



RESOLUTION NO. 002-2022

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Resolution Authorizing the Director of Transportation to Execute a Notice of Deed Restriction and Covenant to Indemnify the County of El Dorado to Satisfy the Conditions of Approval for a Variance

WHEREAS, each zone district within El Dorado County establishes development standards for building height, setbacks, lot area, building coverage, etc., but in some cases the shape of the parcel, topography, or other natural features constrain the development of the site so that one or more of these standards cannot be met; and

WHEREAS, per County Code 130.60.030, the Planning and Building Department Director (or a designee) serves as the Zoning Administrator, and is assigned the review authority of original jurisdiction to consider and approve or deny applications for development applications, including but not limited to variances from development standards due to special circumstances; and

WHEREAS, under certain conditions for parcels with an elevation over 3,000 feet located on County-maintained roads, the Department of Transportation requires property owners who are granted a variance from setbacks along the County right of way to execute a hold harmless and indemnification agreement to ensure that the County is protected if any structures constructed in the reduced setback are damaged; and

WHEREAS, the Department of Transportation worked in conjunction with County Counsel to draft a standard Notice of Deed Restriction and Covenant to Indemnify the County of El Dorado (indemnity covenant) to satisfy the variance condition, and currently the Board of Supervisors is required to approve each indemnity covenant; and

WHEREAS, the County cannot issue a building permit for a project that was granted a variance as described above until the indemnity covenant is executed; and

WHEREAS, the Department of Transportation requests the Board of Supervisors delegate signatory authority to the Department Director to approve such agreements, allowing them to be processed more quickly and efficiently;

NOW, THEREFORE, BE IT RESOLVED that the Director of Transportation is hereby authorized to accept and sign any Notice of Deed Restriction and Covenant to Indemnify the County of El Dorado as required for a variance, subject to approval by County Counsel as to form.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 4th day of January, 2022, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes: Parlin, Thomas, Hidahl, Turnboo, Novasel
Noes: None
Absent: None

By: *Theresa Thompson*
Deputy Clerk

Lori Parlin
Chair, Board of Supervisors
Lori Parlin