

File Number: P99-003(A)  
Date Received: 1-8-07

Receipt No.: 23267  
Amount: \$200.00

**APPEAL FORM**

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT: Jerry & Julie Reither; Steve and Pam Fortune  
ADDRESS: 6321 Silver Ridge Ln; P.O. Box 588 Diamond Springs  
DAYTIME TELEPHONE: 530-644-6665; 530-644-4113

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
DAYTIME TELEPHONE: \_\_\_\_\_

APPEAL BEING MADE TO:  Board of Supervisors  Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

appeal concerns attached

PLANNING DEPARTMENT  
JAN 8 PM 3:11

DATE OF ACTION BEING APPEALED: December 20, 2006

Signature: [Handwritten Signature] Date: 1-4-2007  
[Handwritten Signature] Date: 1-4-07

January 4, 2007

Appeal to El Dorado County Board of Supervisors for File # P99-003

Zoning Committee Decision Date – December 20, 2006

Appeal is for Conditions of Approval on Project P99-003

Appeal filed by: Jerry and Julie Reffner

Steve and Pam Fortune

The Staff Report and Conditions of Approval contain numerous mistakes and statements which are misleading and which have made and continue to make it difficult or impossible for the appellants, who are the adjacent property owners, to understand the requirements imposed upon the project and the impact the approval will have on their property and quality of life. The Staff Report and Conditions of Approval appear to contain several requirements, which the Zoning Administrator later either failed to enforce or require, without specifically addressing the issue or without a finding as to why the requirement was no longer a requirement. The Staff Report and Conditions of Approval evidence a sloppiness and lack of attention to detail that suggest the requirements and impacts of the project were given only cursory review.

The mistakes in the Staff Report and Conditions of Approval include:

- No clear distinction between onsite vs. offsite road improvement and the requirements for each – blanket statements only.
- The Staff Report notes that design waiver had been requested to reduce the required road size from 24 feet to 20 feet with 2foot shoulders. Yet the roads within the project, Silver Ridge Ct and Silver Ridge Lane, do not have consistent 2 ft shoulders, and in some cases no shoulders at all
- A prior requirement that a Road Maintenance agreement either was or must be in place when in actuality there is not one nor does the property owner wish to participate in the organization/implementation of a road maintenance agreement.
- The parcel numbers as stated in the Staff Report and Conditions of Approval are incorrect – parcel one is the new parcel at the top and parcel 2 is the existing parcel where the house currently exists
- The parcel split acreage is incorrect and was discussed in the zoning meeting to make the corrections
- Incorrect listing for fire hydrant location – the street listed is in Diamond Springs and unrelated to the project
- The Staff Report and Conditions of Approval Secondary suggest that access is clearly documented for parcel 1 – yet there is currently no secondary access in place.

As we have investigated this proposed split and met with numerous county employees from DOT, Planning, Supervisor, Surveyors, Fire Chief, etc, we are not receiving any type of consistent answers or information making it all the more difficult to understand what is being required and what the property owners rights are since we are the ones paying for the taxes on the property and the road repairs. In many cases we receive no response at all to phone calls or emails. Isn't it the county's job to ensure their employees

are educated on the laws to provide consistent answers and guidance to their citizens? In addition, on the 29<sup>th</sup> of December 2006 at approximately 11:45am we were informed by Joanne from the zoning department we had until 5pm on the 8<sup>th</sup> of January to turn in our appeal. On January 5<sup>th</sup> we went to the El Dorado County Planning office at 4pm to be denied. We were told the zoning dept stops accepting anyone at 4pm so how can an appeal be handed in until 5pm?

We requested someone from the DOT to come and walk the road with us to help us understand the requirements and this has not happened although the county states they sent an employee out to look at the road. In the zoning meeting the DOT rep clearly states the road has deteriorated but yet there is not accountability in place for the owner of the parcels being split to help maintain the road that will be used for the new parcel access.

Concerns continue to come up about the lack of accountability within the county to provide accurate and consistent information while supporting their citizens and ensure that all property owner's rights are being addressed – not just the people who have new projects. Due to the inconsistency and mistakes made by the county employees, we have to spend our time and dollars picking up the pieces behind the county employees to try and piece together our information and rights.

Our last concern, has come to light pertaining to the accountability and enforcement of the approved zoning requirements. The original Zoning requirements for the Silver Ridge Ct project stated in item 14 (see attachment) that a sign stating "Not a County Maintained Road" with dimensions of 24" x 30" , black on white, be located on Silver Ridge Rd at its intersection with Mt. Aukum. In addition on the same post a W-53 "Not a Through Road" sign shall be placed. We have lived in this neighborhood 6 ½ years and have never seen this sign.

There is a back up attachment detailing our original concerns as well.

10. All grading and erosion control, including driveway construction, shall be in compliance with the requirements of Chapter 15.14 of the El Dorado County Code, Grading, Erosion and Sediment Control Ordinance. A letter of compliance from the local enforcement agency shall be submitted to the Surveyor's Office at the time of filing the parcel map. *BONDED  
SEE DOT  
LTR.*
11. Prior to issuance of a grading permit, an erosion slope stabilization and revegetation plan shall be prepared for review and approval by the El Dorado County Resource Conservation District and the County Department of Transportation. Letters stating said approval by said agencies shall be submitted to the Surveyor's Office prior to filing the parcel map. *BONDED  
SEE DOT  
LTR.*

Street signs, in conformance with Standard Plan 105 (B-1) shall be installed at the Silver Ridge Road and Mt. Aukum Road intersection and at the unnamed road and Silver Ridge Road intersection. All roads will be named in these signs, and each panel will be double sided.

13. A stop sign, per Standard Plan 105-A, shall be installed at the intersection of Silver Ridge Road and Mt. Aukum Road. ✓
14. A "Not a County Maintained Road" sign, 24" by 30", black on white, shall be located on Silver Ridge Road at its intersection with Mt. Aukum Road. On the same post a W-53 "Not a Through Road" sign shall be placed. ✓
15. The access road serving the development shall be named by filing a completed Private Road Name Petition with the County Surveyor's Office prior to filing the final parcel map. ✓
16. An irrevocable offer of dedication of the 50-foot-wide road and public utility easement, including all slope easements, shall be shown on the parcel map. ✓

Where the subdivider is required to make improvements on lands which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Department of Transportation Director for approval:

- A. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements;
- B. Improvement plans prepared by a civil engineer of the required off-site improvements;

December 12, 2006

El Dorado County Zoning Administrator  
Planning Services Department  
2850 Fair Lane  
Placerville, CA 95667

IL  
LIT D  
THEN 

El Dorado County Planning Services  
Attention: Jonathan Fong  
2850 Fair Lane  
Placerville, CA 95667

Re: ***P99-0003 - Garrett Wilkin; Objections to Conditional Approval of Parcel Map and Negative Environmental Impact Report***

Dear Sirs:

We are the owners of the four parcels lying directly adjacent to the eastern boundary of the proposed Parcels of the applicant.<sup>1</sup> We have significant concerns and objections to the proposed parcels split as stated below

**I. HIGH RISK OF EROSION**

The Staff report shows that soil conditions on the proposed site have a high risk of erosion.<sup>2</sup> This risk is highlighted in the environmental impact report which shows that there is a high risk of erosion and that the subject property is subject to rapid runoff.<sup>3</sup> New construction will raise the risk of erosion by alteration of drainage patterns particularly with regard to the development new parcel such as the applicants which are set on a steep hill side.

**II. FIRE RISKS**

The staff report states that the applicant's current parcel has a second access point with a fire safe turnaround.<sup>4</sup> Although this second access point is not identified in the staff report we believe that this access point is a road to which the applicant has the right to pass by permission only which may be revoked at any time. This permission has been

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<sup>1</sup>Mr. & Mrs. Jerry & Julie Reffner are the owners of APN's 078-230-51, 52, and 53; Mr. & Mrs. Steven Fortune & Pamela Crisler- Fortune are the owners of APN 078-230-50.

<sup>2</sup> Staff Report page 2

<sup>3</sup> Environmental impact report page 10 of 23

<sup>4</sup> Staff Report page 2.

of silver Ridge court where it enters the applicants property<sup>5</sup>. This requirement was eminently reasonable given that the next nearest hydrant is approximately 1300 feet away from the proposed parcels. The staff report recommends granting exemption from this requirement based on installation of sprinkling systems in any new homes and a 2500 gallon water storage tank. There is no indication in the staff report as to whether the water storage tank would provide sufficient capacity or pressurization to be adequate for fire suppression outside of the immediate structures or even whether county fire equipment could access the water storage tank in the event of wildfire given the current fire load and increased urban interface in the area.

**III. PRIMARY ACCESS ROADS DO NOT MEET MINIMUM COUNTY REQUIREMENTS AND WILL BE UNSAFE AND OVERBURDENED ; NO ROADWAY MAINTENANCE AGREEMENT OR ASSOCIATION EXIST.**

The applicant requested and obtained a waiver of the minimum 24 foot road standard based on his assertion that Silver Ridge Court was paved 20 feet wide. The staff report states that all off site and on-site roads are 20 feet wide.<sup>6</sup> This is inaccurate as Silver Ridge Court in several locations is paved less than 20 feet wide, and silver Ridge Court does not have consistent two foot shoulders along its entire length and in some areas does not have shoulders at all. One of the findings for approval contained in the staff report states that Silver Ridge Court is maintained by roadway maintenance Association. This statement and assertion is false and no roadway maintenance Association exists. Despite requests by adjacent property owners, the applicant has refused to entertain the notion of entering into a road maintenance agreement or forming a road maintenance Association. Further, under current usage the applicant and his agents and guests routinely travel on this road at excessive speeds creating risk to our families and guests, yet the applicant has refused to entertain speed suppression devices or speed standards of any kind on this road.

We object to each of the following “Findings for Approval” contained in the Notice of Public Hearing on this matter and the incorporated environmental impact report.

1.1 and 1.2; 2.1. 2.2 2.3; and 3.2, 3.3 and 3.4; ; 4.1. 4.2. and 4.3

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Staff report pages 3-4

<sup>6</sup> Staff report page