## **DEVELOPMENT SERVICES DEPARTMENT**

## **COUNTY OF EL DORADO**

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TO:	Board of Supervisors	Agenda of:	July 19, 2011
FROM:	Tom Dougherty, Project Planner		
DATE:	June 10, 2011		
	Conditional Certificate of Compliance Revis Hocking-Hustead; Revision to the Condition		

**REQUEST:** Revision to an approved Conditional Certificate of Compliance for two parcels created by court order and subsequent recorded Grant Deeds in 1994, which would acknowledge the County's acceptance of the parcels as legally created in accordance with the Subdivision Map Act and local subdivision ordinances. They are currently identified by Assessor's Parcel Number 011-060-53. The acknowledgement would create a 165-acre Parcel 1, and a 164.49-acre Parcel 2, as shown in Exhibit F of the COC09-0023 Staff Report, upon satisfaction of the Conditions of Approval. The applicant is requesting to revise Conditions 6 and 7 which were approved as follows:

- 7. **Proof of Offsite Road Entitlements**: The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements to access the site prior to issuance of a Clear Certificate of Compliance.
- 8. **Road & Public Utility Easements**: The applicant shall irrevocably offer to dedicate a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways for access of both parcels prior to issuance of a Clear Certificate of Compliance. This offer will be rejected by the County.

The applicant requested modifying and combining Conditions 7 and 8 into a single condition proposed to read as follows:

7. **Road Easements**: The applicant shall record 50-foot wide non-exclusive road easements for the benefit of the property owners of the subject parcels as identified on Exhibit F so as to ensure road access to such parcels.

**BACKGROUND:** COC09-0023 was approved by the Zoning Administrator on February 17, 2010. There was no appeal of that decision. The Staff Report and the final Zoning Administrator approved Conditions of Approval for COC09-0023 have been included for review (Attachments 1 and 2). Planning, DOT and the County Surveyor's Office have reviewed the requested condition changes and determined that they do not have the ability to recommend approval of the requested changes because

the proposed condition modifications conflict with the following requirements contained in the Subdivision Ordinance:

1) Section 16.44.120, Design Criteria which reads as follows:

All design criteria and improvements made or installed in conjunction with the approval of a tentative parcel map shall conform to the standards and specifications contained or referred to in the Subdivision Design and Improvement Standards Manual, which shall be adopted and amended by resolution of the board of supervisors.

- A. All land divisions shall establish parcels consistent with the zoning regulations applicable to the area where the parcels are located and shall be consistent with applicable general and specific plans.
- B. Right-of-way.
  - 1. On-site.
    - a. A fifty foot (50') minimum width on-site public road and utility easement shall be irrevocably offered for dedication to the county to serve all parcels being created. Such easement may be extended, at the county's discretion, to the limits of the property in order to provide an orderly vehicle circulation system to and for adjacent properties. All cuts and fills necessary for the roadway which are outside the basic right-of-way width, shall be included in an easement or increased right-of-way width.
    - b. When the approving authority finds there is no future need for public access, on-site rights-of-way which serve only the parcels being created may be private, nonexclusive road and public utility easements.
  - 2. Off-site.
    - a. The parcels proposed in the subdivision shall have access to a state or county maintained road. Proof of access, as defined in subsection B.2.a.(I)(A) of this section, shall be a condition placed on a tentative map.
      - (I) Proof of access may be shown as follows:
        - (A) A recorded easement or court judgment as shown on a guarantee of record provided by a title company which provides for legal access to all parcels being created. The description of said easement shall be sufficient to identify its location and alignment.
        - (B) Access rights-of-way on land owned by a public entity or railroad may be documented by other than the above method, subject to county approval.
- C. The minimum width of easements or road bed improvements may be modified upon the approval of the approving authority.

The applicant's reasoning for the requested changes are stated in the letter from Michael Kuhl to Roger Trout dated March 21, 2011 (Attachment 3). As represented in that letter, the Board considered a companion Conditional Certificate of Compliance COC09-0022, because it requested that the County recognize and accept the parcels as legally created in accordance with the Subdivision Map Act despite being less than the 160 acre minimum size required for lands zoned TPZ. The Board approved that COC application and approved the applicant's request modifying the conditions, which are identical to the requested modifications herein.

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