

subject parcel, even after she disclosed that it was a rental property and she did not, in fact, live on said parcel. Conversely, Planning staff maintains that no such discourse transpired. Given current County policy regarding temporary mobile homes and the requirements enumerated on the Conditions of Approval, Planning staff would not have knowingly approved TMA 08-0007 had it been disclosed that the applicant did not live on site. Further, the erroneous approvals of TMA 08-0007 and Building Permit #187911 do not constitute a vesting of the entitlements contained therein. The TMA is, as the name implies, temporary and is subject to nullification at any time if found to be in violation of any of the Conditions of Approval.

2. Applicant did not read the Conditions of Approval, nor the Notice of Restriction and Removal Agreement prior to having signed the document(s) before a notary public.

Response: On March 3, 2008, the applicant, Cherylyn Story (50% ownership) and Joellen Hasal, Trustee of the J.R. Hasal Revocable Living Trust (50% ownership), appeared before Valeina Rose Martello, a California notary public, and signed both an Affidavit Supporting Application and a Notice of Restriction and Removal Agreement, the latter of which was recorded by the County Recorder's office on April 1, 2008 as 2008-0015014-00 (Exhibit A). This Notice of Restriction, hereafter referred to as NOR, states that "The Permit for the mobile home, park trailer or recreational vehicle shall be null and void if any of the conditions of approval are violated. Conditions of approval are on file with the El Dorado County Planning Department." Condition #3 states in part that, "This temporary mobile home permit (excluding those in commercial and industrial zones or those used for public, school or church purposes), shall be null and void if any of the following occur: [...] g. The property owner no longer resides on the property" (Exhibit B). While staff regrets that the applicant did not review the documents in their entirety prior to signing them before a notary public, the act of signature prescribes both an authorized capacity for said signature, and the execution of the document being signed, pursuant to the California All Purpose Acknowledgement (Exhibit C). As such, the applicant is responsible for compliance with any and all provisions contained therein.

3. Applicant's son makes \$10 per hour, and is in danger of losing his apartment in Cameron Park. The temporary mobile home, therefore, should be considered as affordable housing.

Response: Current County policy does not make provisions for a temporary mobile home to serve as "affordable housing." Section 17.52.030.A of the adopted El Dorado County Zoning Ordinance does, however, state that, "One mobile home for use by the owner or members of the family to prevent the dislocation of family members and/or to allow for in-home care of family members." Pursuant to a long standing interpretation of "dislocation," Planning Services requires on-site habitation by the property owner. This requirement is reflected in the Conditions of Approval. With regards to affordable housing, Section 17.15.010 provides for, "the development of affordable housing opportunities by allowing the creation of a second residential unit on all lots zoned for single-family residential uses." The applicant has been informed of her ability to permit

the mobile structure as a true second residence, though county policy again would require a notarized NOR ensuring on-site habitation by the property owner.

ATTACHMENTS:

- Exhibit A.....Notice of Restriction and Removal Agreement
- Exhibit B.....Conditions of Approval
- Exhibit C.....California Notary All Purpose Acknowledgement
- Exhibit D.....Appeal Form
- Exhibit E.....Letter from Applicant, Dated August 1, 2008
- Exhibit F.....Letter from Lawrence Appel, Dated August 4, 2008
- Exhibit G.....Letter from Applicant, Dated August 14, 2008
- Exhibit H.....Grant Deed

RECORDING REQUESTED BY:
EL DORADO COUNTY PLANNING DEPARTMENT



El Dorado, County Recorder
William Schultz Co Recorder Office
DOC- 2008-0015014-00

WHEN RECORDED, RETURN TO:

Acct 22-EL DORADO CO PLANNING
Tuesday, APR 01, 2008 08:55:43
Ttl Pd \$0.00 Nbr-0001073844
JLB/C1/1-2

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

SPACE ABOVE RESERVED FOR RECORDERS USE

NOTICE OF RESTRICTION AND REMOVAL AGREEMENT
TEMPORARY MOBILE HOME APPLICATION #TMA 08-0007

NOTICE IS HEREBY given that a development limitation is imposed on the parcel designated as Assessor's Parcel Number 078-200-60, owned by Cherylyn Story Joellen Hasal, as noted in the Official Records of the County of El Dorado. The following restriction shall remain in effect until rescinded by El Dorado County or until the temporary mobile home is removed.

Owner(s) hereby agree(s) that in consideration of the County of El Dorado granting the owner(s) a temporary mobile home permit on the owner(s) property pursuant to Chapter 17.52 of the El Dorado County Ordinance Code, the owner will take the following described action, or permit the County to take the action described:

1. Within 30 days after the expiration of the temporary mobile home permit, all connections to water, electrical supply, fuel gas, and sewer drain inlets shall be disconnected and the mobile home, park trailer or recreational vehicle shall be removed from the site, or placed in dead storage with the appropriate permit issued by the Building Department.
2. If a violation of the temporary mobile home permit occurs, or if the mobile home, park trailer or recreational vehicle is not removed or placed in dead storage, as required herein, the County may remove the mobile home, park trailer or recreational vehicle. Owner(s) agree(s) that all costs (including staff time) incurred by the County for such removal shall constitute a debt owed by owner(s) to County and County may record a lien on the property for the cost thereof and/or seek reimbursement for said cost from the owner(s) through any other available legal remedy. Owner(s) agree that he/she/they shall also be liable to the County for any costs the County incurs if it becomes necessary to seek judicial relief to remove the mobile home, park trailer or recreational vehicle. Cost shall include time spent by County staff related to judicial proceedings.

The permit for the mobile home, park trailer or recreational vehicle shall be null and void if any conditions of approval are violated. Conditions of approval are on file with the El Dorado County Planning Department.

Owner(s) agree(s) to have his/her/their signature(s) to this agreement notarized.

Cherylyn Story
(Owner)
Joellen Hasal
(Owner)

Cherylyn Story
(Print Name)
Joellen Hasal
(Print Name)

STATE OF CALIFORNIA
COUNTY OF EL DORADO

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

See attached Acknowledgement

WITNESS my hand and official seal.

Notary Public in and for said State

CONDITIONS OF APPROVAL

TEMPORARY MOBILE HOME APPLICATION #TMA 08-0007

1. The owner(s) shall comply will all other statutes and ordinances relating to zoning, development criteria, health and building codes. Building permits, and where applicable septic permits must be obtained by the owner and finalized by the County prior to occupancy of the temporary residence.
2. The owner(s) shall sign a removal agreement which provides that at the conclusion, expiration, or the violation of the permit, the mobile home or park trailer, shall be removed from the property or placed in permanent storage pursuant to Section 15.64.060 of the El Dorado County Ordinance Codes. If the temporary mobile home is a travel trailer or motor home, the agreement requires it shall be permanently disconnected from the water, sewer, gas and electrical services. The agreement also authorizes the County to remove the residence and/or permanently disconnect and record a lien on the property for the cost thereof if the owner fails to comply with the removal agreement.
3. This temporary mobile home permit (excluding those in commercial and industrial zones or those used for public, school or church purposes), shall be null and void if any of the following occur:
 - a. The two year period of authorization expires;
 - b. The temporary mobile home is removed from the property;
 - c. The temporary mobile home has not been occupied by the family member noted on the application for a 90 day period or longer;
 - d. The person requiring care due to age or handicap no longer resides on the premises;
 - e. The original temporary mobile home is replaced with another temporary mobile home;
 - f. The property is sold;
 - g. The property owner no longer resides on the property.

In the instance of commercial/industrial/school/church caretakers or watchman permits, the temporary mobile home permit is considered null and void if the applicable commercial/industrial/school/church activity on the property which justified the caretaker/watchman temporary mobile home is discontinued. Additionally, such caretaker/watchman permit is also considered null and void if "a", "b", "e", or "f" above occurs.

If any of the above occur, the owner shall notify the Planning Department of such action.

4. The temporary mobile home permit shall be valid for a two year period; however, the owner(s) may apply for additional two year extensions. To initiate a renewal, the owner shall submit the Renewal Agreement form to the Planning Department before MARCH 26, 2010
(Expiration Date) along with the current renewal fee.
5. If an renewal application is not received by the date noted in #4 above, the application is considered to be expired. Within 30 days of said expiration all electric supply, fuel gas and sewer drain inlets shall be disconnected and the mobile home shall be removed from the site or placed in dead storage in accordance with Building Department requirements. Should such removal or disconnection not occur, formal action will be taken by the County as noted in number 2 above.
6. If the temporary mobile home is a recreational vehicle, the conditions noted in Exhibit A (attached) shall also apply.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of El Dorado

On March 3, 2008 before me, Valeina Rose Martello Notary Public

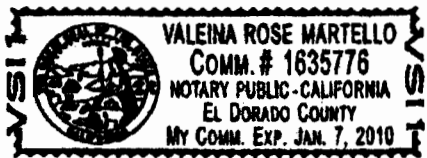
personally appeared Cherylyn Story and Joellen Hasal

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he/she~~ they executed the same in his/her/their authorized capacity(ies), and that by ~~his/her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Valeina Rose Martello
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

File Number: TMA 08-0007-A
Date Received: 8-5-08

Receipt No.: 25074
Amount: \$ 100.00

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 Cherylyn Story
ADDRESS 342 Diana Ct. Placerville CA 95667
DAYTIME TELEPHONE 530 621-4842

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.)

I am appealing a "Stop Work Notice" dated 7/28/08. Permit # 187911. I came into the Planning dept and talked w/ a planner to see if it was ok to have my son live in trailer on my property. (6 acres APN # 78-200-60-1) I specified I did not live on the property but that I had a rental home on the property. He said my son could live in the trailer under a hardship permit. I rec. approval from planning on 8/26 and started all improvements on the property (Septic System, ^{installed design} road, purchase, set up of trailer 14x48. water & power in at a cost of approx. \$20,000. My application clearly states my address as Diana Ct. or Glory Rd (my mom's) over →

DATE OF ACTION BEING APPEALED. 7/28/08

Cherylyn Story
Signature

8/5/08
Date

Had this application been reviewed properly, It should have been denied in the earliest stage, at the permit process. Yes I signed an agreement of conditions, but wasn't told to read it, but to sign here.

We are in the process of adding my son, Garrett Henderson to the deed on the property. Making him a part owner.

I am asking you to please review these chain of events and continue to honor the planning and Building permits and allow this hardship. My son makes \$10/hr. and is in jeopardy of losing his apartment ~~he~~ rents in Cameron Park. Please consider this hardship as an affordable housing situation for my son.

* Please try to include this action on your Sept 11th Planning Commission agenda

El Dorado County Development Services
2850 Fairlane Court
Placerville, CA 95667

August 1, 2008

RECEIVED
PLANNING DEPARTMENT

re: permit #187911 APN 078 200 60

Dear Sirs

Regarding "stop work order" dated 07-28-08 with legal action to be taken August 1, please be advised that we will conform to County requirements as quickly as possible. As the "stop work order" was under consideration for having a variance and a "no variance" was relayed to us on August 31, we do need additional time to conform.

We will start today, August 1, and will have Garrett Henderson, son of Cherylyn and grandson of Joellen Hasal on the property title as a "Tenant in Common" conforming to the El Dorado Planning Dept. Temporary Mobile Home instructions, first paragraph under Purpose #1 "one temporary mobile home for use by the owner or members of the family———"

Please hold in abeyance the "stop work order" and inform us when we can complete the installation of the mobile home.

We can be reached at Cherylyn Story home tele. 530 621 4842 cell tele. 530 903 6916
and Joellen Hasal tele. 530 622 2200

We appreciate your consideration of this matter, as soon as possible, as time is of the essence.

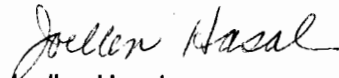

Joellen Hasal

Exhibit E:

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.co.el-dorado.ca.us/devservices>



PLACERVILLE OFFICE:
2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
biddept@co.el-dorado.ca.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@co.el-dorado.ca.us
Counter Hours: 8:00 AM to 4:00 PM

August 4, 2008

Cherylyn Story
3142 Glory Road
Placerville, CA 95667

FILE

RE: APN #078-200-60; TUP 08-0007/Building Permit #187911—Stop Work Order

Dear Cherylyn:

A stop work order was issued on the above referenced permit(s) on July 28, 2008. This stop work order came as a result of failure to comply with Condition of Approval #3(g). This condition states, "This temporary mobile home permit shall be null and void if [...] the property owner no longer resides on the property." Further, the notarized Notice of Restriction and Removal Agreement provided as part of your application package states, "The permit for the mobile home, park trailer or recreational vehicle shall be null and void if any conditions of approval are violated."

Pursuant to Section 17.22.220 of the adopted El Dorado County Zoning Ordinance, "Any decision by the approving authority of original jurisdiction may be appealed by the applicant or any other affected party to the next level of jurisdiction... 1. Appeals of action taken by the Planning Director or his designee shall be heard by the Planning Commission." Should you wish to appeal this decision, please be advised that Section 17.22.220B requires it be submitted within ten (10) working days of the date of this decision.

Sincerely,

Lawrence W. Appel

Deputy Director, Planning Services
El Dorado County Development Services Dept.

Exhibit F:

August 14, 2008

Development Services Department
2850 Fairlane Ct.
Placerville, CA 95667
Attn: Lawrence Appel

PLACERVILLE
CALIFORNIA
DEVELOPMENT SERVICES DEPARTMENT

Deputy Director, Planning Services

RE: APN#078-200-60; TUP 085-0007/Building Permit # 187911 - Stop Work Order

Dear Larry,

In response to your letter dated August 4, 2008, please be advised that we are now in compliance with #3(g), as this condition states, "This temporary mobile home permit shall be null and void if {...} the property owner no longer resides on the property."

Garrett Henderson is now part owner of said parcel number. Grant Deed recorded Aug. 7, 2008, DOC - 2008-0038651-00.

As per TEMPORARY MOBILE HOME guidelines #1 states.

1. One temporary mobile home for use by the owner or members of the family to prevent the dislocation of family members {...}.

Please remove the "stop work order" so that we can continue with our installation of the mobile home.

Thank you for your consideration in this matter.

Sincerely,


Cheryl Story

Exhibit G:



El Dorado, County Recorder
William Schultz Co Recorder Office
DOC- 2008-0038651-00

Thursday, AUG 07, 2008 11:28:47
Ttl Pd \$12.00 Nbr-0001107494
JLR/C1/1-2

RECORDING REQUESTED BY AND:

WHEN RECORDED MAIL TO:

Cherylyn Story
3142 Glory Road
Placerville, CA 95667

MAIL TAX STATEMENTS TO:

SAME AS ABOVE
DOCUMENTARY TRANSFER TAX 00.00
Exemption #11911
APN: 078-200-60-100

PCOS
FILED

GRANT DEED

CHERYLYN STORY, a married woman as her sole and separate property and JOELLEN ROSALIE HASAL, trustee of "The Joellen Rosalie Hasal Revocable Living Trust, dated February 2, 2007" hereby grant to CHERYLYN STORY, a married woman as her sole and separate property as to an undivided ^{45%} interest and JOELLEN ROSALIE HASAL, trustee of "The Joellen Rosalie Hasal Revocable Living Trust, dated February 2, 2007" as to an undivided ^{50%} interest and ~~Garrett T. Henderson, a single man, as to an undivided 9/20 interest and Garrett T. Henderson, a single man,~~ as to an undivided ^{5%} interest as Tenants in Common, the following described real property in the County of El Dorado, State of California:

Parcel B, as said Parcel is shown on that certain Parcel Map entitled A portion of N.W. ¼ of Sec. 33, T. 10 N., R. 12E., M.D.B. & M., filed February 6, 1989 in the office of the County Recorder of El Dorado County in Book 40 of Parcel Maps, at Page 63.

APN# 078-200-60-100

The Undersigned:

CHERYLYN STORY, GRANTOR

JOELLEN ROSALIE HASAL, TRUSTEE
OF "THE JOELLEN ROSALIE HASAL
REVOCABLE LIVING TRUST, DATED
FEBRUARY 2, 2007". GRANTOR