



EL DORADO COUNTY PLANNING DEPARTMENT

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MEMORANDUM

DATE: April 20, 2001

TO: Peter Maurer, Principal Planner

FROM: Roger Evans, Associate Planner 

SUBJECT: Nor-Cal Ready Mix dust problem
Venture Road / Davidson Road - COC History

HISTORY: Back in June 1988, the Board of Supervisors directed the Planning Director to review a request from the property owner for a Certificate of Compliance for APN 331-020-51. The Board recommended the Planning Director approve a Conditional Certificate of Compliance subject to completion of on-site frontage improvements to Venture Road (Standard Plan 112 - 36' paved road, with no sidewalks, as well as payment of a \$600.00 road impact fee). The Board of Supervisors also directed the Planning Director to file a Notice of Violation against the remaining illegally created parcels (331-020-45, 331-020-46, 331-020-48, 331-020-49, 331-020-50, and 331-020-52).

Research by the Planning Department found that the above parcels were created through a series of grant and gift deeds between 1979 and 1985. APN 331-020-49 was issued a building permit in September 1985, and as a result Planning Staff recommended the issuance of a clear Certificate of Compliance for APN 331-020-49.

The notification of the property owners of the County's intent to file the Notice of Violation prompted the surrounding property owners to submit the Certificate of Compliance applications as follows:

<u>COC#</u>	<u>APN#</u>	<u>Acreage</u>	<u>Applicant / Property owner</u>
88-123	331-020-52	2.59 acres	Harold Prescott
88-124	331-020-49	5.70 acres	Sierra Ready Mix
88-125	331-020-50	4.00 acres	Sierra Ready Mix
88-126	331-020-48	5.03 acres	Mother Lode Associates
88-127	331-020-46	4.36 acres	R. A. Nemptz & Joseph Brunello
88-128	331-020-45	1.0 acre	Robert Neilsen

On October 18, 1988, the Board of Supervisors, approved Conditional Certificates of Compliance, for all of the above parcels requiring the parcel owners to be involved in a "Neighborhood Improvement Agreement" to improve Venture Road within three (3) years from the date of approval (October 18, 1988 to October 18, 1991). The "Neighborhood Improvement Agreement", as originally developed included 12 separately owned parcels (APN's 331-020-02, 04, 06, 37, 38, 45, 46, 49, 50, 51, and 331-020-52). This agreement included the 7 property owners of the submitted Certificate of Compliance applications, as well as 5 additional properties with frontage along Venture Road.

At a meeting on October 22, 1991, the Board of Supervisors acted to grant a two (2) year extension to the participants of the "Neighborhood Improvement Agreement", with direction that the Conditional Certificates of Compliance be amended to show the time extension. This established an expiration date of October 18, 1993, for the "Neighborhood Improvement Agreement".

On January 19, 1993, the affected property owners petitioned the Board of Supervisors to grant a 7 year extension for the "Neighborhood Improvement Agreement" from October 18, 1988, to a date of October 18, 1995. This item was continued off-calendar by the Board of Supervisors and was not acted on at a future date.

On March 4, 1997, a request was forwarded to the Board of Supervisors requesting that all the affected parcels be granted clear Certificates of Compliance pursuant to County Resolution 245-95. County Resolution 245-95 was adopted by the Board of Supervisors on August 29, 1995, and the Resolution essentially states that the County Surveyor is authorized to issue unconditional Certificates of Compliance for parcels created by gift or grant deed created on or before October 25, 1983, as long as 4 or less parcels were created. The Board acted to "*refer the request back to the applicant to work with the five property owners and the County Department of Transportation to reach an agreement on improvements to be made to the two roads serving the five parcels, to meet County standards and to provide a road width of 32 feet, and to return to the Board with their agreement at which time the Board will consider modifying conditions imposed on the existing certificates of compliance accordingly.*"

On June 3, 1997, the Board of Supervisors acted to approve the request to file modified Conditional Certificates of Compliance with the following condition:

Subject to construction of a 32 foot wide roadway with curb and gutter on each side. The roadway cross section will be 8" of class 2 base and 3" of asphaltic concrete. There will be appropriate drainage culverts placed. There will be a standard encroachment connection to Mother Lode drive. The alignment will follow the northerly of the two roads from Mother Lode drive to Davidson Road. The southerly roadway will be closed off to through traffic. Upon completion the northerly roadway will be accepted as part of the County Maintained Mileage System.

CONCLUSION: As of this date it is unclear from the files as to whether any of the parcels have had a modified Conditional Certificate of Compliance recorded with the above condition approved by the Board on June 3, 1997.

If the modified Conditional Certificates of Compliance has been recorded, the subject properties are required to complete their frontage improvements in order to gain a clear Certificate of Compliance and any subsequent building permits.

If the modified Conditional Certificates of Compliance have not been recorded, the original Conditional Certificates of Compliance recorded back in October of 1988 may still be in effect. At this time, the only recorded document which may have expired is the "Neighborhood Improvement Agreement" which had an expiration date of October 18, 1993.

ISSUE: If a Conditional Certificate of Compliance is still in effect, what authority does the County have to require compliance with the conditions? This issue has become a problem due to dust problems associated with No-Cal Ready Mix's (formerly Sierra Ready Mix) used of the gravel/dirt portion of Venture Road fronting APN 331-020-49. In addition, dirt and mud are being tracked onto Davidson Road (County maintained road) by Nor-Cal Ready Mix vehicles from the unimproved Venture Road.