



Legislation Details (With Text)

File #: 16-0799 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 7/20/2016 **In control:** Board of Supervisors

On agenda: 8/30/2016 **Final action:** 8/30/2016

Title: Surveyor's Office recommending the Board adopt and authorize the Chair to sign Resolution 140-2016 rescinding Resolution 223-81 which accepted the grant of a Open Space Easement from Roger Welt. The rescinding of Resolution 223-81 would effectively amend the February 7, 1995 Board action (Item 53) that further established said easement as a Conditional Open Space Easement. Affected parcel is APN: 032-361-03, located on Glenmore Way in Angora Highlands 2, Lake Tahoe. The property owner is Roger and Catherine Welt, Trustees of The 2009 Welt Family Revocable Trust Agreement.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Resolution 8-30-16, 2. B - Vicinity Map 8-30-16, 3. C - Grant of Open Space Easement 8-30-16, 4. D - Resolution 223-81 8-30-16, 5. Executed Resolution 140-2016 (8-30-16)

Date	Ver.	Action By	Action	Result
8/30/2016	1	Board of Supervisors	Approved	Pass

Surveyor's Office recommending the Board adopt and authorize the Chair to sign Resolution **140-2016** rescinding Resolution 223-81 which accepted the grant of a Open Space Easement from Roger Welt. The rescinding of Resolution 223-81 would effectively amend the February 7, 1995 Board action (Item 53) that further established said easement as a Conditional Open Space Easement. Affected parcel is APN: 032-361-03, located on Glenmore Way in Angora Highlands 2, Lake Tahoe. The property owner is Roger and Catherine Welt, Trustees of The 2009 Welt Family Revocable Trust Agreement.

FUNDING: N/A

DEPARTMENT RECOMMENDATION

Surveyor's Office recommending the Board adopt a resolution rescinding Resolution 223-81 which accepted the grant of an Open Space Easement from Roger Welt. The Resolution was passed and adopted on August 4, 1981. The grant deed for the easement was offered to the County on July 28, 1981, approved by the Board of Supervisors on August 4th, 1981 and recorded on August 7, 1981.

Rescinding Resolution 223-81 would also effectively amend a board action taken February 7, 1995 (Item 53) that further established said easement as a Conditional Open Space Easement. The condition of approval required that the release of the Open Space Easement was subject to the stipulation that TRPA would conduct an official building coverage analysis. However, TRPA cannot provide the building coverage analysis while the property is still subject to the Open Space Easement. The Open Space Easement recorded in Book 2002, page 185 O.R. The rescinding of the resolution will abandon the Open Space Easement, without the previous condition. This will allow the property owner to then request a building coverage analysis from TRPA and potentially develop the

property with a single family residence.

DISCUSSION / BACKGROUND

A request has been submitted by The 2009 Welt Family Revocable Trust Agreement, owner of APN 032-361-03, requesting that the County of El Dorado, Board of Supervisors, approve the abandonment of the Open Space Easement located on the subject property, without any stipulations.

In the early 1980's there were interim development limitations in the Lake Tahoe Basin. One such limitation was regarding the availability of new sewer hookups. Another limitation was a development building coverage established by the California Tahoe Regional Planning Agency (CTRPA). The property owner was fortunate to acquire one sewer allotment through the lottery system at the time, but the particular lot that was awarded the sewer allotment was deemed unbuildable by the CTRPA. The property owner then acquired a separate buildable lot and moved the sewer allocation and constructed a residence. In order to relocate the sewer allocation, an Open Space Easement was required to be placed on this lot.

ALTERNATIVES

An alternative would be to not adopt a Resolution of Vacation rescinding Resolution 223-81 and not amend the February 7, 1995 Board action. By utilizing this alternative, the owner of Assessor's Parcel 120-233-07, would be unable to request an official building coverage analysis from Tahoe Regional Planning Agency and would be unable to attempt to develop their property.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

The Community Development Agency, Planning Division has reviewed and approved Welt's request to rescind Resolution 223-81, amending the February 7, 1995 Board action and removing the Open Space Easement without conditions, and has provided their approval to the County Surveyor's Office;

CAO RECOMMENDATION

Chief Administrative Office concurs with staff's recommendations.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain the Chair's signature on two (2) originals of the Resolution.
- 2) Clerk of the Board to record the Resolution and attached Exhibits at the County Recorder's Office.
- 3) Clerk of the Board to return one (1) copy of the recorded Resolution and attached Exhibits to the Surveyor's Office for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Karen Hyder, Survey Technician II,
County Surveyor's Office
621-5121