EL DORADO COUNTY BOARD OF SUPERVISORS AGENDA ITEM TRANSMITTAL Meeting of September 12, 2006

AGENDA TITLE: General Vacation #2005-01; G Development	eneral Vacation, a portion	of Sunset Lane; N.C. Brown	
DEPARTMENT: Transportation	DEPT SIGNOFF:	CAO USE ONLY:	
CONTACT: Deborah Gruber	alle		
DATE: 8/5/06 PHONE: XT 6519	(INW CE		
DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:			

The Department of Transportation recommends the Board of Supervisors:

- 1. Conduct a public hearing to receive testimony on the proposed general vacation; and
- 2. If, at the conclusion of the public hearing, the Board of Supervisors elects to vacate the roadways, adopt the resolution and authorize the Chairman to execute the Resolution of Vacation and corresponding Quitclaim Deeds.

CAO	RECON	IMEND	ATIONS:
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Financial impact? () Yes (X) No	Funding Source: () Gen Fund () Other	
BUDGET SUMMARY:	Other:	
Total Est. Cost	CAO Office Use Only:	
Funding	4/5's Vote Required () Yes () No	
Budgeted	Change in Policy () Yes () No	
New Funding	New Personnel () Yes () No	
Savings	CONCURRENCES:	
Other	Risk Management	
Total Funding	County Counsel	
Change in Net County Cost	Other	
*Explain		
BOARD ACTIONS:		
	hereby certify that this is a true and correct copy of	
A 1/061	an action taken and entered into the minutes of the Board of Supervisors	
Noes:	Date:	
Abstentions:	Attest: Cindy Keck, Board of Supervisors Clerk	
Absent:	Allow Chay Room Dourd of Supervisors Clork	
Rev. 04/05	By:	

COUNTY OF EL DORADO

MAINTENANCE DIVISION: 2441 Headington Road Placerville CA 95667 Phone: (530) 642-4909 Fax: (530) 642-9238

RICHARD W. SHEPARD, P.E. Director of Transportation

Internet Web Site: http://co.el-dorado.ca.us/dot <u>MAIN OFFICE</u>: 2850 Fairiane Court Placerville CA 95667 Phone: (530) 621-5900 Fax: (530) 626-0387

DEPARTMENT OF TRANSPORTATION



September 5, 2006

Board of Supervisors 330 Fair Lane Placerville, CA 95667

Dear Members of the Board:

Title: General Vacation #2005-01; General Vacation, a portion of Sunset Lane; N.C. Brown Development

Meeting Date: September 12, 2006 \ District IV

Recommendations:

The Department of Transportation recommends the Board of Supervisors:

- 1. Conduct a public hearing to receive testimony on the proposed general vacation; and
- 2. If, at the conclusion of the public hearing, the Board of Supervisors elects to vacate the roadway, as described in Exhibit "A" and depicted in Exhibit "B", adopt the resolution and authorize the Chairman to execute the Resolution of Vacation and Quitclaim Deeds.

Reason for Recommendations:

The Department of Transportation has received an application from N.C. Brown Development to vacate a remainder portion of Sunset Lane, originally known as the 1875 Shingle Springs Townsite Street, or 1875 Townsite Street. Sunset Lane is located north of Mother Lode Drive, east of Ponderosa Road and south of US Highway 50, in Shingle Springs. On January 28, 1986, Resolution No. 20-86 was recorded whereby the Board of Supervisors determined that a portion of the 1875 Shingle Springs Townsite Street should be abandoned due to the lack of necessity for public access and use. Said Resolution is recorded in Book 2528, Page 742, in the Official Records of the County of El Dorado. By this action, a remainder piece of the said roadway was created, and exists today, despite non-use by the general public.

The adjacent property owners, together with the applicant, N. C. Brown, have signed a petition requesting the vacation of said roadway, and all utility companies that may possibly be impacted by this vacation have provided the Department of Transportation with written notification that they have no objection to the proposed abandonment of said road and have no facilities within the subject areas. All existing public utility easements will remain.

General Vacation #2005-01; General Vacation, a portion of Sunset Lane; N.C. Brown Development September 5, 2006 Page 2

Section 8313 of the Streets and Highways Code provides for consideration of a proposed general vacation proceedings by a Finding of Consistency to the County's General Plan. The Planning Commission conducted a hearing on May 25, 2006 to review this application and voted unanimously that the proposed abandonment is consistent with the General Plan, that said road is not useful as a non-motorized transportation facility. A conformed copy of the Planning Commission Meeting Agenda and Meeting Minutes are attached hereto as Exhibits C.

Also attached hereto as Exhibit D is a drawing showing two alternative driveway access locations to serve the adjoining parcels. Staff has reviewed this Exhibit and supports the location shown as Alternate B. The processing of the Alternate B road and public utility easement will be finalized upon completion of the proposed General Vacation.

The Department of Transportation has no objection to the proposed abandonment and requests that, in the event your Board approves of the General Vacation of a portion of Sunset Lane, your Board will adopt the Resolution of Vacation and authorize the Chairman to sign said Resolution and subsequent Quitclaim Deeds.

Fiscal Impact:

None.

Net County Cost:

There is no net County cost.

Action to be Taken Following Approval:

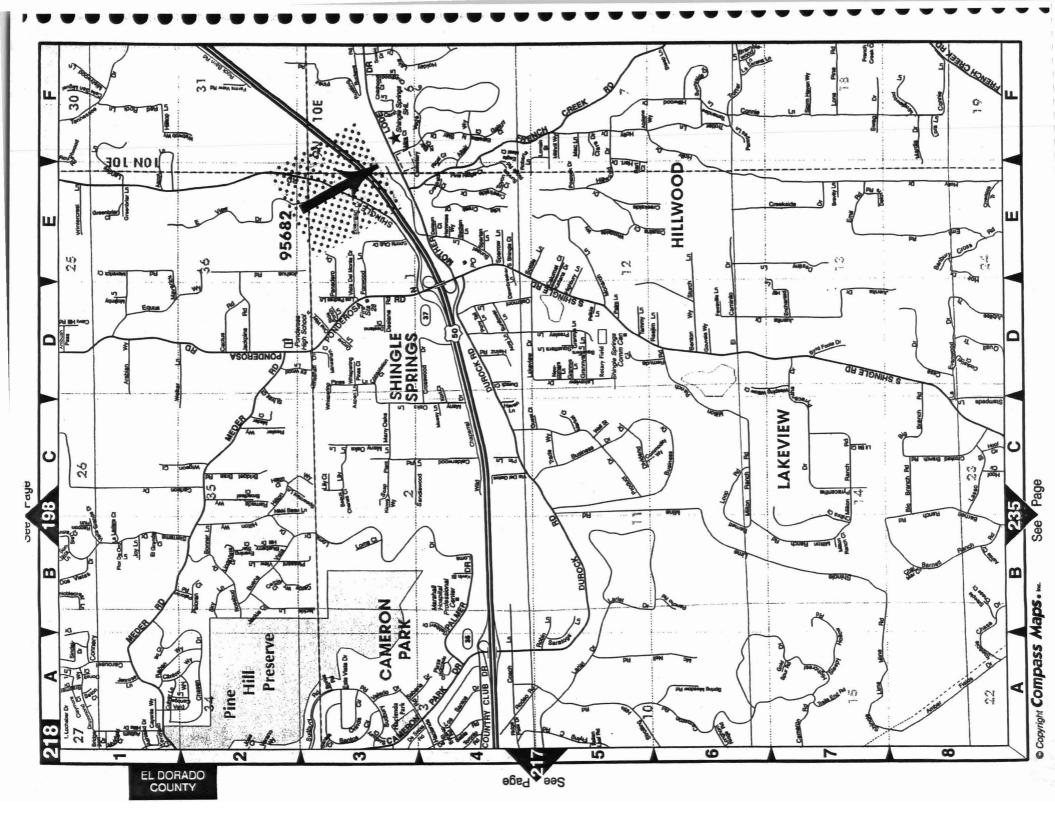
- 1. If the vacation is approved, the Resolution of Vacation and Quitclaim Deeds will be recorded.
- 2. A copy of the recorded Resolution of Vacation and Quitclaim Deeds will be mailed to the affected property owners.

Sincerely,

James W. Ware, Deputy Director Transportation Planning and Land Development, for Richard W. Shepard, P.E. Director of Transportation

JWW/PF: dg

Attachments: Vicinity Map Resolution of Vacation Exhibits Quitclaim Deeds



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Department:	Transportation	VT ZCCC		Norm B		
Dept. Contact: Phone:	Pete Feild Deborah Gruber	XT 7666 XT 6519		N.C. Br	own Devel	
Department Head	Debolan Gluber	XI 0019				
Signature:						
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	Jim W. Ware, Deputy			8601 Ra	anchwood (Court
	Transportation Plann		A		ks, CA 956	
	Land Development,		Address:			
	Richard W. Shepard		Phone:			
	Director of Transport	lation	Phone:			
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RESOLUTION NO. OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO RESOLUTION OF VACATION General Vacation #2005-01 A portion of Sunset Lane N.C. Brown Development

WHEREAS, on January 28, 1986, Resolution No. 20-86 was recorded whereby the County of El Dorado Board of Supervisors determined that a portion of the 1875 Shingle Springs Townsite Street should be abandoned due to the lack of necessity for public access and use; and

WHEREAS, said Resolution recorded in Book 2528, Page 742, in the Official Records of the County of El Dorado; and

WHEREAS, a remainder piece of the said roadway was created as a result of that action, and exists today, despite non-use by the general public; and

WHEREAS, the Department of Transportation has received an application from N.C. Brown Development to vacate the remainder portion of Sunset Lane, originally known as the 1875 Shingle Springs Townsite Street, or 1875 Townsite Street; and

WHEREAS, the remainder portion of Sunset Lane is located north of Mother Lode Drive, east of Ponderosa Road and south of US Highway 50, in Shingle Springs, and is described in Exhibits A-1, A-2, A-3, and A-4 and depicted in Exhibit B-1, B-2, B-3, and B-4; and

WHEREAS, the adjacent property owners, together with the applicant, N. C. Brown, have signed a petition requesting the vacation of said roadway; and

WHEREAS, all utility companies that may possibly be impacted by this vacation have provided written notification that they have no objection to the proposed abandonment of said road and have no facilities within the subject area; and

WHEREAS, all existing public utility easements will remain; and

WHEREAS, Section 8313 of the Streets and Highways Code provides for consideration of a proposed general vacation proceeding by a Finding of Consistency to the County's General Plan; and

WHEREAS, the Planning Commission conducted a hearing on May 25, 2006 to review this application and voted unanimously that the proposed abandonment is consistent with the General Plan; and

WHEREAS, the Board of Supervisors has found that the subject portion of Sunset Lane is not necessary for present or prospective public use and that said road is not useful as a non-motorized transportation facility; and

WHEREAS, in accordance with the requirements of Section 8320 of the California Streets and Highways Code, on August 15, 2006, the Board of Supervisors adopted a Resolution of Intention to Vacate a portion of Sunset Lane, and established the date for a public hearing on September 12, 2006; and

Resolution _____ Page 2 of 2

WHEREAS, in accordance with the requirements of Section 8322 of the California Streets and Highways Code, the Clerk of the Board of Supervisors published notices of said public hearing two (2) weeks prior to said hearing; and

WHEREAS, in accordance with the requirements of Section 8323 of the California Streets and Highways Code, notices of said hearing were posted on August 28, 2006; and

WHEREAS, notices of said hearing were mailed to all affected property owners and interested parties; and

NOW, THEREFORE BE IT RESOLVED, that the County of El Dorado Board of Supervisors, pursuant to Section 8320, et seq. of the Streets and Highways Code, declares that from and after the date this Resolution is recorded, said portion of said roadway described in Exhibits A-1, A-2, A-3, and A-4 and depicted in Exhibit B-1, B-2, B-3, and B-4 is hereby vacated and no longer constitutes a public roadway.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ______ day of ______, 2006, by the following vote of said Board:

ATTEST CINDY KECK Clerk of the Board of Supervisors Ayes: Noes: Absent:

Ву ____

Deputy Clerk

James R. Sweeney, Chairman Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE

ATTEST: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By___

Deputy Clerk

EXHIBIT 'A' -1

Road Abandonment

All that real property situate in the County of El Dorado, State of California, being more particularly described as follows:

Beginning at the most Easterly corner of the land shown in that certain Record of Survey filed in the Office of the County Recorder of El Dorado County in Book 7 of Surveys, Page 58, also being a point on the Northwesterly right-of-way line of Sunset Lane; thence along said Northwesterly right-of-way line, North 64°51'39" East, 571.00 feet to a point on the West line of Tract 3, as shown on that certain Record of Survey filed in the Office of the County Recorder of El Dorado County in Book 22 of Surveys, Page 148); thence leaving said Northwesterly right-of-way line and along said West line of Tract 3, South 00°26'40" East, 50.70 feet to a point on the Southeasterly right-of-way line of Sunset Lane; thence leaving said West line of Tract 3 and along said Southeasterly right-of-way line of Sunset Lane, South 64°51'39" West, 549.69 feet; thence leaving said Southeasterly right-of-way line, North 25°18'05" West, 46.07 feet to the Point of Beginning, containing 25,813 square feet (0.593 acre) more or less.

End of Description

.S. 5914 leenev



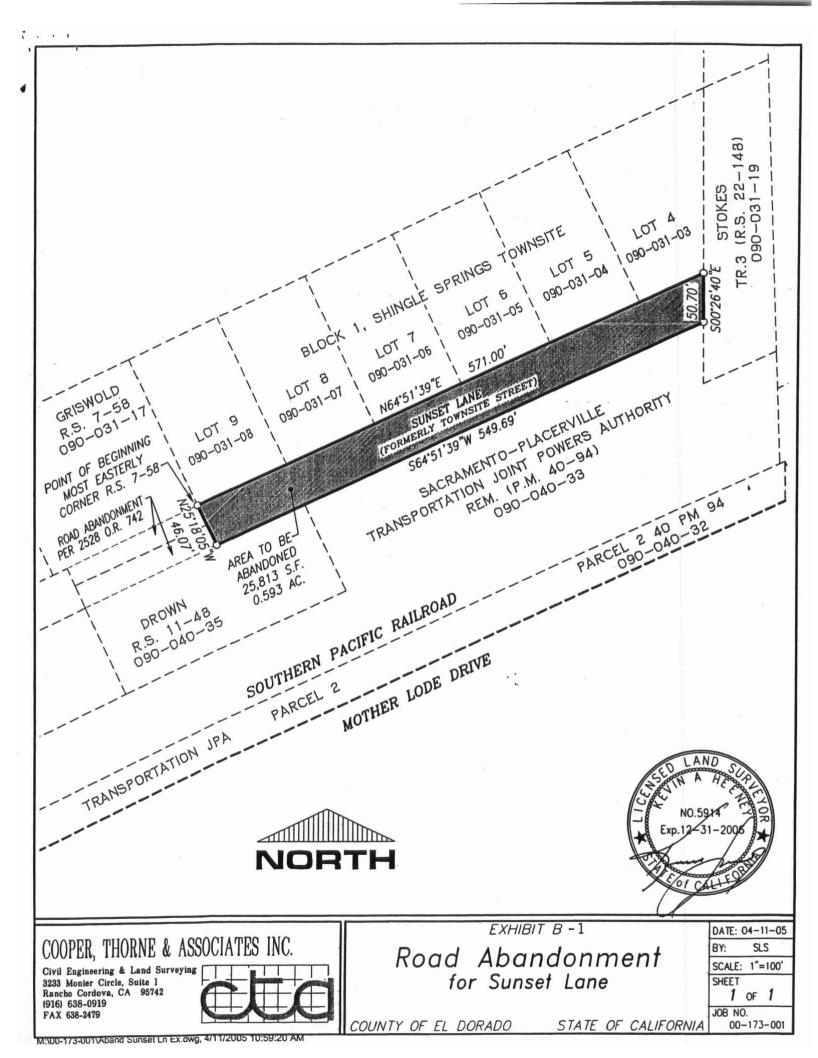


EXHIBIT 'A'-2

Road Abandonment To Ginney/Campoy Property

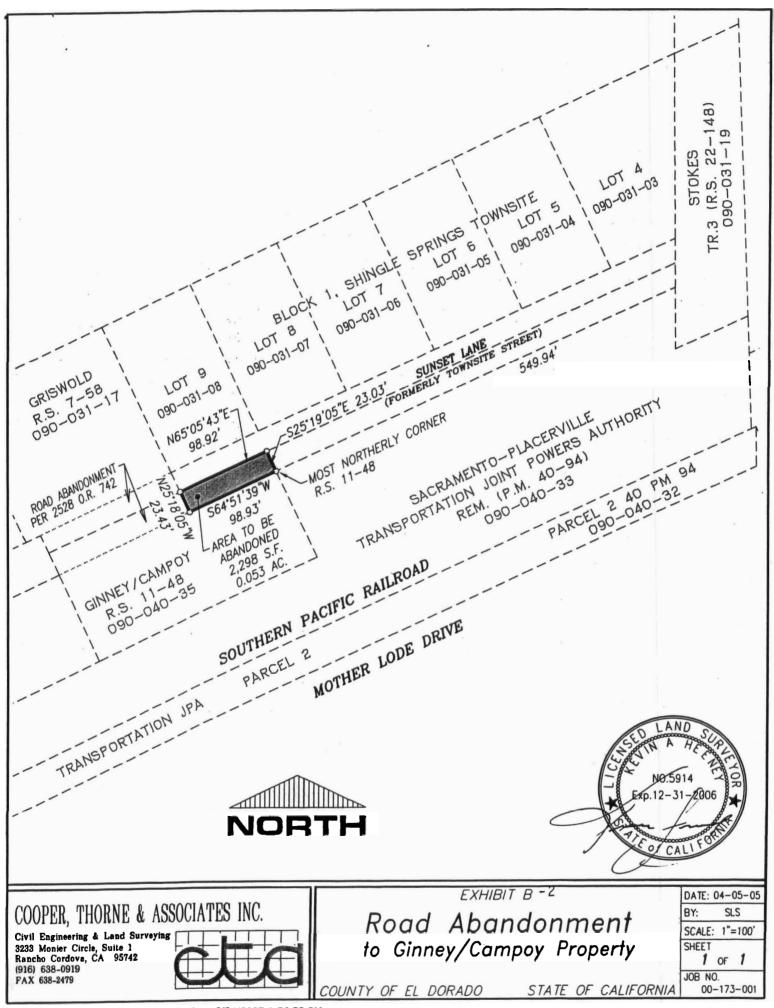
All that real property situate in the County of El Dorado, State of California, being more particularly described as follows:

Beginning at the most Northerly corner of the land shown in that certain Record of Survey filed in the Office of the County Recorder of El Dorado County in Book 11 of Surveys, Page 48, also being a point on the Southeasterly right-of-way line of Sunset Lane; thence along said Southeasterly right-of-way line, South 64°51'39" West, 98.93 feet; thence leaving said Southeasterly right-of-way line, North 25°18'05" West, 23.43 feet; thence North 65°05'43" East, 98.92 feet; thence South 25°19'05" East, 23.03 feet to the Point of Beginning, containing 2,298 square feet (0.053 acre), more or less.

End of Description

Kévin A. Heeney, L.S. 591





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EXHIBIT 'A' -3

Road Abandonment To Norman S. Tresser Pension & Profit Sharing Plan Property

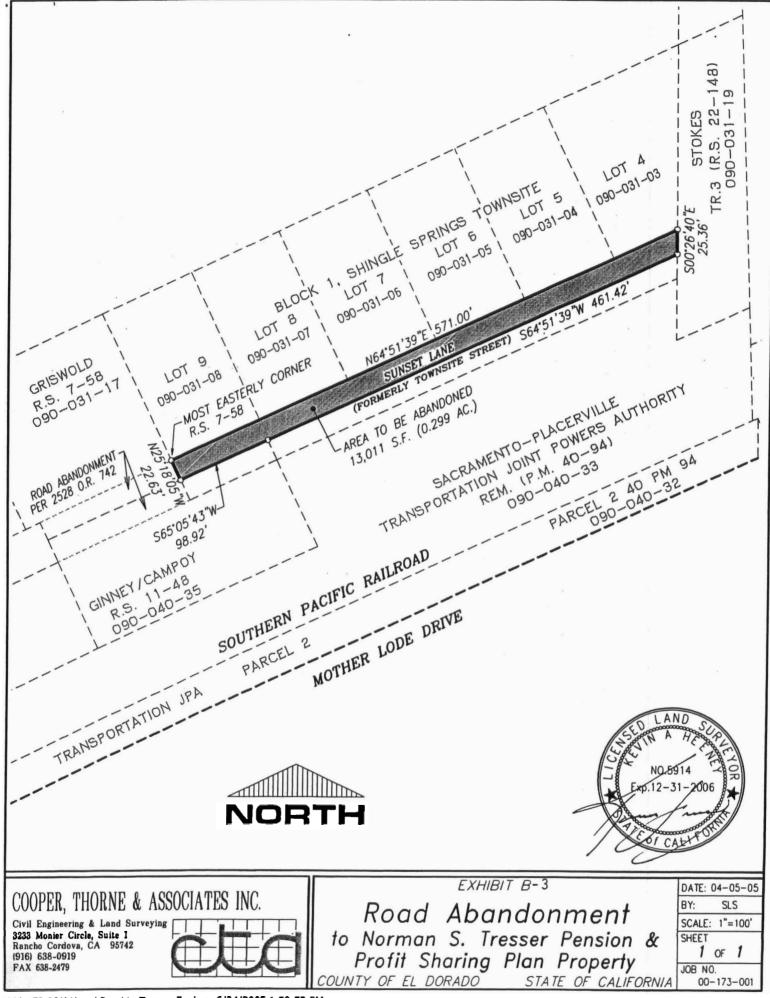
All that real property situate in the County of El Dorado, State of California, being more particularly described as follows:

Beginning at the most Easterly corner of the land shown in that certain Record of Survey filed in the Office of the County Recorder of El Dorado County in Book 7 of Surveys, Page 58, also being a point on the Northwesterly right-of-way line of Sunset Lane; thence along said Northwesterly right-of-way line, North 64°51'39" East, 571.00 feet to a point on the West line of Tract 3, as shown on that certain Record of Survey filed in the Office of the County Recorder of El Dorado County in Book 22 of Surveys, Page 148; thence leaving said Northwesterly right-of-way line and along said West line of Tract 3, South 00°26'40" East, 25.36 feet; thence leaving said West line of Tract 3, South 64°51'39" West, 461.42 feet; thence South 65°05'43" West, 98.92 feet; thence North 25°18'05" West, 22.63 feet to the Point of Beginning, containing 13,011 square feet (0.299 acre), more or less.

End of Description

Kevin A. Heeney, L.S. 5914





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EXHIBIT 'A' -4

Road Abandonment To Sacramento-Placerville Transportation Corridor Joint Powers Authority

All that real property situate in the County of El Dorado, State of California, being more particularly described as follows:

Beginning at the most Northerly corner of the land shown in that certain Record of Survey filed in the Office of the County Recorder of El Dorado County in Book 11 of Surveys, Page 48, also being a point on the Southeasterly right-of-way line of Sunset Lane; thence leaving said Southeasterly right-of-way line, North 25°19'05" West, 23.03 feet; thence North 64°51'39" East, 461.42 feet to a point on the West line of Tract 3, as shown on that certain Record of Survey filed in the Office of the County Recorder of El Dorado County in Book 22 of Surveys, Page 148; thence along said West line of Tract 3, South 00°26'40" East, 25.35 feet to a point on the Southeasterly right-of-way line of Sunset Lane; thence leaving said West line of said Tract 3 and along said Southeasterly right-of-way line, South 64°51'39" West, 450.76 feet to the Point of Beginning, containing 10,504 square feet (0.241 acre), more or less.

End of Description

Kevin A. Heeney, L.S. 5914



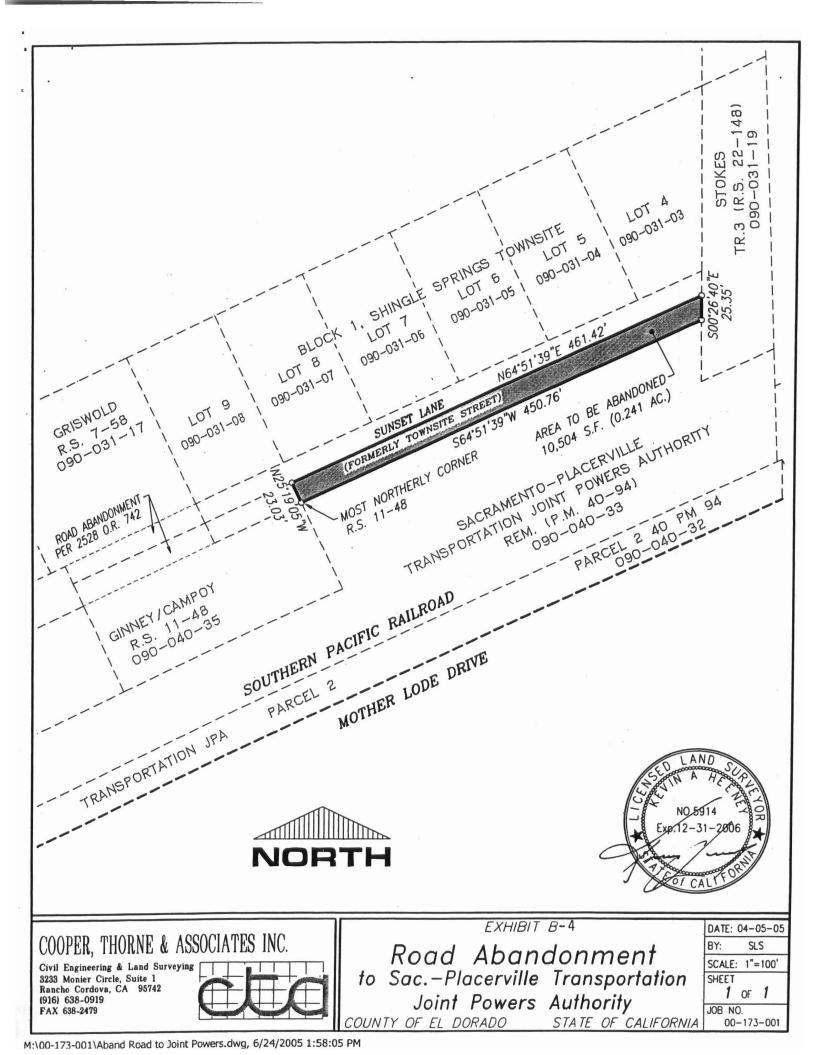




EXHIBIT C EL DORADO COUNTY PLANNING SERVICES

John Knight.....District I John MacCready.....District II Dave Machado.....District III Chris ChaloupkaDistrict IV Alan Tolhurst.....District V Jo Ann Brillisour....Clerk of the Commission 2850 Fairlane Court • Placerville, CA 95667 http://www.co.el-dorado.ca.us/planning Phone: (530) 621-5355 Fax: (530) 642-0508

CONFORMED AGENDA

Regular Meeting of the Planning Commission May 25, 2006 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA

Persons wishing to speak on a Consent Calendar item are requested to so advise the Chairman or Clerk prior to 8:30 a.m. Public testimony will be received on each agenda item as it is called. The applicant (where applicable) is allocated ten minutes to speak; individual comments are limited to three minutes; and individuals representing a group are allocated five minutes.

The general public may address items not on the agenda during Public Forum/Public Comment at 9:00 a.m., providing a request is presented to the Planning Department Office prior to 8:30 a.m. Comments are limited to five minutes per person. The Commission reserves the right to waive said rules by a majority vote. Please note: Public Forum/Public Comment is for comment only. No action will be taken on these items unless they are scheduled on a future agenda.

The Planning Commission is concerned that large amounts of written information submitted to the Planning Commission the day of a public hearing might not receive the attention it deserves. To ensure delivery to the Commission prior to the hearing, any written information from the public must be received by the Planning Department by Thursday the week prior to the meeting. The Planning Department cannot guarantee that any FAX or mail received the day of the Commission meeting will be delivered to the Commission prior to any action.

All Planning Commission hearings are tape recorded. Tapes are \$5.00 each, and anyone wishing to purchase a tape may do so by contacting Planning Services after the hearing.

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE INQUIRE WITHIN THE PLANNING DEPARTMENT OFFICE

8:30 A.M.

- 1. <u>CALL TO ORDER</u>
- 2. ADOPTION OF AGENDA
- 3. <u>PLEDGE OF ALLEGIANCE</u>
- 4. <u>CONSENT CALENDAR</u> (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)
 - a. <u>Minutes</u>: April 27, 2006 ACTION: Approved

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items will be considered during the day as time permits.

6. <u>COMMISSIONERS' REPORTS</u>

<u>9:00 A.M.</u>

PUBLIC FORUM/PUBLIC COMMENT

7. **<u>RIVER USE PERMITS</u>**

a. TROY TANGA, owner of Whitewater Connection, Inc., requesting transfer of River Use Permit #13 (with Component Permit 44 and 47) and River use Permit #25 to DON KOOLMES, owner of Koolriver Adventure Tours, Inc.

STAFF (Dan Bolster) Recommendation:Approve and grant new outfitter a
one-year provisional permit.ACTION:Approved; one-year provisional permit granted

8. FINDINGS OF CONSISTENCY (Public Hearing)

a. Request submitted by the RESCUE FIRE PROTECTION DISTRICT for a finding of consistency with the General Plan on the annual update to their Capital Improvement Plan.

STAFF (Fire District)	Recommendation:	Find request consistent
ACTION:	Request found consis	tent with General Plan

PLANNING COMMISSION Conformed Agenda of May 25, 2006

b. <u>General Vacation GV2005-01</u> proposes to abandon an approximate 550-foot portion of Sunset Lane located on the north side of Mother Lode Drive, approximately three-quarters of a mile east of the intersection with South Shingle Road, in the <u>Shingle Springs area</u>. Applicants: NORM BROWN, N.C. BROWN DEVELOPMENT. Engineer: Kevin Heeney/Cooper, Thorne & Associates.

STAFF (Jonathan Fong)	Recommendation:	Find request consistent with
	the General Plan	
ACTION:	Request found consis	stent with General Plan

9. **DESIGN REVIEW** (Public Hearing)

a. <u>DR05-0005/Diamond Springs Retail Center</u> submitted by LEONARD GRADO (Engineer: Patterson Development) for a design review for the construction of an 8,628 square foot retail center with a 12-pump fueling station to include the following uses: 5,628 square foot retail shop; 1,200 square foot fast food restaurant space within the retail shop; 3,000 square foot convenience market; drive through automated car wash; and fueling station canopy. The properties, identified by Assessor's Parcel Numbers 054-342-24, -25, -26, and -27, consist of 6.11 acres, are located on the north side of Pleasant Valley Road, east of the intersection with State Route 49, in the <u>Diamond Springs area</u>. (Mitigated negative declaration prepared)*

STAFF (Jason Hade)	Recommendation:	Conditional approval
ACTION:	Conditionally approve	ed

10. WORKSHOP

a. <u>Zoning Ordinance</u>: The purpose of the workshop is to facilitate a discussion between staff and the Planning Commission regarding the status of the County's Comprehensive Zoning Ordinance update that took place following the adoption of the 1996 General Plan by the County, both the zoning ordinance text and zoning maps.

STAFF (Pierre Rivas)	Recommendation:	No action necessary
ACTION:	Continued to June 8,	2006

11. <u>ENVIRONMENTAL IMPACT REPORT</u> (Public Hearing)

a. <u>Notice of Preparation:</u> Public hearing to receive comments pertaining to the scope and content of the environmental information that will be included in the environmental impact report for a General Plan amendment to increase floor area ratios applicable to Commercial, Industrial, and Research and Development land use designations, permanently exempt Agricultural Lands from said ratios, potentially eliminate or modify the employment cap which affects the El Dorado

Page 4

Hills Business Park, and add a new Mixed Use Development land use designation.

STAFF (Steven Hust)Recommendation:Receive input and provide any
necessary direction to staff c oncerning the c ontent
of the EIR and/or alternatives.ACTION:Input received; no action taken

12. DEPARTMENT OF TRANSPORTATION

- 13. <u>COUNTY COUNSEL'S REPORTS</u>
- 14. DIRECTOR'S REPORTS
- 15. <u>ADJOURNMENT</u>

Respectfully submitted, GREGORY L. FUZ, Development Services Director

All persons interested are invited to attend and be heard or to write their comments to the Planning Commission. If you challenge the application in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to, the public hearing. A ny written correspondence should be directed to Planning Services; 2850 Fairlane Court; Placerville, CA 95667.

*A negative declaration has been prepared for this project and may be reviewed and/or obtained in Planning Services, 2850 Fairlane Court, Placerville, CA 95667, during normal business hours. A negative declaration is a document filed to satisfy CEQA (California Environmental Quality Act). This document states that there are no significant environmental effects resulting from the project, or that conditions have been proposed which would mitigate or reduce potential negative effects to an insignificant level.

Meetings for the Month of June

June 8, 2006; 8:30 a.m. – Regular June 22, 2006; 8:30 a.m. – Regular

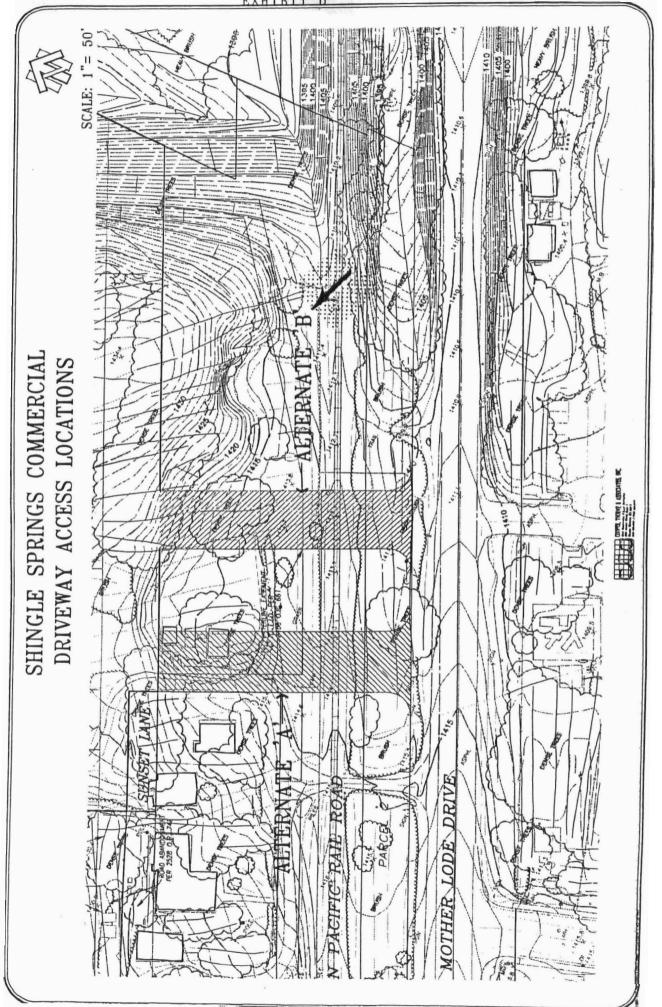


EXHIBIT D