

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: September 3, 2014
Item No.: 4.a.
Staff: Aaron Mount

CONDITIONAL CERTIFICATE OF COMPLIANCE

FILE NUMBER: COC13-0024
APPLICANT: Pacific Realty Associates
AGENT: Warren Land Surveying
REQUEST: Certificate of Compliance for a parcel created by Grant Deed recorded on July 31, 1986.
LOCATION: North side of Golden Foothill Parkway 50 feet west of the intersection with Latrobe Road in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)
APN: 117-010-06 (Exhibit B)
ACREAGE: 1.0 acres
GENERAL PLAN: Research and Development (R&D) (Exhibit C)
ZONING: Research and Development-Design Community (R&D-DC) (Exhibit D)
ENVIRONMENTAL DOCUMENT: Statutorily exempt pursuant to Section 15268 of the CEQA Guidelines

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Certify that the project is statutorily exempt from CEQA pursuant to Section 15268 of the CEQA Guidelines, as a Certificate of Compliance is a ministerial project; and

2. Issue a Conditional Certificate of Compliance, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: Lot Line Adjustment application BLA13-0027 was submitted for three parcels including the project parcel in order to realign property lines to better fit proposed development of the site. During review of the application it was found that the project parcel was not created consistent with the Subdivision Map Act. The County Surveyor's Office determined that only Planning Services could process a Certificate of Compliance consistent with Ordinance Section 16.76.090(e) which states "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". As detailed below that project parcel reverted back to private ownership after being created for the benefit of a public entity.

This application is a request for a certificate of compliance on Assessor's Parcel Number 117-010-06, which would acknowledge the County's acceptance of the parcel as legally created in accordance with the Subdivision Map Act and local subdivision ordinances. The County's issuance of a certificate of compliance on the parcel would allow development of the property consistent with the Research and Development (R&D) Zone District, which allows high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities.

Without the certificate of compliance the County cannot issue any development permits, including building permits. In this instance, the parcel would be issued a conditional certificate of compliance requiring specific conditions be completed prior to the issuance of an unconditional or clear certificate of compliance. The parcel cannot be developed until such time as a clear certificate of compliance is recorded.

The project parcel was a result of a division of land after March 4, 1972. Further, it was not done under the guidelines of any local ordinance or with the benefit of a Parcel or Subdivision Map. The parcel history is as follows:

- The parcel was created in a different configuration, same location, on February 14, 1984, by Grant Deed and Acceptance in Book 2257 Page 678 and Book 2257 Page 685. Grantor – El Dorado Hills Business Park, Grantee – El Dorado County Water District. APN 086-080-20
- El Dorado County Water District granted it back to El Dorado Hills Business Park on July 31, 1986 in Book 2602 Page 600.
- El Dorado Hills Business Park then granted, in a little different configuration which is now the current parcel, to El Dorado County Water District on July 31, 1986 in Book 2602 page 600. APN then was 086-080-33.
- The El Dorado County Water District granted the parcel to the current owner on August 22, 2006 document number 56727.

As detailed above, the applicant acquired title to the subject property on August 22, 2006. As such, the County may issue a conditional certificate of compliance and impose any conditions

that would have been applicable to the division of the property at the time the applicant acquired interest in the property pursuant to Government Code Section 66499.35(b).

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Zoning Administrator consideration are provided in the following sections.

Project Description: A Certificates of Compliance for Assessor's Parcel Numbers 117-010-06. The result of the project would be that the County would legalize one parcel in configuration as proposed in Lot Line Adjustment BLA13-0027 which would result in a 4.54 acre parcel designated as Parcel 1 in Exhibit H.

Site Description: The subject site lies at an average elevation of 500 feet above mean sea level and is located at the intersection of Golden Foothill Parkway and Latrobe Road in the El Dorado Hills Business Park. The parcel is undeveloped and consists of grassland and landscaping for the entrance to the business park.

Access: Access to the subject site is currently provided by Golden Foothills Parkway but would have future access by a developed but unnamed road that is to the west of the parcel and is shown on BLA13-0027 (Exhibit H).

Water/Wastewater Disposal: The project parcel is in the El Dorado Hills Business Park which is serviced by EID for public water and sewer. The applicant is required to obtain a meter award letter as required by County Resolution Number 118-92 for creation of a parcel within the service area of the El Dorado Irrigation District.

GENERAL PLAN

The General Plan designates the subject site as Research and Development (R&D) which allows high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities. Staff finds that the certificate of compliance, as conditioned, is consistent with applicable policies of the County General Plan. Findings for consistency with the General Plan are provided in Attachment 2.

Zoning: The subject parcel is zoned Research and Development (R&D) which permits a minimum parcel size of 4.5 acres with on-site water and sewer. The existing one acre parcel is substandard in size for the R&D zone district without submittal of a Planned Development application. As shown on Exhibit H, final recording of the approved lot line adjustment would bring the parcel into conformance with the R&D zone district development standards without the requirement to process a Planned Development application. The County proposes a condition of approval that would require recording the lot line adjustment prior to issuance of a clear Certificate of Compliance.

When a request for a Certificate of Compliance is made the County must issue it. The requested certificate of compliance determines only whether the parcel conforms to the requirements of the Subdivision Map Act and local ordinances. It does not grant any right to develop the parcel.

Conclusion: As discussed above, staff finds that although the proposed lot is currently inconsistent with the R&D development standards, as conditioned the project would result in a parcel that meets the minimum acreage. The necessary findings can be made to support the request for a Certificate of Compliance. Zoning consistency findings are contained within Attachment 2.

Authority to Issue a Conditional Certificate of Compliance: Section 16.76.050 of County Code states that the Subdivision Map Act requires conditional certificates of compliance to be issued on certain types of parcels which were created in violation of the Subdivision Map Act. A local agency may impose any conditions that would have been applicable to the division of the property at the time the current owner(s) acquired his or her interest. However, where the current owner(s) was involved in the initial land division violation, the local agency may impose any conditions that would be applicable to a current division of the property. The current owners received title on August 22, 2006. Section 16.44.120, Design Criteria of the El Dorado County Code establishes the design criteria and improvements made and installed in conjunction with the approval of maps. Staff-recommended conditions would apply the appropriate standards to the parcel that would result from this certificate of compliance application.

ENVIRONMENTAL REVIEW

This project has been found to be statutorily exempt from the requirements of CEQA pursuant to Section 15268 of the CEQA Guidelines stating that “ministerial projects are exempt from the requirements of CEQA.” The California Appeals Court said that a certificate of compliance is a "ministerial project" requiring no exercise of discretion in the course of its approval (*Findleton v. El Dorado Co. Board of Supervisors* (1993) 12 Cal. App. 4th 709).

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor’s Parcel Map Page
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibit F	Property Description
Exhibit G	Parcel Map PM48-132
Exhibit H	Lot Line Adjustment BLA13-0027

ATTACHMENT 1
CONDITIONS OF APPROVAL
CERTIFICATE OF COMPLIANCE
ZONING ADMINISTRATOR/JUNE 5, 2013

File Number COC13-0024/Pacific Realty Associates

I. PROJECT DESCRIPTION

1. This Certificate of Compliance is based upon and limited to compliance with the project description, the exhibits marked Exhibit E and F, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Certificate of Compliance for Assessor's Parcel Number 117-010-06 resulting in a 4.5 acre parcel which will acknowledge the County's acceptance of the parcels as legally created in accordance with the Subdivision Map Act and local subdivision ordinances.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. **Water Meter Award Letter:** A water meter award letter from El Dorado Irrigation District or similar assurance from the water purveyor, guaranteeing water service upon demand to the lot created, shall be submitted to Development Services prior to recording of a Clear Certificate of Compliance.
3. **Lot line Adjustment:** BLA13-0027 shall be filed prior to recording a clear Certificate of Compliance. All conditions of approval for this conditional Certificate of Compliance shall be met prior to recording a Parcel Map for the Lot Line Adjustment.
4. **Clear Certificate of Compliance:** Due to the requirement to record the Boundary Line Adjustment, the County Surveyor is authorized to record a Clear Certificate of Compliance concurrently with the map implementing BLA13-0027, subject to verification that condition of approval number 2 is satisfied.

ATTACHMENT 2
FINDINGS
CERTIFICATE OF COMPLIANCE
ZONING ADMINISTRATOR/~~JUNE 5, 2013~~

File Number COC13-0024/Pacific Realty Associates

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 This project has been found to be statutorily exempt from the requirements of CEQA pursuant to Section 15268 of the CEQA Guidelines stating that “ministerial projects are exempt from the requirements of CEQA.” The California Appeals Court said that a certificate of compliance is a "ministerial project" requiring no exercise of discretion in the course of its approval (*Findleton v. El Dorado Co. Board of Supervisors* (1993) 12 Cal. App. 4th 709).
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 The issuance of a Conditional Certificate of Compliance for Assessor’s Parcel Number 117-010-06 resulting in a 4.54 acre parcel meets the requirements of the Subdivision Map Act and County Code Title 16 because the County is verifying that the parcel has sufficient access, safety, and ability to support commercial uses. Further, the County is ensuring that a legitimate transfer took place with an accurate legal description.

3.0 TITLE 16 SUBDIVISIONS ORDINANCE

- 3.1 The project parcel was a result of a division of land after March 4, 1972. Section 16.76.090.G authorizes issuance of a conditional certificate of compliance if the parcel was created without the benefit of a Parcel or Final Map that has not been specifically cited in Chapter 16.76 of the El Dorado County Subdivision Ordinance.

4.0 GENERAL PLAN CONSISTENCY FINDINGS

- 4.1 The proposed Certificate of Compliance, as conditioned, is consistent with the General Plan and the R&D land use designation for density and land use.
- 4.2 The proposal is consistent with all applicable Policies of the General Plan including 5.2.1.3 and 5.2.1.11 (connection to a public water system), 5.3.1.1 and 5.3.1.7 (connection to public wastewater facilities), and 6.2.3.2 (adequate emergency access).

The project provides adequate access and parcel size that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

5.0 ZONING FINDINGS

- 5.1 The project is zoned Research and Development-Design Community (R&D-DC) which establishes a minimum parcel size of 4.5 acres. Approval of the Conditional Certificate of Compliance will require recording a Lot Line Adjustment, creating a parcel 4.54 acres in size. As conditioned, the project would be consistent with the development standards of the R&D zone district.