

EL DORADO COUNTY PLANNING DEPARTMENT

2850 Fairlane Court, Placerville CA 95667

<http://www.co.el-dorado.ca.us/planning>

phone: (530) 621-5355 | fax: (530) 642-0508

CERTIFICATE OF COMPLIANCE

(Revised 01/04)

PURPOSE

As of March 4, 1972, the California State Subdivision Map Act and El Dorado County Ordinances required that new parcels of land can only be created lawfully by applying for and obtaining approval of a parcel map (when four or less parcels are being created). Further, a tentative subdivision map is required if five or more parcels are created either prior to or after the March 4, 1972 date. Unfortunately, numerous parcels have been created in violation of these requirements and are now not eligible to obtain a building permit. The Certificate of Compliance application is a process wherein these unlawfully created parcels will be considered legal after approval.

PROCESS

There are two major categories of Certificate applications; those processed by the County Surveyor (ministerial) without a public hearing, and where no conditions are applied, and those processed by the Planning Department (discretionary) which require a public hearing and compliance with current development standards. These are more clearly listed as follows:

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.

Conditions may include road improvements, offers of access dedication, road and park fees, fire protection requirements, etc. These conditions are normally recorded on the property title. A building permit and a "clear" Certificate (without conditions) cannot be issued until all conditions have been satisfied. Once the "clear" Certificate has been recorded by the County, a building permit can be issued. The recording notifies the public (future purchasers) the parcel conforms to State and County parcel creation requirements and is approved for development.

Key steps to the process follow:

- Step 1 Contact the County Surveyor's Office to determine whether you file a ministerial application with the County Surveyor, or a discretionary application with the Planning Department.
- Step 2 If a ministerial application is required, the County Surveyor will provide you with the proper application, and describe the process.

If a discretionary application is required, obtain a Certificate of Compliance application from the Planning Department and develop the required submittal information.

The remaining steps apply only to discretionary applications:

- Step 3 Call for an appointment with a planner to submit the application.
 - Step 4 Submit application.
 - Step 5 Application distributed to affected agencies for comment.
 - Step 6 Site visited by Planning and Department of Transportation staff.
 - Step 7 Applicant meets with Technical Advisory Committee (staff representatives of affected agencies) to discuss environmental review and recommended conditions of approval.
 - Step 8 Negative Declaration* filed and public hearing set. (30 day public review period required by State law)
- *Generally, a Negative Declaration is made (a finding that there will be no significant negative impacts caused by the project). However, if a determination is made that an Environmental Impact Report is required, the direction and timing of the project changes dramatically.
- Step 9 Public hearing and decision by the Zoning Administrator.

HEARING

Those applications processed by the Planning Department require a public hearing. The hearing is given public notice in a local newspaper and also by mailing notice to all owners within 500 feet of the applicant's property. All affected persons will have the opportunity to participate at the hearing. After the public hearing, the decision on the Certificate is made by the Zoning Administrator including the conditions which will be attached to the Certificate approval.

APPEALS

The decision of the County Surveyor is final and is not appealable to the Board of Supervisors. However, decisions on those applications heard by the Zoning Administrator may be appealed to the Board of Supervisors within 10 working days of the Zoning Administrator's decision. If an appeal is made, the matter is heard at a public hearing of the Board of Supervisors with notice given as described above. It is necessary that the person making the appeal be present at the hearing and provide justification for altering the Zoning Administrator's decision.

TIMING

Those applications processed by the County Surveyor should normally be completed within two weeks since no agency or public review is required. Those applications processed by the Planning Department require time for agency review, development of an environmental evaluation and staff report, hearing notice and public hearing. These applications will likely require four months to process.

FEES

Current application and revision fees may be obtained by contacting the Planning Department at (530) 621-5355 or by accessing the Planning Department's online fee schedule at <http://www.co.el-dorado.ca.us/planning>.

NOTE: Should your application be denied, application fees are nonrefundable. Should you request withdrawal of the application before a decision has been made, you may receive only that portion of the fee which has not yet been expended. If the public hearing notice has been advertised, fees are nonrefundable.

NOTE: If the project is located within or adjacent to an area which may have an impact on wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), the project must be referred to California Department of Fish and Game. In accordance with State Legislation (AB3158), you will be required to pay a fee of \$1,285 after approval of your application prior to the County filing the Notice of Determination on your project. This fee, less \$35 processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources. If the project is found to be de minimis (having no effect on fish and game resources or otherwise exempt), only the \$35 processing fee is required to file the Notice of Exemption with the State. These fees are paid immediately after project approval, checks payable to "El Dorado County" and submitted to the Planning Department for processing.

CONVERSION TO TIME AND MATERIALS

When in the opinion of the Planning Director the required fee for an application is going to be exceeded due to the complexity of the project or potential controversy that it may generate, the Planning Director may convert the application to a time and materials process. When this conversion is proposed, the applicant will be notified in writing and will be requested to submit a deposit in an amount estimated to be sufficient to cover the remaining staff work to bring the application to a final decision. Staff work on the application will stop until a deposit is provided. Normally this conversion will occur when it is obvious the required fee is going to be insufficient, which would typically occur during or soon after the Technical Advisory committee meeting. However, it could occur later in the project if controversy becomes more evident and/or revisions are proposed to the project to mitigate project impacts or neighbor concerns. After the conversion, the applicant will receive a monthly statement/bill identifying the remaining processing fee and/or deposit, or the amount due if deposited funds have been exhausted. If monies are owed, they shall be paid before action by the hearing body.

APPLICATION

If the application and submittal requirements are not attached to this information packet, please contact the Planning Department. A staff planner will provide you with the correct application, and will answer any questions you may have regarding the application or the process. You may also call the Planning Department at (530) 621-5355 for assistance.

APPOINTMENT

To determine whether the application is to be processed by either the County Surveyor's Office or the Planning Department, you should first contact the County Surveyor's Office to determine which process will be required. If it is determined you must apply to the Planning Department, please call ahead to the Planning Department for an appointment. This appointment will generally be made within 48 hours of your call.

For questions regarding ministerial applications processed by the County Surveyor, please call (530) 621-5440 for assistance.

EL DORADO COUNTY PLANNING DEPARTMENT

REQUIRED SUBMITTAL INFORMATION for Certificate of Compliance

The following information must be provided with all applications. **If all the information is not provided, the application will be deemed incomplete and will not be accepted.** For your convenience, please use the check (√) column on the left to be sure you have all the required submittal information. **All plans and maps MUST be folded to 8 1/2" x 11"**.

FORMS AND MAPS REQUIRED:

Check (√)

Applicant County

- | | | | |
|-------|-------|----|--|
| _____ | _____ | 1) | Application Form and Agreement for Payment of Processing Fees - completed and signed. |
| _____ | _____ | 2) | Letter of authorization from property owner authorizing agent to act as applicant when applicable. |
| _____ | _____ | 3) | Copy of deed which created the subject parcel(s). |
| _____ | _____ | 4) | Copy of deed showing when the current owner received title to the property. |
| _____ | _____ | 5) | A site plan which is drawn to scale showing any buildings, structures and uses occurring on the site. |
| _____ | _____ | 6) | Exhibit "A", completed, which provides a clear legal description of the site. (This information can usually be copied from a deed. If not clearly shown on the deed, you may need to obtain a description from a title company.) |
| _____ | _____ | 7) | Provide evidence of legal access to a County or State road. Provide maps, deeds, and/or easements showing legal access to the property. |
| _____ | _____ | 8) | A record search for archaeological resources shall be conducted through the North Central Information Center located at CSU-Sacramento, 6000 J Street, Adams Bldg, #103, Sacramento, CA 95819-6100, phone number (916) 278-6217. If the record search identifies a need for a field survey, a survey shall be required. (A list of Archaeological Consultants and survey requirements is available at the Planning Department.) Archaeological surveys shall meet the "Guidelines for Cultural Resource Studies" approved by the Board of Supervisors, available at the Planning Department. |

NOTE: APPLICATIONS WILL BE ACCEPTED BY APPOINTMENT ONLY. MAKE YOUR APPOINTMENT IN ADVANCE BY CALLING (530) 621-5355.

FILE # _____

EL DORADO COUNTY PLANNING DEPARTMENT

CERTIFICATE OF COMPLIANCE APPLICATION

PROPERTY OWNER _____ Phone () _____ FAX () _____

Mailing Address _____

APN _____ PROPERTY SIZE (acre(s)/SF _____ Zoned _____ GPD _____

PROPERTY OWNER _____ Phone () _____ FAX () _____

Mailing Address _____

APN _____ PROPERTY SIZE acre(s)/SF _____ Zoned _____ GPD _____

LIST ADDITIONAL PROPERTY OWNERS ON SEPARATE SHEET

APPLICANT/AGENT _____ Phone () _____ FAX () _____

Mailing Address _____

ENGINEER/SURVEYOR _____ Phone () _____ FAX () _____

Mailing Address _____

LOCATION: The property is located on the _____ side of _____, _____ feet / miles
N / E / W / S road or street

_____ of the intersection with _____ in the _____ area.
N / E / W / S major street or road

1) Describe below by what method (gift deed, grant deed, quitclaim deed, etc.) and the date the parcel was created. Attach one copy of any available deeds which created said parcel.

Date deed was recorded: _____ Method by which created: _____

2) Date current property owner acquired title to property (date deed was recorded): _____

3) Describe the type (paved, gravel, dirt, etc.) of road access to the property, and state the width and surfacing for that portion of the road located on your property. _____

4) CERTIFICATION STATEMENT

I hereby certify that the information contained within this application is true and correct to the best of my knowledge.

Signature of Property Owner(s) or Authorized Agent Date

FOR OFFICE USE ONLY

Date _____ Fee \$ _____ Receipt # _____ Received by _____

Census _____ Supervisor Dist _____ Section _____ Township _____ Range _____

ACTION BY _____ **PLANNING COMMISSION**
_____ **ZONING ADMINISTRATOR**

ACTION BY BOARD OF SUPERVISORS

Hearing Date _____

Hearing Date _____

Approved _____ Denied _____
findings and/or conditions attached

Approved _____ Denied _____
findings and/or conditions attached

APPEAL:

Approved _____ Denied _____

Executive Secretary

(Application Revised 04/00)

FILE # _____

EXHIBIT "A"

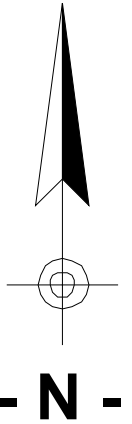
The real property situated in the State of California, County of El Dorado unincorporated area and described as follows:

Designated as Assessor's Parcel Number(s): _____

Currently owned by: _____

FILE # _____

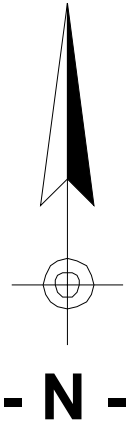
SITE PLAN



APPLICANT: _____ PARCEL NO.: _____
ZONING: _____ LOT AREA: _____ SEC _____ TWN _____ RGE _____
SCALE: _____ DATE: _____

FILE # _____

LOCATION MAP



APPLICANT: _____ PARCEL NO.: _____
ZONING: _____ LOT AREA: _____ SEC _____ TWN _____ RGE _____
SCALE: _____ DATE: _____