



*Approved by
Board 4/13
2-17-01*

UNCODIFIED

ORDINANCE No. 4476

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

AMENDMENTS TO THE EL DORADO COUNTY
BUILDING CODE FOR THE LAKE TAHOE BASIN

Section 1. PURPOSE. This ordinance establishes the procedures required to obtain a permit for activities identified in the TRPA/El Dorado County Memorandum of Understanding as El Dorado County's enforcement responsibility. Prior uncodified County Ordinances Numbers 4186 and 4281 are hereby repealed by passage of this ordinance. The allocation list created by Ordinance Number 4186 shall continue to have legal effect and is the list referred to herein as the "allocation list".

It is not the purpose of these amendments to create, establish, or designate any particular class or group of persons for special protection or benefit.

Section 2. NOTIFICATION. These amendments will be published in a newspaper of general circulation in El Dorado County. All property owners currently on the established allocation list will be sent a copy of these amendments by certified mail, return receipt requested, to the owner's address as it appears on the allocation list. The owner is responsible for notifying the Building Department of any change in mailing address. The failure of any parcel owner to receive notification will not affect the validity of this ordinance.

The El Dorado County Building Department shall administer these ordinance amendments. The Building Department may charge a fee adequate to cover the cost of preparing and mailing information to those requesting it.

Section 3. ALLOCATION QUALIFICATION CRITERIA. To build a dwelling in the Lake Tahoe Basin, the parcel owner must first have an allocation to develop a residential unit. The following information must be provided as part of the application for an allocation to build a new dwelling: The property owner or their authorized agent must provide a copy of the grant deed; must verify that the parcel has a buildable IPES score; and must indicate on the application whether the parcel is in the South Tahoe Public Utility District (South Shore) or in the Tahoe City Public Utility District (West Shore). Applications for allocations will be reviewed in the order received; applicants will be added to the allocation list as they qualify.

Section 4. FEES TO PARTICIPATE IN THE ALLOCATION PROCESS. A non-refundable administrative fee of three hundred dollars (\$300) is charged for the initial placement on the allocation list and for any change of position on the list. Additionally, a one thousand dollar (\$1000) allocation purchase option fee is collected at that time. The interest derived from deposit of these monies will accrue to the County and be used for maintenance of the allocation list. If the owner requests to withdraw from the allocation list before receiving an allocation, the allocation purchase option fee is refunded to the parcel owner of record at the time the application for refund is made. Once the allocation is claimed, the allocation purchase option fee reverts to the County. No refund of the allocation purchase option fee will be made after the allocation is claimed. An amount up to that fee (\$1000) will be credited toward El Dorado County permit fees associated with that allocation. A parcel owner may appeal to the Board of Supervisors on the basis of a hardship, to obtain a full or partial refund, as set forth in section 16. All communications, requests to withdraw from the allocation list, and requests for allocation purchase option fee refunds must: be in writing; be dated; be signed by the current parcel owner. The owner's signature must be notarized or witnessed by Building Department staff.

Section 5. POSITION ON THE ALLOCATION LIST. Position on the allocation list shall be person and parcel specific as identified by Assessor's Parcel Number (APN). The allocation list position may not be transferred to any other person or any other parcel. If

title to the parcel changes before the allocation is claimed (acknowledged), that applicant and parcel shall be removed from the allocation list. Upon written request, the allocation purchase option fee will be refunded. The parcel owner of record on the date the refund is requested, will receive the refund unless previous arrangements are made with the Building Department.

Section 6. MULTI-PARCEL OWNERS. Owners of more than one parcel may qualify any or all parcels by applying for an allocation for each parcel separately. However, only one allocation will be offered per individual per allocation period, unless there are no other applicants on the allocation list. When an owner's name is encountered a second or subsequent time during any one allocation period, that owner is a repeat and is placed at the bottom of the allocation list. No fee will be assessed by the County as a result of this change in list position.

Section 7. PARCELS ZONED FOR MORE THAN ONE RESIDENTIAL UNIT. Owners of parcels zoned for multi-family development may receive more than one allocation per parcel in a single allocation period. The number of allocations is limited to the number of dwelling units allowed on that parcel by the Tahoe Regional Plan and by the El Dorado County Zoning Ordinance, whichever is most restrictive. A maximum of twenty-five percent (25%) of the allocations in any one allocation period may be used for multi-family parcels. If more than one allocation is offered to a parcel and the allocations are not claimed, the allocation(s) will be offered to the next applicant(s) on the list.

Section 8. ASSIGNING OF ALLOCATION. TRPA determines the number of allocations to be assigned each allocation period and distributes them to the various jurisdictions in the Lake Tahoe Basin. After receipt of the allocations from TRPA, El Dorado County will notify parcel owners within thirty (30) days by certified mail, return receipt requested, of their allocation assignment. The assignment notification will be sent to the owner's address as it appears on the allocation list. The owner is responsible for notifying the Building Department of any change in mailing address.

After receiving the allocation notification, the owner may exercise one of these options:

A. Claim the allocation. The allocation must be claimed (acknowledged), in person, by the property owner or the owner's agent (agent must have written authorization for representation) at the El Dorado County Building Department, within thirty (30) days of the date noted in the allocation assignment notification. When the allocation is claimed, the allocation recipient must provide verification (a certified copy of the current Grant Deed) as current owner of the property.

Failure to meet this thirty (30) day time limit will result in loss of the allocation, there shall be no extension of this time limit. If this time limit is not met, the applicant shall be removed from the allocation list and the one thousand dollar (\$1000) allocation purchase option fee will be refunded.

B. Request to be moved to the bottom of the allocation list. The request must be in writing, must be accompanied by a three hundred dollar (\$300) administrative fee, and must be received by the Building Department within thirty (30) days of the date noted on the allocation notification from El Dorado County. If the request is received after the thirty (30) days limit, the owner will be removed from the allocation list, and the one thousand dollar (\$1,000) allocation purchase option fee will be refunded.

C. Request to be removed from the allocation list and have the one thousand dollar (\$1,000) allocation purchase option fee returned. The request must be received within thirty (30) days of the date noted on the allocation assignment notification from El Dorado County or the owner will be automatically removed from the allocation list and the one thousand dollar (\$1,000) allocation purchase option fee will be returned.

Once the owner is removed from the allocation list, a new allocation application must be submitted and a three hundred dollar (\$300) administrative fee must be paid. If the one thousand dollars (\$1,000) allocation purchase option fee was returned, a new one thousand dollars (\$1,000) allocation purchase option fee must be paid.

If an owner claims (acknowledges) an allocation and then decides not to use the allocation or does not meet the required time limits, the allocation and the one thousand dollar (\$1,000) allocation purchase option fee is forfeited.

Section 9. ALLOCATION TRANSFER. Allocations issued to "buildable parcels" are not transferable. If a person owns a "non-buildable parcel" (environmentally sensitive), an allocation may be transferable through the Residential Allocation Drawing for parcels with IPES scores less than required for a buildable parcel. The transfer must be approved by the Building Official.

Section 10. TIME LIMITS. Permit time limits, renewals, and extensions are established by the Uniform Building Code and El Dorado County Ordinance Title 15, Buildings and Construction, except as modified in these amendments. Expiration of time limits shall be by operation of law and failure of El Dorado County to give notice of expiration shall not affect the applicability of these provisions. All requests for permit time limit extensions must be made in writing prior to the original expiration date of the permit. All extensions must be approved by the Building Official in writing.

A. Allocation time limit. Applications for permits for new dwellings must be received by the Building Department within six (6) months of the date noted in the allocation notification or by December 31 of the year the allocation is assigned, whichever comes first. No allocation time limit extensions shall be allowed.

B. Application time limit. (Modification to UBC 107.4.) Permit applications shall expire if no permit is issued within one (1) year after the date of application. If an application expires, a new one must be submitted and all conditions relating to a new application shall apply. An extension of the one (1) year time limit may be granted only if a delay is caused by a governmental agency and only for the amount of time the application was delayed by that agency.

C. Permit time limit. (Modification to El Dorado County Title 15.16.130.) A permit shall expire three (3) years after the date of issuance. The permitted activity must receive a final inspection approval within three (3) years. The permit may be extended one time only for one (1) year, provided written request is made to the Building Official prior to the expiration of the first three-year permit time limit, and diligent pursuit to complete the project can be demonstrated.

A new permit application, subject to payment of fees as specified by the current El Dorado County Building Department Schedule of Fees, and approvals from all affected agencies shall

be required to renew work on a project after the permit has expired.

It is the owner's responsibility to ensure that the required documents and fees arrive at the El Dorado County Building Department within the designated time limits. Postmarks are not accepted and if the expiration date falls on a weekend or holiday the due date is the previous business day.

Section 11. TIME LIMIT EXTENSION. The Building Official may extend activities only if a delay is caused by a governmental agency and only for the amount of time the governmental agency delayed that particular activity. The parcel owner must provide written evidence documenting that the delay was caused by a governmental agency. This provisions of this section are subject to the time limits under the authority of El Dorado County.

Section 12. MINIMUM PERMIT APPLICATION REQUIREMENTS. Incomplete permit applications shall not be accepted by the Building Department. The minimum requirements for a complete application are those identified in the Uniform Building Code, the TRPA Code of Ordinances, El Dorado County Code Title 15, B.uild.i.ng and Construction, and shall be detailed by a written El Dorado County Building Department "Policy and Procedure." All new dwelling permit application project sites located in the Lake Tahoe Basin shall receive a partial site assessment.

Section 13. CERTIFICATE OF OCCUPANCY. A temporary Certificate of Occupancy may be issued per Uniform Building Code provisions, however, the permit security shall not be released until a final inspection approval has been obtained, including all standard and special conditions of approval. All activities that do not receive a final inspection approval are subject to the penalties prescribed in El Dorado County Code.

Section 14. VIOLATIONS. Any work performed in violation of these amendments is subject to penalties set forth in El Dorado County Code.

Section 15. ENVIRONMENTAL BOARD PPEALS. An Environmental Board of Appeals, which consists of five (5) members, is created to provide for reasonable application and interpretations of the TRPA

El Dorado County Memorandum of Understanding (M.O.U.) and the Tahoe Regional Plan as it pertains to the M.O.U. The Board has no authority relative to interpretation of the administrative provisions of these code amendments and is not empowered to waive code requirements.

The specific appeals process shall be prescribed by El Dorado County Building Department "Policies and Procedures." The fee to appeal a Building Official decision shall be established by the El Dorado County Building Department Schedule of Fees.

Section 16. ALLOCATION PURCHASE OPTION FEE REVERSION APPEALS.

A parcel owner may file an appeal with the Board of Supervisors for a partial or full refund of an allocation purchase option fee that reverts to the County as set forth in section 4. The appeal must be in writing, filed with the Clerk of the Board of Supervisors not later than 30 calendar days after the allocation has been turned in with the intent not to utilize the allocation, or at the expiration of the building period associated with the allocation, whichever comes first.

The Board of Supervisors may, at its discretion, grant a partial or full refund of the allocation purchase option fee if it finds that a hardship to the parcel owner will occur from the County's retention of all or a portion of the allocation purchase option fee. The appeal hearing shall be conducted pursuant to Chapter 2.09 of the County Ordinance Code.

Section 17. URGENCY ORDINANCE. This ordinance is adopted as an urgency ordinance to become effectively immediately since building allocations have already been issued and without immediately taking effect, many allocation holders will lose their ability to timely submit building plans, commence construction and avoid forfeiture due to heavy winter conditions and the short building season available in the Tahoe Basin. The Tahoe Regional Planning Agency changed in the Tahoe Basin building allocations program, effective December, 1997, also necessitate immediate and urgent ordinance changes.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 27th day of January, 199B, by the following vote of said Board:

SUPERVISORS: WILLIAMS. BRADLEY, RAYMOND J.
AyesNUTTING, J. MARK NIELSEN, WALTER L. SHULTZ,
JOHN E. UPTON

ATTEST

DIXIE L. FOOTE
Clerk of the Board Supervisors

Noes: NONE
Absent: NONE

By _____

o a o r s

I CERTIFY THAT:

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

Date _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk