



subject parcel, even after she disclosed that it was a rental property and she did not, in fact, live on said parcel. Conversely, Planning staff maintains that no such discourse transpired. Given current County policy regarding temporary mobile homes and the requirements enumerated on the Conditions of Approval, Planning staff would not have knowingly approved TMA 08-0007 had it been disclosed that the applicant did not live on site. Further, the erroneous approvals of TMA 08-0007 and Building Permit #187911 do not constitute a vesting of the entitlements contained therein. The TMA is, as the name implies, temporary and is subject to nullification at any time if found to be in violation of any of the Conditions of Approval.

2. Applicant did not read the Conditions of Approval, nor the Notice of Restriction and Removal Agreement prior to having signed the document(s) before a notary public.

**Response:** On March 3, 2008, the applicant, Cherylyn Story (50% ownership) and Joellen Hasal, Trustee of the J.R. Hasal Revocable Living Trust (50% ownership), appeared before Valeina Rose Martello, a California notary public, and signed both an Affidavit Supporting Application and a Notice of Restriction and Removal Agreement, the latter of which was recorded by the County Recorder's office on April 1, 2008 as 2008-0015014-00 (Exhibit A). This Notice of Restriction, hereafter referred to as NOR, states that "The Permit for the mobile home, park trailer or recreational vehicle shall be null and void if any of the conditions of approval are violated. Conditions of approval are on file with the El Dorado County Planning Department." Condition #3 states in part that, "This temporary mobile home permit (excluding those in commercial and industrial zones or those used for public, school or church purposes), shall be null and void if any of the following occur: [...] g. The property owner no longer resides on the property" (Exhibit B). While staff regrets that the applicant did not review the documents in their entirety prior to signing them before a notary public, the act of signature prescribes both an authorized capacity for said signature, and the execution of the document being signed, pursuant to the California All Purpose Acknowledgement (Exhibit C). As such, the applicant is responsible for compliance with any and all provisions contained therein.

3. Applicant's son makes \$10 per hour, and is in danger of losing his apartment in Cameron Park. The temporary mobile home, therefore, should be considered as affordable housing.

**Response:** Current County policy does not make provisions for a temporary mobile home to serve as "affordable housing." Section 17.52.030.A of the adopted El Dorado County Zoning Ordinance does, however, state that, "One mobile home for use by the owner or members of the family to prevent the dislocation of family members and/or to allow for in-home care of family members." Pursuant to a long standing interpretation of "dislocation," Planning Services requires on-site habitation by the property owner. This requirement is reflected in the Conditions of Approval. With regards to affordable housing, Section 17.15.010 provides for, "the development of affordable housing opportunities by allowing the creation of a second residential unit on all lots zoned for single-family residential uses." The applicant has been informed of her ability to permit

the mobile structure as a true second residence, though county policy again would require a notarized NOR ensuring on-site habitation by the property owner.

ATTACHMENTS:

- Exhibit A.....Notice of Restriction and Removal Agreement
- Exhibit B.....Conditions of Approval
- Exhibit C.....California Notary All Purpose Acknowledgement
- Exhibit D.....Appeal Form
- Exhibit E.....Letter from Applicant, Dated August 1, 2008
- Exhibit F.....Letter from Lawrence Appel, Dated August 4, 2008
- Exhibit G.....Letter from Applicant, Dated August 14, 2008
- Exhibit H.....Grant Deed