

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: September 6, 2016	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Building Department APPROVING PARTY: Tim H. Beals PHONE NUMBER: (530) 289-3251

AGENDA ITEM: Resolution authorizing the County Building Official or Director of Environmental Health to impose a "covenant and agreement" as part of specified building permits and environmental health permits.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: See attached background memorandum.

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2016- _____ Agreement 2016- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD _____	DATE _____
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Agenda Item: Approval of resolution authorizing the County Building Official or Director of Environmental Health to impose a “covenant and agreement” as part of specified building permits and environmental health permits.

Background:

The issuance of County Building Permits and in some case, permits issued by the Environmental Health agency have unique circumstances or mitigation that is needed to allow a permit to be issued. Often is the case, that specific requirements for construction, requirements for reporting, requirements for any monitoring or maintenance are not clearly outlined in the County’s approval of a project. In order to provided a clear understanding of permit conditions and to protect the property rights of present and future owners, a recorded covenant or agreement is a typical process employed in may local building departments. One such example that is consistent with what other departments use is attached in the form of a two page typical covenant and agreement required when needed by the Town of Truckee. This form is the most suitable and generic form that could easily be adapted to a form to be sued by Sierra County.

The attached resolution authorizes the use of the covenant and agreement form in the daily issuance or administration of permits issued by the Building Department or Department of Environmental Health.

As just one example (actual) currently in process is a commercial hotel that has been reconstructing a failed engineered septic system. The system is under scrutiny from the State Regional Water Quality Control Board and is subject to specific design and maintenance obligations as specified by manufacturer specifications; by State regulation; and by the design engineer. The specific reporting, monitoring, and maintenance obligations for the current and any future owners would be memorialized in a recorded covenant and agreement. This process is far superior and easily accessible as compared to traditional conditions of approval that are filed away, not recorded, and over time may become difficult to retrieve or even become lost. The format requested in this agenda item would allow the recorded covenant to be used in this case.

Recommendation: Adopt resolution as presented.



Recorded at the request of and mail to:
BUILDING DIVISION
10183 Truckee Airport Road Truckee, CA 96161
(530) 582-7821 (530) 582-7889

Exempt from recording fees – Gov't Code §27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT AND AGREEMENT REGARDING MAINTENANCE OF BUILDING

(Pre-printed text shall not be changed except when done by an authorized Building Division employee.)

The undersigned hereby certify that we are the owners of real property located in the Town of Truckee, State of California that is described by the following **LEGAL DESCRIPTION**:

_____.

_____ as recorded in Book _____, Page _____,
Records of Nevada County.

This property is located at, and is known by, the following **ADDRESS**:

_____.

((Add Description))

The owner grants the Town of Truckee the right to re-inspect at anytime, as desired by the Town and/or its agents.

This covenant and agreement shall run with all of the above described land and shall be binding upon ourselves, and future owners, encumbrances, their successors, heirs, or assignees and shall continue in effect until released by the authority of the Town of Truckee upon submittal of a written request, applicable fees, and evidence that this Covenant and Agreement is no longer required by law.

Please type or print – **SIGNATURES MUST BE NOTARIZED**

Owner's Name(s) _____

Signature(s) _____

Two Officers' Signatures
Required for Corporations _____

Name of Corporation _____

Dated this _____ day of _____, 20_____

FOR DEPARTMENT USE ONLY

MUST BE APPROVED BY the Building Division prior to recording

Covenant for Town Department _____
To be completed for Town owned property only.

APPROVED BY: _____ Date: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Nevada

On _____ before me, _____
personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity (ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Nevada

On _____ before me, _____
personally

appeared _____ who proved
to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF AUTHORIZING
IMPOSITION OF COVENANT AND AGREEMENT
FOR CERTAIN BUILDING AND
ENVIRONMENTAL HEALTH PERMITS**

RESOLUTION NO. 2016-_____

WHEREAS, certain building permits issued by the Sierra County Building Department and/or by Sierra County Environmental Health have unique circumstances or mitigations requirements in order to allow the permit to be issued; and,

WHEREAS, a method is necessary for reporting, monitoring or maintenance condition to the County's approval of the project; and

WHEREAS, a recorded Covenant or Agreement is a typical process employed in many local building departments to provide a clear understanding of permit conditions and to protect the property rights of present and future owners.

NOW THEREFORE BE IT RESOLVED THAT the County Building Official or the Director of Environmental Health are hereby granted authority impose a "Covenant and Agreement Regarding Maintenance", attached hereto as Exhibit A, as part of specified building permits and environmental health permits.

ADOPTED by the Board of Supervisors of the County of Sierra on the 6th day of September, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COUNTY OF SIERRA

LEE ADAMS, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL



**RECORDED AT THE REQUEST OF
AND MAIL TO:
SIERRA COUNTY
PLANNING & BUILDING
DEPARTMENT
P.O. Box 530
Downieville, California 95936
(530) 289-3251 FAX: (530) 289-2828
planning@sierracounty.ca.gov**

THIS SPACE FOR RECORDER USE ONLY

Exempt from recording fees – Gov't Code §27383

**COVENANT AND AGREEMENT REGARDING USE OF PROPERTY OR STRUCTURE REQUIRED
AS A CONDITION OF APPROVAL OF A COUNTY PERMIT**

(Pre-printed text shall not be changed except when done by an authorized Building Department employee.)

The undersigned hereby certify that I/we are the owners of real property located in the County of Sierra, State of California that is described by the following **LEGAL DESCRIPTION:**

_____ as recorded in Book _____, Page _____,
Records of Sierra County. **APN:** _____

This property is located at, and is known by, the following **ADDRESS:**

The scope and nature of this covenant and agreement is as follows:

The owner grants the County of Sierra the right to re-inspect at anytime, as required by the County and/or its agents.

This covenant and agreement shall run with the above described land and shall be binding upon ourselves, and future owners, encumbrances, their successors, heirs, or assignees and shall continue in effect until released by the authority of the County of Sierra upon submittal of a written request, applicable fees, and evidence that this Covenant and Agreement is no longer required by law.

Please type or print – **SIGNATURES MUST BE NOTARIZED**

Owner's Name(s): _____

Signature(s): _____

Two Officers' Signatures
Required for Corporations: _____

Name of Corporation: _____

Dated this _____ day of _____, 20_____

FOR DEPARTMENT USE ONLY

Covenant for Building Permit #: _____ A.P.N.: _____

Approved by: _____ Date: _____

*****Must be approved by the Planning & Building Department prior to recording*****

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sierra

On _____ before me, _____
personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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