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.
- 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 ($\sqrt{\ }$) column on the left to be sure you have all the required submittal information. All plans and maps MUST be folded to 8 ½" 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 frFom 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.

	EL DODAD	O COUNTY DE ANNIN		FILE #
		O COUNTY PLANNIN ATE OF COMPLIANC		reset form
PROPERTY OWI	NER	Phone ()	FAX ()
				
				GPD
				4X ()
		PERTY SIZE acre/s/SE		GPD
ALN		AL PROPERTY OWNERS		
APPLICANT/AGE		Phone (
		Phone /		
				×()
_				
LOCATION: The	property is located on the	N/E/W/S side of	road or street	feet / miles
of t	he intersection with	major street or road	in the <pick fro<="" td=""><td>m list> area.</td></pick>	m list> area.
copy of any av	ailable deeds which created :			
Date deed was	recorded:	Method by w	hich created:	
2) Date current pr	roperty owner acquired title to	o property (date deed was rec	corded):	
	/pe (paved, gravel, dirt, etc.) n your property.	of road access to the property	/, and state the width and	surfacing for that portion of the
4) <u>CERTIFICATIO</u> I hereby certify	ON STATEMENT that the information contains	ed within this application is tru	e and correct to the best of	of my knowledge.
Signature of Pro	perty Owner(s) or Authorized Ag	ent		Date
		FOR OFFICE USE ON	ILY	
Date	Fee \$	Receipt #	Recei	ived by
Census	Supervisor Dist	Section	Township	Range
ACTION BY	PLANNING COMM ZONING ADMINIS	•	ON BY BOARD OF SU	IPERVISORS
Hearing Date		Heari	ng Date	

Executive Secretary

Approved _

Denied ______findings and/or conditions attached

__ Denied _____ (Application Revised 04/00)

Approved __

APPEAL: Approved __

FIL	Ε	#

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: ______

FIL	Ε	#	

SITE PLAN



_ N .

APPLICANT:		PARCE			
ZONING:	LOT AREA:	SEC	TWN	RGE	
SCALE:		DATE:			

FILE	#			

LOCATION MAP



. N .

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

COUNTY OF EL DORADO CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Application or Solicitation Number: Application or Solicitation Title:			_
Was a campaign contribution, regardless of of Supervisors or to any County Agency Of of the applicant's proposed subcontractors of	ficer on or after	January 1, 2023, by	the applicant, or, if applicable, any
Yes No			
If no, please sign and date below.			
If yes, please provide the following informa	tion:		
Applicant's Name:			
Contributor or Contributor Firm's Name: _			
Contributor or Contributor Firm's Address:		···	
Is the Contributor:		٠	
o The Applicant	Yes	No_	
o Subcontractoro The Applicant's agent/ or lobbyist	Yes	No _ No	
	butions on or a f the contribution	ofter January 1, 2023 On. Each date must in	, the name of the contributor, the nclude the exact month, day, and
Amount(s):			
(Please add an additional sheet(s) to identify your subconsultants, and/or agent/lobbyist m			nty Agency Officer to whom you,
By signing below, I certify that the statement County any future contributions made to Boapplicable, any of the applicant's proposed signing this disclosure form, and within 12 m license, permit, or entitlement to use.	ard Members of ubcontractors of	· County Agency Of r the applicant's age	ficers by the applicant, or, if ent or lobbyist after the date of
Date		Signature of A	pplicant
Print Firm Name if applicable		Print Name of	Applicant

EL DORADO COUNTY BOARD OF SUPERVISORS AND COUNTY AGENCY OFFICERS

Board of Supervisors

John Hidahl, District One

George Turnboo, District Two

Wendy Thomas, District Three

Lori Parlin, District Four

Brook Laine, District Five

County Agency Officers

Jon DeVille, Assessor

Joe Harn, Auditor-Controller

Vern Pierson, District Attorney

Janelle K. Horne, Recorder-Clerk

Jeff Leikauf, Sheriff-Coroner-Public Administrator

K.E. Coleman, Treasurer-Tax Collector

Attachment A

GOVERNMENT CODE SECTION 84308

- (a) The definitions set forth in this subdivision shall govern the interpretation of this section.
- (1) "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.
- (2) "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.
- (3) "Agency" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.
- (4) "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.
- (5) "License, permit, or other entitlement for use" means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.
- (6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.
- (b) While a proceeding involving a license, permit, or other entitlement for use is pending, and for 12 months following the date a final decision is rendered in the proceeding, an officer of an agency shall not accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution on the officer's own behalf, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.
- (c) Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. An officer of an agency shall not make, participate in making, or in any way attempt to use the officer's official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution

in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

- (d)(1) If an officer receives a contribution which would otherwise require disqualification under this section, and returns the contribution within 30 days from the time the officer knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, the officer shall be permitted to participate in the proceeding.
- (2)(A) Subject to subparagraph (B), if an officer accepts, solicits, or directs a contribution of more than two hundred fifty dollars (\$250) during the 12 months after the date a final decision is rendered in the proceeding in violation of subdivision (b), the officer may cure the violation by returning the contribution, or the portion of the contribution in excess of two hundred fifty dollars (\$250), within 14 days of accepting, soliciting, or directing the contribution, whichever comes latest.
- (B) An officer may cure a violation as specified in subparagraph (A) only if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution.
- (C) An officer's controlled committee, or the officer if no controlled committee exists, shall maintain records of curing any violation pursuant to this paragraph.
- (e)(1) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party or the party's agent.
- (2) A party, or agent to a party, to a proceeding involving a license, permit, or other entitlement for use pending before any agency or a participant, or agent to a participant, in the proceeding shall not make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for 12 months following the date a final decision is rendered by the agency in the proceeding.
- (3) When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in this section.
- (f) This section shall not be construed to imply that any contribution subject to being reported under this title shall not be so reported.

Attachment B

COUNTY OF EL DORADO CAMPAIGN CONTRIBUTION DISCLOSURE INFORMATION

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use, including most contracts and franchises, pending before the Board of Supervisors ("Board") of the County of El Dorado or any of its affiliated agencies.

IMPORTANT NOTICE

Government Code section 84308 (also known as the "Levine Act") contains requirements that are summarized generally as follows:

- A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any member of the Board of Supervisors or other County official who may participate in your proceeding. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends 12 months after a final decision is rendered by the Board of Supervisors or other County officer. In addition, no Board member or other County official who may participate in your proceeding alternate may solicit or accept a campaign contribution of more than \$250 from you during this period.
- B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any Board member or other County officer who may participate in your proceeding during the 12-month period preceding the filing of the application or the initiation of the proceeding.
- D. If you or your agent have in the aggregate contributed more than \$250 to any individual Board member or other County officer who may participate in your proceeding during the 12 months preceding the decision on the application or proceeding, that Board member or other County officer must disqualify himself or herself from the decision. However, disqualification is not required if the Board member or other County official returns the campaign contribution within 30 days from the time the member or official knows, or should have known, about both the contribution and the fact that you are a party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your application or proposal, or with the first written document you file or submit after the proceeding commences.

- 1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.
- 2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are "agents."
- 3. To determine whether a campaign contribution of more than \$250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency relationship, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different Board of Supervisors members or other County officer who may participate in your proceeding are not aggregated.
- 4. A list of the Board of Supervisors members and other County officials is attached.

This notice summarizes the major requirements of Government Code section 84308 of the Political Reform Act and California Code of Regulations, Title 2 sections 18438.1-18438.8.