

# Clerk of the Board

**On June 4, 2008 the prior owners of our parcel obtained approval of a TPM, and a mitigated neg dec was adopted. Due the recession the map was never finalized.**

**My family and I acquired the property and re-applied on November 19, 2019. Based on the previously approved map, we expected a quick reapproval process.**

The county made us aware of several unrelated building code violations which we promptly resolved but we still waited over a year to get to a TAC meeting on June 14, 2021. During this same time frame, it is our understanding that other projects with outstanding code violations were approved.

**After going back and forth responding to planning's requests for information, on June 21, 2022 the Planning Director gave us a checklist which was supposed to represent all outstanding items.**

The 2022 checklist indicated that if we move the easements, then we would need a new bio plan. Based on this, **we decided to stick with the original, previously approved map.** While staff had us complete several costly formatting changes, the currently proposed map has the same boundary lines and easement locations as the one approved in 2008.

We have now completed all of the June 2022 checklist items but have not received sign off from planning, nor have we received a hearing date. This should be an easy project to approve considering it has been approved before. We need action!!

**From:** Jeremy Waites (SEA) <jeremy@sierraecos.com>  
**Sent:** Monday, April 3, 2023 3:15 PM  
**To:** Melanie De Marco <mvdemarco@bpelaw.com>; Rick Lind (SEA) <rick@sierraecos.com>; Rayann La France (SEA) <rayann@sierraecos.com>  
**Cc:** Sarah Martinez <sarahm@bpelaw.com>; Jeremy Waites (SEA) <jeremy@sierraecos.com>  
**Subject:** RE: 2007 Report Buechner

Melanie De Marco,

As discussed at our meeting this afternoon, potential impacts on the Pine Hill endemic plants within the subdivision project of the Buechner parcel on Mercy Way have been fully assessed and should not require further evaluation assuming the following conditions:

- All mitigation measures are followed in the Rare Plant Mitigation and Monitoring Plan dated March 7, 2008.
- The designated conservation easements within the 2008 Rare Plant Mitigation and Monitoring Plan remain unchanged.

No further consultation with resource or regulatory agencies should be needed unless the landowner proposes to change the above conditions or change land development that may change the impacts to the endemic plants.

**Jeremy Waites**

*Project Manager/GIS Specialist/Ecologist*

Sierra Ecosystem Associates

1024 Simon Drive, Suite G

Placerville, CA 95667

(530) 626-1401

**From:** Jefferson B. Billingsley <Jefferson.Billingsley@edcgov.us>  
**Sent:** Wednesday, April 26, 2023 10:14 AM

June 4, 2008 TPM approved for prior owners.

This application was originally submitted on November 19, 2019.

It was essentially put on pause in 2020 to address open building code violations/permitting issues.

After some additional changes to the map, December 29, 2020 the conservation areas were changed from being all on parcel, to being located on three separate parcels.

June 14, 2021 TAC meeting was conducted via Zoom.

Additional corrections to the map were obtained after that.

November 7, 2021 is the first time Gina asked about the "missing" pages from the bio report.

December 17, 2021 is the first time Gina mentioned the shed which may have been over one of the boundary lines.

May 6, 2022 client emailed Gina the fire plan that had been signed off on by the El Dorado Fire Dept.

May 12, 2022 client met with Karen Garner (Director), Lori Parlin (Supervisor), BOS, and Gina. Requested checklist of all outstanding items.

June 21, 2022 checklist received from Karen. Indicated that if we are moving the easements, then we need a new bio plan.

I was hired June 18, 2022.

I emailed updated CC&Rs to Gina July 25, 2022.

August 23, 2022 we decided to go back to the old map so that we didn't have to update the bio plan.

Sept-Oct client worked to get the shed issue resolved. The shed was removed from the property line.

Oct 5, 2022 corrected CC&Rs submitted. No further comment.

November 4, 2022 requested confirmation that only thing remaining was TPM.

November 18, 2022 Gina indicated that she needed confirmation from code enforcement re shed and again asked about the 2007/08 bio reports. Requested additional revisions to TPM.

December 5, 2022 we confirmed there were no open code violations.

January 23, 2022 received fire dept approval of roads.

Feb 2, 2023 provided further revised TPM.

Feb 15, 2023 followed up by email requesting hearing and to go straight to parcel application.

Feb 23, 2023 provided originals of the TPM and again provided complete 2007/08 reports (including old agency comments/Appendix B as requested). Gina indicated that the agency comments may be stale

April 3, 2023 verified with biologist that 2007/08 mitigation measures are still appropriate and no further comment is necessary.

**Nov. 19, 2019**, Application was turned into Emma C. and paid fee.

Jan 31, 2020, Gina emailed Darla, She said she stepped into this position, Bear with her, she had several applications at once.

Feb 11, 2020, 2:56pm Gina emailed the needs of DOT.

March 13,2020, Neighbor turned in a complaint to Code Enforcement.

July 9, 2020, at 1:10pm Darla emailed Todd Young Code Enforcement. The building dept had a call into Code Enforcement and Gina Hamilton decided not to work on our project until permitting issues resolved.

August 3, 2020, @ 2:41pm Gina emailed a letter outlining the meeting and items that need fixing. She had determined to table our project until Code Enforcement has cleared all violations from previous owners. **Gina requested that the contour lines on the TPM be removed.** Cost \$400.

Sept 15, 2020 @ 4:57pm Gina emailed Darla telling us that she is standing on the sidelines until Building is done permitting buildings that have been in existence since 1950!!!

Nov 23, 2020. Darla Emailed Gina Hamilton with updates. **Adding drainage lines to the map and other work.** \$3500.

**Dec 29, 2020**, We changed the conservation area from 1 to 3 separate, keeping the prior mitigation with them.

Jan 6,2021, Darla received the “new” map from Ryan Kotey from Condor Earth. Copies sent to Gina Hamilton.

Jan 15, 2021, Darla called William Draper, for Wildfire Plan to do an update.

Jan 18, 2021 ,William Draper did a site visit to especially look at conservation areas. I had sent him the "new" map with 3 conservation areas. William Draper used the "new" map for his update. The Fire Dept also signed this report for approval. Cost \$750.

**March 7,2021**, Jeff Crovitz, turned in all needed info except CCRs and Gina wasn't sure if needed for Legal to look at. At this time, Gina was given a “new” map .

March 8,2021 Gina replied to Jeff's email letting him know the 30-day review didn't start till today because he put it into the wrong bin.

**April 12, 2021 @ 1:40pm** Gina emailed a list of items for TAC, she mentioned EDFD review, and Gina wanted us to reach out. Jan 2021 they were contacted by Bill Draper Wildfire Plan Update, they did not comment. They were also notified when permits were completed on structures. By this point they had 3 notices. Marshall Cox physically came out this year and went over everything he wanted with Matthew Buechner. It was done in the next few days.4th Notice, DONE

April 24,2021, I received an email from Gina with a letter attached that said, "Application Completeness." We took this as the sign we were going to have a TAC meeting scheduled.

April 28,2021 @ 10:04am Gina sent email w/project P19-0014 Buechner for review and comment to planning@edcgov.us At 11:06am AQMD wrote back, contents erased.

May 17,2021 Gina have emailed Darla AQ Waiver from AQMD

May 21, 2021 @9:42am Gina emailed TAC agenda held June 14, 2021 1:00pm to 2pm. A ZOOM invite was also sent to all. During which Brian Frazier sent comments via email to Gina. At 2:14pm she sent him an email about street names. THERE ARE NONE. FIRE #4 NOTICE, Rare Plants #3 Notice

June 7, 2021, Gina emailed the DOT comments for TAC.

June 8, 2021, Jeff Crovitz emailed Darla Buechner and asked if Matt Buechner could go out and clean the road and measure. We did measure and took pictures which were used to discuss with Dave Speilburg about being okay with current width. Speilburg said to Jeff, he would if Fire is ok. The Fire Dept has been here on a site visit for the 5 building permits we were required to get. Marshall Cox explained to Matt Buechner how he wanted trees, brush, and driveways. He said Mercy is fine, it's wide enough for a Fire Truck.

June 14, 2021 @10:19am Gina emailed AQMD comments

**June 14, 2021**, TAC was scheduled for June 14, 2021 at 1:00pm. The following Agencies and or Staff were invited to submit comments and/or attend the TAC meeting. It was by Zoom; an invite was submitted by email. FIRE ATTENDED AND SENT EMAIL #5 NOTICE, RARE PLANTS #4 BY EMAILS \*Attended TAC meeting.

\*Gina Hamilton

\*Jeff Crovitz, Engineer(Hired by Buechners).

- \*Darla and Matthew Buechner, (Applicants)
- \*Chrystal and \*Anthony Battaglia, (Chrystal is my backup & daughter and my son in-law.)
- \*Jeremiah and \*Ariel Buechner, ( my son and daughter in-law)
- \*Samantha Buechner and \*Garrison Christodora, (my daughter and son in-law).
- \*Jeremy Waites, Biologist, Sierra Ecosystem (Hired by Buechners)
- \*Brian Frazier, ELDC, Surveyor ,sent comments
- \*Dave Spiegelburg, DOT, comments
- \*Steve Warton, Environmental
- \*Marshall Phillips, EDC Fire (Had knowledge of “new” maps in 2020 with William Draper)
- \*Michelle Lee (Health Services or?)
- \*Don Jones
- \*Casey Ramsdell
- \*Todd Young, code enforcement

Absent

Chris.simonson@edcgov.us (Building Inspector 3)

Alvaradog@eldofire.com

Assessor@edcgov.us

Surveyors Office (listed 2 different emails so they got double notice). And attended. Brian Frazier

AQMD General

Rania Serieh (double notice) sent comments.

Natalie Porter (ELDC Senior Traffic Engineer)

Amy Phillips (ELDC Storm Water)

EMD Info

Mike Brink. ELDC Senior Engineer

Marshall Cox- El Dorado County Fire (3rd time notified)

Jim Urquhart (ELDC Engineer) he's surely seen the "new" map!!

RC Recorder-m

Dswart@rescue.k12.ca.us (schools)

Timothy Engle ( Environmental Health)

Tia.raamot@edcgov.us (Transportation Planner)

Centralvalleysacramento@waterboards.ca

California Wildlife \*\*\*\*\*caitlyn.oswalt@wildlife.ca.gov\*\*\* they received new info by getting MAP AND WILDFIRE PLAN.

Pgeplanreview@pge.com

R2ceqa@wildlife.ca.gov \*\*\*\*\* (2nd notice)

Mailbox services ( What is this???)

Ron Skaggs

June 27,2021 @ 8:11pm Jeff sent Gina an email on Oaks, Power poles and CCRS.

July 2,2021 Gina replies to Jeff, She wants a letter from Jeff, Corrections and insists on hiring an Arborist for oak trees for \$2,000. She just mentioned Oak Trees and after TAC meeting.

Sept 19, 2021, Tribal Counsel visits(after TAC meeting

Oct 5, 2021 @ 11:55am. Gina emailed About CC&Rs. Email suggests General possibilities NOT what is going to pass with the Zoning Administrator.



Nov 18,2021 Gina Hamilton sent Jeff an email that said “I will be including DOT’S AND Fire’s conditions in project approval docs for Tentative Map. Then they can show how they meet the conditions. (Why is this an issue? 4 months later and still no ZONING ADMIN.) Again after TAC meeting.

**Nov 7, 2021**, Gina emailed sating Bio Reports missing every other page. 8 emails sent from Eco Systems all with same. Report reads right.

Dec 15, 2021, Darla emailed Gina with contacts for BLM and CA, Darla spoke with both. BLM does not get involved with monitoring private lands. CA (Caitlyn was very rude and didn’t want to see it until the County decided. Gina is new to the county; a year of experience and she questioned my findings.

**Dec 17, 2021 @2:11pm** Gina sent in email about setbacks and neighbors building.

Feb 8th, 2022 Darla sent by email to Gina the ccrs.

March 11th, 2022. Darla sent an email to Brian Frazier about a neighboring building over the lot line. Asked for a waiver or any help. No response.

March 11, 2022. Darla emailed Marshall Cox. Asked him about driveways and roads. NOTICE #5 He is on vacation till March 23rd.

March 11,2022 emailed Caitlyn Oswalt at CDFWG for NOTICE #5 (It says in the ordinance 17.1 that they will be notified and will have 15 calendar days to respond. Then it's assumed they have no comment and agree with Biologist.

\*\*\*\*\*Notice to BLM and CDFWG complete\*\*\*\*\*

Under NOTES on county website: It states that the USFWS has 15 calendar days to respond. If USFWS does not respond it may be assumed that “no comment” is the response. (i.e. Botanical Survey and recommendations are acceptable to the USFWS) We have done this at least 4 times.

Gina sent them info and invited them to the TAC meeting for comments, NO SHOW. 2 different emails.

Jeremy Waites (biologist) has called and left messages. He has also stated that they don't respond if they agree with the info. He feels we are covered.

March 11, 2022, I sent both CAFWG and BLM an email with no response. Notice #5

**April 26, 2022,** Darla emailed Gina Design Waiver.

**May 6, 2022,** Darla emailed Gina to look at Fire Plan the El Dorado Fire Dept signed off on it.

May 12, 2022, meeting with Karen Garner, Director. Lori Parlin (Supervisor), BOS, and Gina Hamilton. Letter was asked for from Director of needed items to get to hearing.

June 21, 2022, received email with letter from Director.

June 28, 2022, We hired Melanie Demarco to deal with Gina Hamilton.

July 25, 2022, Melanie emailed CCRs to Gina

Aug 23, 2022, decided NOT to change bio plan

Sept-early Oct, Darla worked with surveyor to find out if the shed was over property line.

**Oct. 5, 2022**, Darla emailed correct CCRS to Melanie. Submitted to county.

Oct 18, 2022, requested biologist send written confirmation of page numbering issue.

**Oct 24, 2022**, Rayann, office mgr at Biologist office confirmed the 2007 report had blank pages. They couldn't insert maps in 2007.

Oct 27, 2022, Email from Gina to Melanie: If the Buechners are revising the proposed tentative parcel map to move the easement(s) as shown on the current map – in addition to the other outstanding items – they will need to submit an updated proposed map. Advised Gina that the neighbor agreed to move the shed so we will not need to move forward with the LLA. Advised Gina re page numbering issues of 2007 and 2008 bio reports.

Oct 27, 2022, requested new “old” map from engineer.

**Nov 4, 2022**, MVD emailed Gina requesting confirmation that nothing other than the revised TPM remained outstanding. No response.

**Nov 16, 2022**, MVD provided Gina with PDF CAD file of proposed TPM advising that this is the map we will be moving forward with, and that it matches the old bio reports. Also informed Gina that the shed had been completely removed. Again requested confirmation that nothing remained outstanding and there was nothing else I needed to bring in along with the original maps.

Nov 18, 2022, email from Gina to MVD. She said she needed confirmation from code enforcement that the issue had been resolved. She advised that the proposed TPM I sent over still showed a shed and requested it be removed.

The original bio report and mitigation and monitoring plan (from 2007 and 2008) show two conservation easement areas - both located on Parcel 4. The 2019 update letter indicates that the mitigation measures in the 2008 MMRP would mitigate impacts to rare plants on the site [written when they were going to split the easement into 3]. However, the MMs in the 2008 MMRP are only applicable to the configuration of the conservation easement areas as shown and discussed in the original bio report and the MMRP. If the conservation easement areas are going to be reconfigured, the biologist needs to address the reconfiguration in an update or new report, and include updated MMs.

Separately, the 2008 MMRP references agency comments and information supporting that the plan had been reviewed and agreed to by the agencies as being located in Appendix B. If there was actually no material in Appendix B, please ask the biologist to confirm that in writing for us. (Also, please just ask the biologist to confirm the page numbering issue for the 2007 bio report.)

Lastly, regarding the bio report: The report does not cover any offsite improvements such as widening Mercy Way between the project parcel and Starbuck Road, or work involving the culvert in that portion of the roadway. If the requirements for the offsite improvements are not eliminated with design waivers, the APE for the offsite improvements will need to be evaluated as part of the existing environmental analysis.

Dec 2, 2022, MVD requested Jeff Crovitz revise the map to go back to the original easement locations and remove the shed. Requested writing from biologist re page numbering and requested old agency comments.

Dec 3, 2022, Jeff Crovitz confirmed he will update map. "Concerning potential off-site improvements on Mercy Way, all potential improvements are within current County Right-of-Way (and improved roadway prism) and can be considered maintenance items, so CEQA analysis points towards a Categorical Exemption as County DOT does not clear CEQA for maintenance projects."

**Dec 5, 2022**, Darla confirmed there are no open code violations.

Jan 23, 2023 received fire dept road approval.

Feb 1, 2023, PDF map received from engineer.

**Feb 2, 2023**, Provided PDF map to Gina along with fire approval of roads.

Feb 8, 2023, Original Map dropped off with Melanie from engineer (old easement locations).

**Feb 15, 2023**, MVD followed up with Gina by email re materials. Requested hearing and to go directly to parcel map application.

Feb 16, 2023, received old agency comments from biologist.

**Feb 23, 2023**, Melanie met with Gina at the county and submitted your original maps and all the other docs from her list and was able to talk to her about outstanding issues. She acknowledged that the shed issue has been taken care of and is fine with the bio report page numbering now that I've gotten written confirmation from the biologist.

She said she is going to review the entire file and see if everything is ready, hopefully by Monday. Her suspicion however (and what she stated to me in person) is that the agency comments related to the 2008 bio report are going to be stale. She claims this is not the first time she's told you and the biologists, but either way it is certainly the first time she's said anything to me about it.

Feb 27, 2023, MVD reached out to county counsel and requested to discuss file. F/u continued through March.

April 3, 2023, From Biologist, As discussed at our meeting this afternoon, potential impacts on the Pine Hill endemic plants within the subdivision project of the Buechner parcel on Mercy Way have been fully assessed and should not require further evaluation assuming the following conditions:

All mitigation measures are followed in the Rare Plant Mitigation and Monitoring Plan dated March 7, 2008.

The designated conservation easements within the 2008 Rare Plant Mitigation and Monitoring Plan remain unchanged.

No further consultation with resource or regulatory agencies should be needed unless the landowner proposes to change the above conditions or change land development that may change the impacts to the endemic plants.

April 4, 2023, Darla received call from Rescue Fire Dept Chief Joel Warman. He was contacted by Gina Hamilton. She questioned the letter he wrote saying roads are wide enough. She wanted him to double check and write a letter with wet signature.

April 17, 2023, Karen (Gina's boss), essentially punted to county counsel and told us to work it out with him. It appears he is on vacation this week though, so I hope to receive a response next week.

April 18, 2023, A fire truck drove up Mercy. Chief Joel Warman was again questioned by Gina Hamilton. She now wants a variance. He said not necessary. He measured roads and passed us.