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Title: Hearing to consider an appeal of the approval of Tentative Parcel Map P99-0003 proposing to create two parcels ranging in size from 3.03 to 4.0 acres on a 7.03 acre site, identified as APN 078-230-39 located on the west side of Silver Ridge Court, approximately 1,000 feet north of the intersection with Silver Ridge Lane, in the Pleasant Valley area (Supervisory District II). Applicant: Garrett Wilkin; Appellants: Jerry and Julie Reffner and Steve and Pam Fortune. (Continued 2/6/2007, Item 28)

Sponsors:

Indexes:

Code sections:

Attachments: 1. P99-0003 Appeal Form.pdf, 2. P99-0003 Attachment 1.pdf, 3. P99-0003 Revised Findings.pdf, 4. P99-0003 Site Photos.pdf, 5. P99-0003 Staff Report.pdf, 6. Ltr - Reffner - rcvd 1-30-07.pdf, 7. Letter Garratt Wilkin - rcvd 2-5-07.pdf

Date	Ver.	Action By	Action	Result
2/27/2007	2	Board Of Supervisors	Denied	Pass
2/6/2007	1	Board Of Supervisors	Continued	Pass

Hearing to consider an appeal of the approval of Tentative Parcel Map P99-0003 proposing to create two parcels ranging in size from 3.03 to 4.0 acres on a 7.03 acre site, identified as APN 078-230-39 located on the west side of Silver Ridge Court, approximately 1,000 feet north of the intersection with Silver Ridge Lane, in the Pleasant Valley area (Supervisory District II). Applicant: Garrett Wilkin; Appellants: Jerry and Julie Reffner and Steve and Pam Fortune. (Continued 2/6/2007, Item 28)

RECOMMENDED ACTION: Planning staff recommends the Board deny the appeal and approve Tentative Parcel Map P99-0003, based on the revised findings listed on Attachment 2, subject to the revised conditions listed on Attachment 1.

Background: This appeal was considered by the Board of Supervisors on February 6, 2007, at which time the Board continued the hearing to February 27, 2007, with direction to staff to clarify several issues in the original submittal. Changes have been made by underlining for additions and ~~strikeouts~~ for deletions. Staff is also recommending the addition one condition (see Item 3 under Discussion below) requiring participation in a zone of benefit, should such a zone be formed, for the purpose of road maintenance.

DISCUSSION

The points raised on appeal are:

1. No clear distinction between onsite vs. offsite road improvement and the requirements for each -

blanket statements only.

There were no specific on- or off-site road improvements required of the project. Only standard conditions applied since an existing access met minimum standards (Attachment 1 - Conditions of Approval).

2. The staff report notes that a design waiver had been requested to reduce the required road size from 24 to 20 feet with 2-foot shoulders. Yet the roads within the project, Silver Ridge Court and Silver Ridge Lane, do not have consistent 2-foot shoulders, and in some cases there are no shoulders at all.

The design waiver was for a reduction in road size from 24 to 20 feet with a 2-foot shoulder on Silver Ridge Court only. The Department of Transportation, at a site visit on November 30, 2006, concluded Silver Ridge Court met this standard (Attachment 4 - Attachment 2 - Findings 4.0 and attached site photos).

3. 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.

A Road Maintenance Agreement was not a Condition of Approval for this project. Item 4.1 of the ~~staff report~~ in Attachment 2, Findings of Approval, was corrected at the Zoning Administrator hearing to reflect that a roadway maintenance agreement was not in place. In review of an adjacent project, P93-0011, the parcel map that required the development of Silver Ridge Court, a requirement for a Road Maintenance Agreement was not found (Attachment 1).

Per Board discussion on February 6, 2007, staff recommends the following condition be added to the project:

"A Notice of Restriction shall be recorded concurrently with the recording of the parcel map which states that if a zone of benefit is formed for the purpose of road maintenance that includes Silver Ridge Road and Silver Ridge Court, the owners of both parcels created by this map agree to be included in the zone of benefit and to pay their fair share of road maintenance costs."

4. 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.

Corrections were made at the Zoning Administrator hearing. (Attachment 1 - Conditions of Approval, Attachment 2 - Findings, and attached staff report).

5. The parcel split acreage is incorrect and was discussed in the zoning meeting to make the corrections.

Corrections were made at the Zoning Administrator hearing. (Attachment 1 - Conditions of Approval, Attachment 2 - Findings, and attached staff report).

6. Incorrect listing for fire hydrant location - the street listed is in Diamond Springs and unrelated to the project.

Corrections were made at the Zoning Administrator hearing (Attachment 1, Conditions of Approval).

7. 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.

Parcel 2 with the existing structure has access from Silver Ridge Lane and a secondary access from Silver Ridge Court. Parcel 1 would have access from Silver Ridge Court and possibly a second access from Abbey Lane, a private road, to the north. Upon further discussion with Mr. and Mrs. Reffner, it is their opinion that Silver Ridge Court is not a public road. Parcel Map P93-0011 has been reviewed by the Department of Transportation and the Surveyors Office whereby it was determined that the road and easements were accepted on June 27, 1997, thereby creating a public road and providing legal access to the proposed Parcel Map P99-0003. A request for opinion from County Counsel was submitted on January 9, 2006, but of this writing no response has been received. (Attached staff report, page 2, Project Description and Site Description).

CONCLUSION:

The issues raised by the appellants do not change the conclusion reached by staff in recommending approval to the Zoning Administrator. No changes to the Conditions of Approval or the Findings are required.

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