 43 acre property. I am seventy years old and being treated for arthritis and a heart condition. My husband is a World War II veteran with high blood pressure and a severe hearing disability.

On 9/7/05 after satisfying the requirements of the permitting process, we were issued a TMA Permit. On 9/22/05 the Mtn. Democrat headlined an article, "County ups road tax on new construction." We became concerned, and asked Planning if we should go for a Permanent Bldg. Permit, It was suggested that it was probably a good idea because of the possibility of higher fees in the future. We were given a good sized figure of cost which we paid. We were happily awarded the Permanent Building Permit.

Several weeks went by and we received a call and the letter that I have enclosed for your reference dated October 13, 2005 from Mark Millard, Assoc. Planner, this letter revokes our Permanent Dwelling Permit. It is curious, in the reference Mark made "TMA was converted to a second residence without any disclosure and/or discovery of your WAG'S Existence." because at no time did we try to conceal the fact that we were in the Williamson's Act as his letter implies. Quite the contrary we referred to it often all through the permitting process.

Not true

We were then issued the second TMA and guaranteed a full refund of money due to the fact that the permit was issued in error. On 10/17/05 we were asked to write a note of request by D.O.T. for the road fee refund, which we did. Two weeks later we received a call from Shelly Baker stating our refund was denied. We asked on what grounds? We still have not received a refund from D.O.T. or an answer to the question.

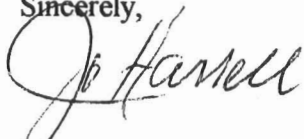
Believing that the ordeal was coming to a close, we turned our attention to the newly constructed home and delighted as the power lines, phone lines and septic, were installed and covered. Finally, with the installation of the carpet last, we were counting the days when we could move in our last home, close to our caring family.

Then, on the day before Thanksgiving, all our hopes and dreams turned into horror when we found a STOP WORK order posted to the door by the Building Department. It stated that we have to have a 200 foot setback to the neighbors property --a setback that was never, ever mentioned before by any of your employees throughout the back and forth with three permit process reviews.

We are old senior citizens and truly not able to fight all that red tape that has been put in our way so far. Our life savings has been deposited into this house, and instead of celebrating the holidays in our final home, we find ourselves homeless and forced to live in a 19' travel trailer.

Please help us out of this situation. We are desperate.

Sincerely,



Burton and Jo Harrell

12A



**EL DORADO COUNTY  
FIRE PROTECTION DISTRICT**  
P.O. Box 807 / 4040 Carson Road / Camino, CA 95709  
(530) 644-9630 • Fax (530) 644-9636

January 21, 2006

Art & Jill deWerk  
1000 Cold Springs Rd  
Placerville, CA 95667

RE: Parcel # (APN): 089-090-03  
Permit # 167651

Mr. and Mrs. deWerk,

At the regularly scheduled meeting, February 08, 2006, the El Dorado County Fire Protection District Board of Directors declined your request to waive the \$1,100.00 Development Fee for a structure on APN 089-090-03-1.

Regards,

Patti Kellogg  
Administrative Assistant  
Board Secretary

Cc: Building Department

**B. DEVELOPMENT FEE REFUND REQUEST-**

Property owners of APN 089-090-03 in the Placerville area are requesting a development fee refund on fees paid on a modular home placed on the property as a temporary mobile home.

**ACTION TAKEN** – Director Courtial moved to deny the request for a refund and Director Weidmer seconded the motion.

**AYES:** Courtial, Mahach, Trumbly and Weidmer

**NOES:** None

**ABSTAIN:** Amaral



**RECORDING REQUESTED BY:**

EL DORADO COUNTY PLANNING DEPARTMENT

WHEN RECORDED, RETURN TO:

NAME: El Dorado Co. Planning Dept.  
MAILING ADDRESS: 2850 Fairlane Court  
CITY, STATE, ZIP: Placerville, CA 95667

13

SPACE ABOVE RESERVED FOR RECORDERS USE

**NOTICE OF RESTRICTION**

**NOTICE IS HEREBY** given that a development limitation is imposed on the parcel designated as Assessor Parcel No. **089-090-03** as noted in the Official Records of the County of El Dorado.

This Notice of Restriction is imposed as a result of condition(s) identified through the review of County records, observations made by County staff during a site visit, and the evaluation of application materials pertaining to **Building Permit No. 167651**. The applicant requests approval of Building Permit #167651 to authorize the temporary placement and use of a manufactured dwelling (i.e. mobilehome) as a residence on the subject property. The development limitations imposed on Assessor's Parcel Number 089-090-03 are as follows:

1. The occupancy of the manufactured dwelling (mobilehome) shall be limited to family members or other qualified residents consistent with the requirements of Sections 17.52.030 and 17.52.040 of the Title 17 Zoning Ordinance of the El Dorado County Code.
2. The temporary authorization granted under Building Permit #167651 shall expire in two years from the date of permit issuance in accordance with Section 17.52.040.A of the Title 17 Zoning Ordinance.
3. The undersigned acknowledges and agrees that the required setback of the proposed manufactured dwelling from the adjacent agricultural property is two hundred (200) feet pursuant to Policy 8.1.3.2 of the El Dorado County General Plan.
4. As the proposed temporary manufactured dwelling would be located approximately 80 feet from an adjacent agriculturally-zoned and cultivated land, Building Permit #167651 shall not be eligible for renewal unless the Agriculture Commission grants administrative relief from the setback requirement of Policy 8.1.3.2 of the General Plan. Absent such relief, the proposed manufactured dwelling shall be removed upon expiration of the temporary authorization granted under Building Permit #167651.
5. The undersigned acknowledges that the temporary manufactured dwelling subject to Building Permit #167651 is located in proximity to active agricultural operations on an adjacent parcel and accepts, as a pre-existing condition, any noise, dust, odors, emissions or other emanation from these operations that may affect the use of the proposed manufactured dwelling.
6. The undersigned acknowledges that it is the policy of El Dorado County to conserve and protect agricultural land and to encourage agricultural operations pursuant to Section 17.13 ("Right to Farm") of the Title 17 El Dorado County Zoning Ordinance.

13

This notice of restriction shall be binding upon the heirs, assigns and successors in interest of the grantors, and shall remain in effect until rescinded by El Dorado County. The purpose of the Notice of Restriction is to give constructive notice of the development restriction.

By \_\_\_\_\_  
Property Owner(s)

STATE OF CALIFORNIA )  
COUNTY OF EL DORADO )

On this \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me  
\_\_\_\_\_, Notary Public, personally appeared,  
\_\_\_\_\_, personally known to me or proved to me on the basis of  
satisfactory evidence to be the person whose name is subscribed to the within instrument and  
acknowledged to me that (s)he executed the same in his/her authorized capacity, and that by his/her  
signature on the instrument the person or the entity upon behalf of which the person acted, executed the  
instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public in and for said State

13

EL DORADO COUNTY BUILDING DEPARTMENT

PLACERVILLE 530-621-5315  
SO LAKE TAHOE 530-573-3330

EL DORADO HILLS 916-941-4967 OR 530-621-5582  
INSPECTIONS PLVL/EDH 530-621-5377 SLT 530-573-3330

PERMIT: 167651

APN: 089-090-03-1

JOB ADDRESS: 1040 COLD SPRINGS RD

DIRECTIONS: 178 D/6; COLD SPRINGS RD PAST GOLD HILL RD, 1/4 MILE  
ON LEFT SITE.

APPLICANT: DE WERK JILL  
APPL PHONE: (530) 642-2443  
NOTE: SKYLINE

APPL DATE: 08/15/2005 ✓  
ISSUE DATE: 09/16/2005  
EXP DATE: 09/16/2007

SETBACKS: F:      LS:      RS      R:      LOT SIZE:      43.190 COUNTY ROAD: YES

| SPECIFIC USE | TYPE | AREA  | SPECIFIC USE | TYPE | AREA |
|--------------|------|-------|--------------|------|------|
| HARDSHIP MH  | -    | 1,575 |              |      |      |

| INSPECTION           | DATE     | INSPECTOR | INSPECTION           | DATE     | INSPECTOR   |
|----------------------|----------|-----------|----------------------|----------|-------------|
| 1. SITE REVIEW       | 11/10/05 | DEM       | 45. DIRECT VENTS     | /        | /           |
| 2. SETBACK           | 10/10/05 | DEM       | 46. CHIMNEYS         | /        | /           |
| 4. FOOTINGS/FND      | /        | /         | 50. HEAT STOVE/FP    | /        | /           |
| 6. CONC.BLK COMPLET  | /        | /         | 51. TYPE             | /        | /           |
| 8. TILT-UP PANELS    | /        | /         | 52. HVAC-UNIT        | /        | /           |
| 9. SLAB              | /        | /         | 60. FLOOR INSULATION | /        | /           |
| 10. GIRDERS          | /        | /         | 61. WALL INSULATION  | /        | /           |
| 14. INT SHEAR/BR WAL | /        | /         | 62. CEIL INSULATION  | /        | /           |
| 15. EXT SHEAR/BR WAL | /        | /         | 64. MH TIE DOWNS     | 11/10/05 | DEM         |
| 16. ROOF NAIL/DECK   | /        | /         | 65. MH SET-UP        | 12/15/05 | DEM         |
| 17. FRAMING          | /        | /         | 66. SNOW LOAD        | /        | /           |
| 18. SHEETROCK        | /        | /         | 67. TEMPORARY POWER  | /        | /           |
| 19. FIREWALL         | /        | /         | 68. PERMANENT POWER  | 11/9/05  | DEM 200A    |
| 20. LATHING          | /        | /         | 69. GAS SER LP/NAT   | 12/15/05 | DEM         |
| 21. STUCCO/SCRATCH   | /        | /         | 70. LP SNOW PROTECT  | /        | /           |
| 23. T-BAR CEILING    | /        | /         | 73. ROCK GRADE       | /        | /           |
| 24. WATER SUPPLY     | /        | /         | 72. ROUGH GRADE      | /        | /           |
| 25. SEWER            | /        | /         | 71. SUBGRADE         | /        | /           |
| 26. SLAB PLUMBING    | /        | /         | 84. PRE-GUNITE       | /        | /           |
| 27. UND FLR PLUMBING | 12/15/05 | DEM       | 85. DECK EQUIP BOND  | /        | /           |
| 28. TOPOUT PLUMBING  | /        | /         | 88. PRE-PLASTER      | /        | /           |
| 29. SHOWER PAN       | /        | /         | 89. POOL EQUIPMENT   | /        | /           |
| 32. INT GAS TEST     | 11/10/05 | DEM       | 218. LIGHT SEALANT   | /        | /           |
| 31. EXT GAS TEST     | 12/15/05 | DEM       | 300. ENERGY FORMS    | /        | /           |
| 34. WATER HEATER     | /        | /         | 301. AGENCY FORMS    | /        | /           |
| 35. GND ELECTRODE    | /        | /         | 99. HANDICAP         | /        | /           |
| 36. TYPE             | /        | /         | 94. SEPTIC SYSTEM    | 11/1/05  | Paul Patena |
| 37. UND GROUND ELECT | 11/9/05  | DEM 12    | 95. EID FINAL        | /        | /           |
| 38. GFI/ARC FAULT    | /        | /         | 96. ENCROACHMT FINAL | 6/6/06   | gf          |
| 39. ROUGH ELECT      | /        | /         | 97. DRIVEWAY FINAL   | /        | /           |
| 40. MAIN PANEL       | /        | /         | 98. GRADING FINAL    | /        | /           |
| 41. SUB PANEL        | /        | /         | 102. PERMIT FINAL    | 6/16/06  | Dem         |
| 42. UND FLR DUCTS    | 12/15/05 | DEM       |                      |          |             |
| 43. DUCTWORK         | /        | /         |                      |          |             |
| 44. GAS FLUES        | /        | /         |                      |          |             |

JOB  
Inspector Dan Gougalin  
Final



**EL DORADO COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

Inspection Requests: [www.co.el-dorado.ca.us/building](http://www.co.el-dorado.ca.us/building)  
or call (530) 621-5377 (western slope) - (530) 573-3330 (SLT)

Counter Hours: PV 7:30 - 4:30 PM EDH 7:30 - 12 and 1-4 PM SLT 8 - 12 and 1-4

**INSPECTION NOTES**

PERMIT #: 167651 APN: 089-090-03

**If a plan revision is required, all inspection services will be suspended until the plans are revised, approved and all fees paid.**

**This building has been inspected and the following must be corrected and approved prior to being concealed:**

TEMP MANUF. DWELING REMOVED,  
OWNER SHOWN BACK OF OFFICE  
CAND WHICH STATES: "... DEADLINE  
FOR REMOVAL OF TEMP. MANUF. DWELING  
IS DEC. 15, 2007"

Date: 6-16-06 Inspector: [Signature]

DAN COUGHLIN

d:\Forms\Clerical\Insp Notes

The Inspector said, "Planning" told him to be sure we had a copy of these inspection notes when he came to sign off the final. This inspector is fairly new - he worked for the Planning Dept in Woodside, CA before coming here

14A





# AGRICULTURAL COMMISSION

311 Fair Lane  
Placerville, CA 95667  
(530) 621-5520  
(530) 626-4756 FAX  
[eldcag@co.el-dorado.ca.us](mailto:eldcag@co.el-dorado.ca.us)

*Howard Neilsen, Chair – Livestock Industry*  
*Greg Boeger, Vice-chair – Agricultural Processing Industry*  
*Edio Delfino – Fruit and Nut Farming Industry*  
*David Pratt – Fruit and Nut Farming Industry*  
*Lloyd Walker – Other Agricultural Interests*  
*Gary Ward – Livestock Industry*  
*John Winner – Forestry/Related Industries*

February 24, 2006

Art and Jill DeWerk  
1000 Cold Springs Road  
Placerville, CA 95667

**RE: SECOND (TEMPORARY) DWELLING ON WILLIAMSON ACT CONTRACT LAND THAT IS LOCATED WITHIN THE 200 FOOT AGRICULTURAL SETBACK**

Dear Mr. and Mrs. DeWerk:

This is to notify you that at the February 8, 2006, Agricultural Commission meeting, the Commission requested to agendize your project in order to personally discuss with you their concerns.

**Your item has been agendized for the March 8, 2006 meeting.** Enclosed is a copy of the meeting agenda. The meeting starts at 7:00pm and will be held in the Board of Supervisors Meeting Room at 330 Fair Lane–Building A, Placerville.

Please contact me at (530) 621-5520 if you have any questions.

Sincerely,

Char Tim  
Clerk to the Agricultural Commission

Enclosure

cc: Brian Baca, Planning Services

647-2586



# AGRICULTURAL COMMISSION

311 Fair Lane  
Placerville, CA 95667  
(530) 621-5520  
(530) 626-4756 FAX  
[eldcag@co.el-dorado.ca.us](mailto:eldcag@co.el-dorado.ca.us)

Howard Neilsen, Chair – Livestock Industry  
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Edio Delfino – Fruit and Nut Farming Industry  
Dave Pratt – Fruit and Nut Farming Industry  
Lloyd Walker – Other Agricultural Interests  
Gary Ward – Livestock Industry  
John Winner – Forestry/Related Industries

## AGENDA

**March 8, 2006; 7:00pm**

**Board of Supervisors Meeting Room  
330 Fair Lane - Building A, Placerville, California**

*Public testimony will be received on each agenda item as it is called.*

*Items not on the agenda may be addressed by the general public during Public Forum. Speaking time will be limited to five minutes. Public Forum is for comments only. No action will be taken on these items unless they are scheduled on a future agenda.*


*The recommendations of the staff, as shown, do not prevent nor discourage the Agricultural Commission from taking other action.*

*To ensure timely delivery to the Agricultural Commission, written information from the public must be received by the Agriculture Department by the last Thursday prior to the meeting. The Agriculture Department cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Commission prior to action on the subject matter.*

*All Agricultural Commission meetings are tape recorded. Anyone wishing to purchase a recorded tape of an Agricultural Commission meeting may do so under the California Public Records Act process for \$5.00 per tape by contacting the Agriculture Department after action has been taken.*

*Written minutes of the Agricultural Commission can be accessed at <http://www.co.el-dorado.ca.us/eq/commissionagenda.html> or by contacting the Agriculture Department utilizing the California Public Records Act request process.*

*Pursuant to Government Code §54954.2, any person with a disability who requires a modification or accommodation in order to participate in this public meeting is to contact the Agriculture Department by 4:00pm the day of the meeting.*

- I. CALL TO ORDER
  - II. APPROVAL OF AGENDA
  - III. APPROVAL OF MINUTES
    - Minutes of February 8, 2006, Meeting
  - IV. PUBLIC FORUM
  - V. Presentation by Carolyn Craig from the Air Quality Management District (AQMD) on fugitive dust and the impacts of SB 700
  - VI. Agricultural Commission requesting discussion with Art and Jill DeWerk (Burton and Jo Harrell) regarding their Temporary Hardship Application which was unilaterally approved by Development Services allowing a second (temporary) dwelling on Williamson Act Contract land that is located within the 200 foot agricultural setback of the adjacent Exclusive Agriculture (AE) parcel for a non-renewable 2-year period without prior review or comment by the Agricultural Commission (Gold Hill Agricultural District – District IV)
- 

*We were totally unaware of the Nov '05 and the Dec '05 mtg. regarding APN #089-090-03*

- Unaware of how this information is going to be used in the future. Intent now vs. future applications. If it wasn't there before, it shouldn't be there now.

Members of the public expressed their agreement that the 10% FAR for agriculture should not be included in the General Plan and it should be researched as to how it got in the General Plan. It was also suggested that if there must be a FAR limitation for agriculture, it should either be in the zoning ordinance or used as a rough guideline.

**Steven Hust will do more research on this issue and will report back to the Commission at the January 11, 2006, meeting.**

**VI. Dennis Look requesting Discussion and Recommendation on Planning Services' current processing of Hardship Applications requesting temporary housing on Williamson Act Contract land which allows staff to approve as a ministerial permit without the Agricultural Commission's input (continued from November 9, 2005, meeting)**

17. at 2 Roger Trout stated that in regards to the property (APN#089-090-03) adjacent to Dennis Look's Williamson Act Contract (WAC) property, which was discussed at the last meeting, the Permit Center staff is currently handling this issue. This parcel, which is in the Gold Hill area and in a WAC, was issued a hardship mobile home permit and a building permit. It was brought to Planning Services' attention that it was not meeting the 200 foot agricultural setback. Mr. Trout stated that Planning Services found that the 200 foot setback should have been applied and the permit, along with the existing issues, was reviewed by the Development Services Director, Greg Fuz. It was decided that under the Temporary Mobile Home permit, it would only be valid for two (2) years with no renewal and a draft Notice of Restriction was created. This Notice of Restriction will stay with the property in the event the property is sold. The property owner will sign this and acknowledge the following limitations (in summary):

1. The manufactured dwelling will be limited to family members.
2. The temporary authorization granted will expire in two (2) years.
3. The undersigned acknowledges and agrees that the required setback of the proposed dwelling is 200 feet pursuant to the General Plan and zoning.
4. Since the proposed temporary manufactured dwelling would be located approximately 80 feet from an agriculturally-zoned and cultivated land, the building permit will not be eligible for renewal unless the Agricultural Commission grants Administrative Relief from the setback.
5. The undersigned acknowledges that the temporary manufactured dwelling is located in proximity to active agricultural operations on adjacent parcel and accepts, as a pre-existing condition, any noise, dust, odors, emissions or other emanation from these operations.
6. The undersigned acknowledges that it is the policy of El Dorado County to conserve and protect agricultural land and to encourage agricultural operations pursuant to the Right-to-Farm Ordinance and the County Zoning Code.

Commission Member Boeger questioned what would happen if the property owner chose NOT to sign the Notice of Restriction. Mr. Trout believes the Notice of Restriction is just the laying out of the current law and it will be applied with or without the signed Notice of Restriction. It is also his understanding that staff came to the conclusion that the existing permits were too far into the process. However, since this is a temporary permit, they do have the authority to not re-issue it.

Commission Member Neilsen stated that the manufactured home is already there and it looks very permanent. Mr. Trout assured the Commission that even though those homes look permanent, they are temporary and are removable.

Mr. Trout gave an overview of the history of this project. The owners had applied for a Second Residential Unit, which they were notified was not possible. Mr. Trout stated that the file notes do not indicate the reason that was given to the applicants. By practice, a 1200 square foot second residential unit has been allowed. Another issue that was discussed was the fact that the parcel was an older parcel and it was flagged for "Development Eligibility Review"; it needed a Certificate of Compliance. The applicants were directed through this process as well. The applicants started the process under the Second Residential Unit and paid Road Impact Fees. In addition, Environmental Management conducted a site visit concluding that they needed a separate septic system. This project was bouncing between departments for months, then came back through Planning Services as a Temporary Mobile Home permit as the accepted process because they couldn't have the permanent dwelling. At some point, the 200 foot agricultural setback issue got lost. While reviewing the file notes, Mr. Trout saw that there was one determination where a couple of staff members consulted each other and somehow concluded the 200 foot setback did not apply. When questioned, the staff members could not recall why they would have reached that conclusion in this case. Mr. Trout had no explanation except that it was a clear mistake on their part.

Commission Member Boeger questioned what type of assurance was there to ensure that at the 2 year mark (August 2007) this wouldn't slip through. Bill Stephans stated that the Agriculture Department staff could assist in keeping track of that expiration date.

Dennis Look stated that he viewed this as a form of development and was very concerned that this would become a "poster child", all without the Agricultural Commission's input. He also stated that his liability, his right to farm, is based on a 200 foot setback. Mr. Look stated that this project was stopped by Code Enforcement. When confronted, Mr. Look stated the property owners told him that they were going to the Board of Supervisors. Mr. Look felt that if this project had gone before the Agricultural Commission or if someone other than himself had gone to look at the project, it never would have happened.

The Commission discussed the possibility of having items A and B included with Item D in the Temporary Mobile Home ordinance section and to include all agriculture lands. Mr. Trout stated that he was willing to take it back to Planning Services to consider it as an interim departmental policy that they would run through the Agricultural Commission for an advisory comment until the code is amended.

Commission Member Winner felt that the Commission should also go on record as objecting to the proceedings occurring on APN#089-090-03 and their concern that there are some extenuating circumstances that could come back in the next 2 years that could be very harmful. He also agreed with Mr. Look's opinion concerning liability issues.

**Motion #1**

***It was moved by Mr. Delfino and seconded by Mr. Boeger requesting that under Chapter 17.52 of the County Code, in regards to Temporary Mobile Homes, Items A, B and D be worded the same, but to include all agriculture lands, not just Exclusive Agriculture (AE). Motion passed.***

**AYES:** Pratt, Walker, Ward, Winner, Boeger, Delfino, Neilsen  
**NOES:** None

Note:  
Art or  
Jill, Th  
"Property  
owners'  
Never  
talked  
to Dennis  
Look  
about  
going  
to the  
Board of  
Supervisors  
As stated!



**Motion #2**

***It was moved by Mr. Winner and seconded by Mr. Ward directing staff to send a letter to Development Services Director, Greg Fuz, stating that the Agricultural Commission objects to the Notice of Restriction process being used on APN#089-090-03 and requests that the matter be referred back to staff and revisited to comply with the appropriate regulations, particularly the 200 foot agricultural setback. Motion passed.***

**AYES:** Boeger, Delfino, Pratt, Walker, Ward, Winner  
**NOES:** None  
**ABSTAIN:** Neilsen

**VII. James M. Juchau requesting a Parcel Split (P 92-53) of a 40-acre residential-zoned parcel located in an Agricultural District to create two 20-acre parcels.**

Roger Trout stated that the property is adjacent to agricultural-zoned property and the General Plan requires a 20-acre minimum, which is what the applicant is proposing. He also indicated that there are two (2) existing homes on the property and the terrain is quite steep between the houses and the ag-zoned land. Planning Services felt that the parcel map was consistent with the policies of the General Plan for agriculture protection. Mr. Trout said that as a side note, this was one of the first projects to be brought to the Agricultural Commission after being on hold due to the General Plan Writ. This map was actually submitted in 1992.

Mr. Trout said that the only policy he is concerned about in the General Plan in regards to this project is a Grazing Land Protection, Policy 8.1.2.2. This policy was not in the General Plan when the applicants first came through and the 1996 General Plan may have had it but he is unsure if the adjacent land was identified as grazing in the previous hearings. Roy Rutz is the adjacent land owner and it is utilized for grazing. The Commission would need to find if the 20 acre parcels would have any detrimental affect on agriculture.

***It was moved by Mr. Boeger and seconded by Mr. Ward recommending approval of James M. Juchau's request (P 92-53) to split APN#060-440-13, consisting of 40 acres, into two 20-acre parcels as there are minimal choice soils and it will not have a detrimental affect on agriculture. Motion passed.***

**AYES:** Delfino, Pratt, Walker, Winner, Ward, Boeger, Neilsen  
**NOES:** None

**VIII. Mother Lode Union School District proposing to purchase a portion of two (2) parcels that are adjacent to Charles Brown School and are also adjacent to Planned Agriculture (PA) zoned land**

Roger Trout explained that pursuant to the General Plan policies, this item was being brought before the Ag Commission because the land proposing to be purchased by the Mother Lode Union School District is adjacent to ag zoned land. Mr. Trout stated that Planning Services needs a recommendation from the Ag Commission, which will then be forwarded to the Planning Commission. Property acquisitions by entities such as the school district, is through the Government Code and they simply need a finding of consistency on the General Plan from the Planning Commission. Mr. Trout stated that the ag-zoned parcel is within the community region of Diamond Springs-El Dorado and has a General Plan designation of HDR, High Density Residential, which is 1 to 5 dwellings per acre, as is the surrounding properties. Mr. Trout informed the Commission that once property is acquired by the school district, it becomes a State-owned property, which supersedes our local jurisdiction and the parcel zoning become irrelevant.



# AGRICULTURAL COMMISSION

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Howard Neilsen, Chair – Livestock Industry  
Greg Boeger, Vice-chair – Agricultural Processing Industry  
Edio Delfino – Fruit and Nut Farming Industry  
David Pratt – Fruit and Nut Farming Industry  
Lloyd Walker – Other Agricultural Interests  
Gary Ward – Livestock Industry  
John Winner – Forestry/Related Industries

December 20, 2005

Greg Fuz, Director  
Development Services  
2850 Fairlane Court, Building C  
Placerville, CA 95667

**SUBJECT: OBJECTION TO NOTICE OF RESTRICTION PROCESS CREATED FOR APN#089-090-03**

Dear Mr. Fuz:

During the Agricultural Commission's December 14, 2005 meeting, the *Commission unanimously passed a motion that objected to the Notice of Restriction process created by Development Services which is being used on APN#089-090-03. In addition, the commission requested that the matter be referred back to staff and revisited to comply with the appropriate regulations, particularly the 200 foot agricultural setback.*

This situation appears to be the unfortunate result of Planning Services' current policy to process Hardship Applications requesting temporary housing on agriculture lands through a ministerial permit without the Agricultural Commission's input. If the Agricultural Commission had been involved in this project, the 200 foot agricultural setback would not have been "lost" in the shuffle and a Notice of Restriction, which would make the permits invalid after 2 years, would not have had to have been created to resolve this issue.

All of the members of the Commission understand that this particular project was very unique in that the applicants originally started this project as a Second Residential Unit, paid Road Impact Fees, went through the Development Eligibility Review, and had a site visit conducted by Environmental Management before going back to Planning Services as a Temporary Mobile Home permit. During this convoluted process, the required 200 foot agricultural setback issue was lost. As a result, the temporary mobile home now sits 80 feet from the boundary line which is an overall reduction of 60% of the required 200 foot agricultural setback.

This property is adjacent to a parcel that is also in the Williamson Act Contract (zoned AE, Exclusive Agriculture). The owner of the adjacent property has articulately expressed his concern to the Agricultural Commission regarding his liability now that the temporary home is within the required setback and that this may become the "norm" for these types of situations. Although the Notice of Restriction was probably meant to resolve the issue with little conflict, the Commission is concerned that there are some extenuating circumstances that could come back in the next 2 years that could be very harmful.

Greg Fuz

December 20, 2005

RE: Notice of Restriction Process

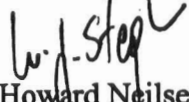
Page 2

In addition, per the Criteria and Procedure for Administrative Relief from Agricultural Setbacks pursuant to Section 17.06.150, it states that "the Planning Director shall approve a reduction in the required setback of up to 50 percent when all of the following apply... (e) The adjacent agricultural land is not zoned either AE, Exclusive Agriculture, or TPZ, Timberland Preserve Zone." Since the adjacent agricultural land is zoned AE, any Administrative Relief granted should be after the Agricultural Commission has reviewed the specific circumstances and not through a Notice of Restriction which appears to allow the violation to continue for two years.

Again, the Commission is requesting that this matter be referred back to staff and revisited to comply with the appropriate regulations, particularly the 200 foot agricultural setback.

I, as well as all of the Commission members wish to work cooperatively with your department and staff to ensure that all parties related to an action are given due process.

Sincerely,

  
Howard Neilsen  
Chair

HN:cmt

cc: Board of Supervisors

March 8, 2006

**TO: El Dorado County Agriculture Commission**

**RE: Hardship Permit  
1000 Cold Springs Road**

**Thank you for allowing me time to share with you the difficult circumstances that have been created by this county government. It is a story that threatens the very existence and well-being of two decent senior citizens, who have toiled for a lifetime to make their living and are now trying to enjoy the autumn of their lives. This has been one of the saddest and difficult situations that I have ever been party to. It has shaken our confidence and trust in the various agencies within the El Dorado County government and hence, those who have been elected by the people. It is disturbing and shameful that Burt and Jo, who are now in the latter years of their lives, must be subjected to the callous hand of government. It makes me wonder how, when the government is supposed to serve the people, that it has somehow managed to instead make victims of them.**

**The distance from my place of employment in the Central Valley to these offices have, prior to these last weeks, precluded me from being able to ~~provide~~ be substantially involved in this matter. Had I known that my in-laws were destined to suffer with the knowledge that their life's savings and physical well-being are at stake, my intervention in this matter would have been much more timely and aggressive. I am not one to allow any entity or institution to run roughshod over any senior citizens – let alone my own in-laws!**



**I understand the nature and legal role of the Ag Commission. As a person who has ranched and farmed from an early age, I have full appreciation for the advisory services you provide to the elected officials of this county. You are in a position to look after the farming interests of the land within the jurisdictional boundaries of El Dorado County. Of course, that is a significant responsibility, but you are human beings first, and you can potentially fulfill a critical role in doing what is right for the Harrels, without compromising the intent of the ag regulations designed to protect the right to farm.**

**I also understand that the County has limited immunity for mistakes made during the course and scope of the services it provides to the public. It is hard to say who would prevail if a civil claim were to be filed against the county in connection with this case. Those involved in the permitting process have made significant mistakes, and as a result, my in-laws are potentially facing costs exceeding \$45,000 to rectify the errors made by those who, by the very nature of their employment, are supposed to be the zoning and regulations enforcement experts. The courts, I am sure, would be troubled by the facts of this case, in any event. But there is an even more important "court," and it is the "court of public opinion." I can only imagine the negative public reaction that is sure to occur as the facts of this situation become known by the larger population.**

**There are many examples of exceptions to the various ag rules and regulations. Some reflect past recommendations of the Ag Commission itself, yet others are defacto sanctioned by this county government through intentional oversight or just plain poor performance. I am, for example, aware of a rental arrangement in my immediate neighborhood that violates the applicable zoning regulations. I will be examining this issue further to establish the accuracy of the information. Any**

further action I might take on this matter is dependent on my findings.

The company that sold Burt and Jo the mobile home, my wife, Jill, and my in-laws, have made every possible effort to comply with all applicable zoning requirements. We are lay persons when it comes to the permitting process. It is [apparently] so cumbersome and difficult, that even the employees themselves cannot consistently agree on the interpretation and application of the regulations. They also have to contend with a set of codes so complex and numerous that they cannot keep track of them all. Perhaps they need an automated system that can put it all together for them? However, given the obscene fees exacted by the county for these permitting services, we should expect better. It needs to be a seamless process that spares customers all of the heartache and suffering that my family members have now endured for months.

The neighbor's concerns about their ability to farm amount to nothing more than the theoretical, and while I am not inclined to debate the validity of the 200' setback requirement, it is clear to me that mitigation efforts can quite easily be introduced to ameliorate the concerns. Such things as trees, the relative position of the mobile home to the complaining neighbor's property and the prevailing northwest winds, render issues like chemical oversprays and dust problems moot.


We are not wed to the exact location of the mobile home. Moving it boils down to an insurmountable financial issue, that a retired school teacher living on a meager income simply cannot handle. The solutions for this are for the Ag Commission to take a position based on practicality, instead of one based on the hypothetical and legalistic. A second option, but one less likely to occur, is for the county to incur all

expenses connected with having to move the mobile home. This would include temporary lodging while the Harrel's home is uninhabitable.

This Ag Commission holds in its hands the ability to make the lives of the Harrels a living hell, facing an uncertain future and the possibility of continued harassment by the very people who are employed to serve them. Think about how you would feel knowing that you may or may not have a home to live in during the coming months? Consider the implications of having your peace and basic life's needs jeopardized as a result of your home having become the centerpiece of a bureaucratic, senseless debate.

I urge you, as Commissioners, to think like humans first and exercise your discretion such that Burt and Jo will have peace and be free of the fear of losing their home. They have earned their place in society, and there is no justification for the "system" to have victimized them. They have the basic right to live out their days in relative comfort and without this awful threat looming above their heads.

There is no practical argument to be made that the neighbor's "right to farm" is somehow compromised. And when any such argument is weighed against Burt and Jo's right to live, is it *not* clearly and irrefutably the true issue of justice and the highest order of business for you to decide on? I ask you to exhibit the qualities of true stewards of both the land and the people of this community. In this case, the two are not mutually exclusive. I will remain for questions.





# AGRICULTURAL COMMISSION

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Lloyd Walker – Other Agricultural Interests  
Gary Ward – Livestock Industry  
John Winner – Forestry/Related Industries

May 19, 2006

Burt and Jo Harrell  
1040 Cold Springs Road  
Placerville, CA 95667

Dear Mr. and Mrs. Harrell:

I am responding to your letter dated April 25, 2006. I am sorry to hear that you were under the impression that a decision was pending from the March 8, 2006, Agricultural Commission meeting. Your item at that meeting was purely for *discussion purposes only*, as indicated on the meeting agenda.

The purpose of the March 8<sup>th</sup> meeting was to gather more information specifically from you regarding your situation. Your unique circumstance was brought to the Commission's attention when it was discovered that they had not been involved in the agricultural setback reduction through the Administrative Relief process, which is the normal procedure. The Commission also wanted to ensure that you were aware that Development Services' approval of your temporary housing within an agricultural setback utilizing a "Notice of Restriction" was unique.

The Commission is extremely concerned over the "Notice of Restriction" condition that requires you to come before them in two (2) years to request Administrative Relief in order to keep your temporary housing in its current location. At this time, the Commission is very doubtful that they would be able to make the required findings, thus, putting them in a "villainous" and awkward position.

At the Commission's request, I am reiterating their suggestions which were provided to you at their March 8, 2006, meeting. Again, they strongly encourage on-going discussions to favorably resolve this issue for all parties concerned prior to the "Notice of Restriction" two (2) year deadline. Commission members also suggest that you research: (1) a Life Estate Concept that would allow the current temporary housing permit to remain valid for the current housing location until your family hardship is resolved; and (2) the cost of moving the temporary housing outside of the 200 foot agricultural setback.

If either the Agricultural Commission or I can be of any further assistance to you regarding this situation, please contact me or my Executive Secretary, Char Tim, at (530) 621-5520. Thank you.

Sincerely,

A handwritten signature in black ink that reads "W. J. Stephans".

WILLIAM J. STEPHANS  
Secretary to the Agricultural Commission

WJS:cmt

cc: Greg Fuz, Director, Development Services  
Laura Gill, CAO  
Art and Jill DeWerk, property owners



