



ORDINANCE No. 4632

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

Section 1. Chapter 16.76 of title 16 of the El Dorado County Ordinance Code entitled "Certificates of Compliance" is hereby added as follows:

Article V Certificates of Compliance

Chapter 16.76

General Provisions

Sections:

- 16.76.010 Title**
- 16.76.020 Definitions**
- 16.76.030 Purpose**
- 16.76.040 Scope**
- 16.76.050 Conditions of Approval**
- 16.76.060 Process**
- 16.76.070 Unconditional Certificates of Compliance Issued by Surveyor**
- 16.76.080 Conditional Certificates of Compliance Issued by Surveyor**
- 16.76.090 Certificates of Compliance Issued by Planning Department**
- 16.76.100 Fees**
- 16.76.110 Appeals**
- 16.76.120 Severability**

16.76.010 Title. This article shall be known and cited as the County Certificate of Compliance Ordinance and shall supersede Resolutions 342-91, 245-95, 25-01, 185-02, 34-03, and Ordinance 4217 which are hereby repealed.

16.76.020 Definitions

a. Certificate of Compliance: A document issued pursuant to Government Code section 66499.35 and recorded in the county recorder's office that states the subject parcel of land was lawfully created (unconditional), or if unlawfully created, which contains conditions which if satisfied by the owner shall legitimize the parcel (conditional). A certificate of compliance does not grant development rights.

Development rights are only obtained when permits or grants of approval for development are issued.

b. Permit or Grant of Approval for Development: Shall mean any permit or grant of approval for development issued from or by the County of El Dorado to any applicant on any parcel of land including but not limited to the following list:

1. Any permit issued by the El Dorado County Building Department including all ancillary permits.
2. Any permit issued by the El Dorado County Department of Transportation including all ancillary permits.
3. Any permit issued by the El Dorado County Environmental Management Department including all ancillary permits.

c. Parcel Creation: A parcel is created by the recording of a written document that describes the parcel. The County Assessor cannot create a parcel.

d. Parcel Creation Date: Except for those parcels created prior to March 4, 1972, the date the document was recorded is the date the parcel was created. To determine if a parcel was created prior to March 4, 1972, the Notary's acknowledgment date as shown on the recorded document may be used as the creation date.

e. Remainder: A parcel as defined in Government Code section 66424.6.

16.76.030 Purpose Pursuant to Section 66499.35 of the Subdivision Map Act, any owner of a parcel of land may request the local agency to determine if their parcel complies with the subdivision map act and any local ordinance enacted pursuant thereto. This article sets forth the standards that county staff will use to determine if the parcel complies with the subdivision map act and local ordinances.

16.76.040 Scope This article shall govern the process and the issuance of unconditional certificates and conditional certificates of compliance for certain parcels created without the benefit of the filing of a parcel map or final map.

16.76.050 Conditions of Approval The Subdivision Map Act requires conditional certificates of compliance be issued on certain types of parcels which were created in violation of the Subdivision Map Act. A local agency may impose any conditions that would have been applicable to the division of the property at the time the current owner(s) acquired his or her interest, except that where the current owner(s) was involved in the initial land division violation, then the local agency may impose any conditions that would be applicable to a current division of the property.

16.76.060 Process All applications for certificates of compliance shall be submitted to the County Surveyor for initial review. The Surveyor will determine if he is able to process the application within the provisions set forth in this chapter. The Surveyor is authorized to issue unconditional or conditional certificates of compliance only based upon the circumstances which are specifically authorized in this chapter. The Surveyor will forward all other applications to the Planning Department for further processing.

16.76.070 Unconditional Certificates of Compliance Issued by Surveyor: The County Surveyor is authorized to issue unconditional certificates of compliance only on parcels that meet any one (1) of the four (4) following criteria:

- a. The parcel is one of less than five parcels created by the same owner from the original parcel prior to March 4, 1972.
- b. The parcel is the result of a division which created parcels of 40 acres or larger, or is not less than a quarter of a quarter section, created prior to March 4, 1972.
- c. The parcel is a Final or Parcel Map remainder created prior to January 1, 1980.
- d. The parcel that was created in violation of the Subdivision Map Act or local ordinance and subsequently issued any permit or grant of approval for development.

16.76.080 Conditional Certificates of Compliance Issued by Surveyor. The County Surveyor is additionally authorized to issue conditional certificates of compliance for parcels that meet any one (1) of the three (3) following criteria:

- a. The parcel was one of five or more parcels created by the same owner from the original parcel prior to March 4, 1972.
- b. The parcel was created by a gift deed or grant deed with zero transfer tax between the dates of March 4, 1972 and October 10, 1983 where fewer than five parcels were created by the same owner from the original parcel.
- c. The parcel was the result of a division which created parcels 40 acres or larger or not less than a quarter of a quarter section created after March 4, 1972 and prior to January 7, 1992 where fewer than five parcels were created by the same owner from the original parcel.
- d. Any parcel that meets the criteria as cited in criteria numbered a or b or c above shall be issued a conditional certificate of compliance with the following condition imposed:

The owner of this parcel either prior to or concurrently with obtaining any permit or grant of approval for development shall comply with all fire safe regulations that are enforced now or in the future by the El Dorado County Building Department.

16.76.090 Certificates of Compliance Issued by Planning Department: The El Dorado County Planning Department is authorized to process, issue and record unconditional certificates and conditional certificates of compliance for parcels created after March 4, 1972 that meet any of the following creation test statements of fact:

- a. The parcel was created by gift deed where more than four parcels were created by the same owner from the same original parcel.
- b. The parcel sold for delinquent taxes owed.
- c. The parcel is a Final or Parcel Map remainder created after December 31, 1979.
- d. The parcel was created by a Court Partition.
- e. The parcel was created as a result of a conveyance to or from a Governmental Agency or public entity, under Subdivision Map Act section 66428a.2.
- f. The parcel was created by foreclosure.
- g. The parcel is any other parcel created without the benefit of a Parcel or Final Map that has not been specifically cited in this chapter.

The Planning Department is authorized based upon the circumstances involved in the creation of the parcel to issue an unconditional certificate or conditional certificate compliance. In addition, the Planning Department has the authority to determine if a public hearing will be required and what conditions as authorized by the Subdivision Map Act, if any, should be attached to the conditional certificate of compliance.

16.76.100 Fees. A fee established by resolution of the Board of Supervisors will be paid to the County Surveyor or the Planning Department along with completed certificate(s) of compliance application.

16.76.110 Appeals Decisions made by the County Surveyor, Planning Director, Zoning Administrator or Planning Commission may be appealed to the Board of Supervisors. Appeals must be filed with the appropriate department with an appeal fee payment. If an appeal is made, the matter will be heard at a public hearing of the Board of Supervisors.

16.76.120 Severability. The provisions of Ordinance Code Section 1.04.220 regarding severability applies to this chapter.

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Section 2. This ordinance shall take effect and shall become effective thirty (30) days following the adoption hereof.

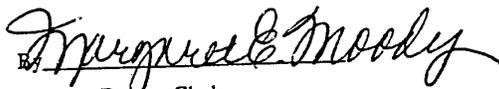
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 20th day of MAY, 2003, by the following vote of said Board:

Ayes: DUPRAY, BAUMANN, PAINE, SOLARO

ATTEST

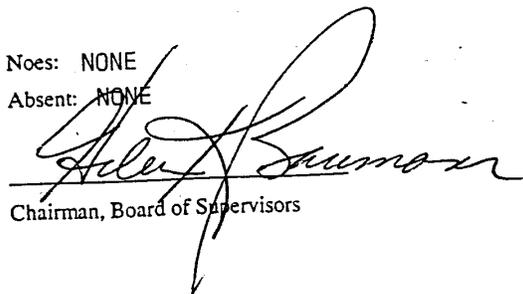
DIXIE L. FOOTE

Clerk of the Board of Supervisors


Deputy Clerk

Noes: NONE

Absent: NONE


Chairman, Board of Supervisors

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