

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Date:** February 3, 2021  
**Item No.:** 4.a.  
**Staff:** Matthew Aselage

**CERTIFICATE OF COMPLIANCE**

**FILE NUMBER:** COC20-0001/Green Valley Community Church

**APPLICANT:** Norman S. Allen

**OWNER:** John Loera, Executive Pastor

**REQUEST:** Certificate of Compliance for a 5.824 acre parcel created as a result of a grant deed recorded on February 21, 2001 from 1<sup>st</sup> Assembly of God Church of Placerville, to the current property owners, Green Valley Community Church.

**LOCATION:** Southwest side of the intersection between Missouri Flat Road and Life Way, in the Placerville area, Supervisorial District 4. (Exhibit A)

**APN:** 325-090-010 (Exhibit B)

**ACREAGE:** 5.824 acres

**GENERAL PLAN:** Medium-Density Residential (MDR) (Exhibit C)

**ZONING:** One-acre Residential (R1A) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Statutorily Exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act (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. Approve Certificate of Compliance COC20-0001 based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this conditional Certificate of Compliance would make Assessor's Parcel Number (APN) 325-090-010 a legal, buildable parcel and the property owner(s) could submit for permit entitlements from the County for development of the parcel with uses listed in the One-acre Residential (R1A) Zone.

## **BACKGROUND/HISTORY**

The parcel of concern was established as a remainder lot of the 40- lot residential subdivision entitled Christian Life Manor, filed February 5, 1985 under Parcel Map PM29-41. The subject parcel was transferred by Grant Deed (recorded on February 21, 2001) from the 1<sup>st</sup> Assembly of God Church of Placerville to the Green Valley Community Church.

Section 120.76.090.C of the El Dorado County Ordinance Code, authorizes the Department of Planning and Building to process, issue, and record unconditional and conditional certificates of compliance for parcels that are final or parcel map remainder lots created after December 31, 1979.

## **EXISTING CONDITIONS/SITE CHARACTERISTICS**

The 5.824 acre parcel is vacant and undeveloped. The parcel is located in the El Dorado – Diamond Springs Community Region adjacent to single family residential developments to the south and east, the Green Valley Community Church to the west, and residentially and agriculturally developed properties across Missouri Flat Road to the north. An access road which connects the Green Valley Community Church to an access point onto Life Way runs across the southern portion of the parcel, this is not the only access point for the adjacent Green Valley Community Church. There is mixed Oak Woodland primarily in the northern half of the property, with additional mixed Oak Woodland along the southern property boundary. A blue line riparian corridor runs across the northeastern corner of the property. Topography on site is generally flat with slopes below 10%.

Access to the project site is located on the southwest corner of the intersection with Missouri Flat Road and Life Way in the El Dorado area. The site is currently undeveloped. The parcel has legal access from Life Way near the Missouri Flat Road intersection.

## **PROJECT DESCRIPTION**

A request for a Certificate of Compliance on Assessor's Parcel Number (APN) 325-090-010 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 conditional Certificate of Compliance on the parcel would potentially allow development of the property consistent with the One-acre Residential (R1A) Zone District and permitting process.

Without the Certificate of Compliance the County cannot issue any development permits, including building permits, for the property. The parcel cannot be developed until such time as a Certificate of Compliance is recorded or receive an approval for further subdivision.

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 § 66499.35(b).

## **ANALYSIS**

**General Plan Consistency:** The project is consistent with all applicable General Plan policies including: Policy 2.2.1.2 (Land Use Density), Policy 2.2.5.2 (Consistency with the General Plan), Policy 2.2.5.21 (Compatibility with Surrounding Neighborhood), Policy 5.2.1.2 (Adequate Water Supply), and Policy 6.2.3.2 (Adequate Emergency Access). Further analysis of each policy is discussed in the Findings section below.

**Zoning Ordinance Consistency:** Staff has determined that the proposed project, as conditioned is consistent with all applicable standards and requirements of Title 130 of the County Zoning Ordinance. The project parcel is zoned One-acre Residential (R1A) and the project has been analyzed in accordance with all applicable development standards for this zone district. As conditioned, the project would conform to the required development standards and other applicable requirements as shown below and more fully described in the Findings.

**Consistency with the County Subdivision Ordinance:** Staff has determined the project is consistent with all applicable standards and requirements for the County Subdivision Ordinance (Title 120 of the County Ordinance Code) for Certificates of Compliance including consistency with the General Plan and Zoning Ordinance.

Section 120.76.090.C of the El Dorado County Code of Ordinances authorizes the Department of Planning and Building to process, issue, and record certificates of compliance for parcels that are final or parcel map remainder lots created after December 31, 1979. The parcel is a remainder lot that was created as a result of a parcel map approved after December 31, 1979, and therefore requires a Certificate of Compliance.

Section 120.44.020 of the El Dorado County Code of Ordinances requires compliance and consistency with the General Plan. As discussed above in General Plan Consistency, the parcel is consistent with the Medium Density Residential (MDR) General Plan land use designation. Planning staff has determined that the proposed project is consistent with the applicable regulations and requirements in Title 120 of the El Dorado County Code of Ordinances, as discussed below in Section 3.0 Subdivision Ordinance Findings

## **AGENCY COMMENTS**

The project was distributed to all applicable local, County and state agencies for review and comment. The surveyor's office provided one standard condition of approval regarding site addressing. None of the additional local, County and state agencies provided comments, including the El Dorado – Diamond Springs County Fire Protection District.

## **PUBLIC OUTREACH**

No formal public outreach was conducted as a public outreach plan is not required for the project pursuant to the County Subdivision Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet. In addition, project notification was sent to the County Zoning Administrator email subscription list and posted on the Planning Services Zoning Administrator webpage. No physical sign posting is required for Certificates of Compliance.

## **ENVIRONMENTAL REVIEW**

The 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.” In its 1993 decision, *Findleton v. Board of Supervisors*, 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:

Findings

Conditions of Approval

Exhibit A.....Location/Vicinity Map

Exhibit B.....Assessor's Parcel Map

Exhibit C.....General Plan Land Use Designation Map

Exhibit D.....Zoning Map

Exhibit E.....Property Description

Exhibit F.....Site Plan

## FINDINGS

### Certificate of Compliance COC20-0001/Green Valley Community Church Zoning Administrator/February 3, 2021

#### **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.” In its 1993 decision, *Findleton v. Board of Supervisors*, 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 El Dorado County Department of Planning and Building located at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 ADMINISTRATIVE FINDINGS**

- 2.1 The issuance of the Conditional Certificate of Compliance for APN 325-090-010 meets the requirements of the *Subdivision Map Act* and *County Code Title 120* as the County is verifying that the parcel has sufficient access, safety and ability to support industrial uses.

#### **3.0 TITLE 120 - SUBDIVISION ORDINANCE**

- 3.1 Section 120.76.090.C. of the El Dorado County Code of Ordinances authorizes the Department of Planning and Building to process, issue, and record Certificates of Compliance for parcels that are final or parcel map remainder lots created after December 31, 1979. The parcel is a remainder lot that was created as a result of a parcel map approved after December 31, 1979, and therefore requires the Certificate of Compliance.
- 3.2 Section 120.44.020 of the El Dorado County Code of Ordinances requires compliance and consistency with the General Plan. The parcel is consistent with the Medium Density Residential (MDR) General Plan land use designation.

#### **4.0 GENERAL PLAN FINDINGS**

- 4.1 **The project is consistent with General Plan Policy 2.2.1.2.**

Policy 2.2.1.2 identifies that the purpose of the Medium-Density Residential (MDR) land use designation establishes that the purpose of this land use category is to establish areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. Types of uses that would be permitted

include single-family residential and residential estate developments. Incompatible, non-residential uses, excluding support services, shall be discouraged. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The proposed Certificate of Compliance is consistent with the Medium-Density Residential (MDR) General Plan land use designation for minimum parcel size, density, and land use. No development has been proposed beyond the Certificate of Compliance. Future development would be required to be a use permitted within the Medium-Density Residential zone. The project is consistent with this policy.

**4.2 The project is consistent with General Plan Policy 2.2.5.2.**

Policy 2.2.5.2 requires applications for discretionary projects or permits shall be reviewed to determine consistency with policies with the General Plan. No approvals shall be granted unless a finding can be made that the project or permit is consistent with the General Plan.

Rationale: No development has been proposed for the project site beyond the Certificate of Compliance. Future development would be required to demonstrate compliance with applicable General Plan policies. The project is consistent with this policy.

**4.3 The project is consistent with General Plan Policy 2.2.5.21.**

Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed.

Rationale: Future development proposals would be required to be consistent with the neighboring Single-family Residential (R1A and R1), Residential Estate – 5 acres (RE-5), Residential Estate – 10 acres (RE-10), and Planned Agriculture – 10 acres (PA-10) designated properties. The project is consistent with this policy.

**4.4 The project is consistent with General Plan Policy 5.2.1.2.**

Policy 5.2.1.2 requires an adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Rationale: The project is located in the El Dorado Irrigation District service area. Connection to public water service would be verified at the time of future building permit issuance. The El Dorado – Diamond Springs Fire Protection District was notified of the project but did not provide comments. Future development would be required to comply with

applicable fire safe regulations at time of building permit issuance. The project is consistent with this policy.

**4.5 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2 states that as a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The County Department of Transportation (DOT) was notified of the project, but did not provide comments. Future development would be required to comply with applicable access and circulation development standards at time of building permit issuance. In addition, the El Dorado – Diamond Springs Fire Protection District was notified of the project but did not provide comments. Future development would be required to comply with applicable fire safe regulations at time of building permit issuance. The project is consistent with this policy.

**5.0 ZONING FINDINGS**

**5.1 The project is consistent with Table 130.24.030.**

Table 130.24.030 lists the Residential Zones Development Standards. The property is located in the One-acre Residential (R1A) Zone.

Rationale: The One-acre Residential (R1A) Zone requires a minimum lot size of one acre. The parcel is 5.824 acres and therefore meets the size standard. The site is currently undeveloped. Future development would be required to meet established setbacks of: 30-foot front, 15-foot sides, and 30-foot rear. Maximum building height would be 45-feet. The project is consistent with Table 130.24.030.



# **CONDITIONS OF APPROVAL**

## **Certificate of Compliance COC20-0001/Green Valley Community Church Zoning Administrator/February 3, 2021**

### **I. PROJECT DESCRIPTION**

1. This Certificate of Compliance is based upon and limited to compliance with the project description, the site plan (Exhibit 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 325-090-010 which will acknowledge the County's acceptance of the parcel as legally created in accordance with the Subdivision Map Act and local subdivision ordinances once the Conditions of Approval are met.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

### **II. PROJECT CONDITIONS OF APPROVAL**

#### **County Surveyor's Office**

2. Situs addressing shall be coordinated with the County Surveyor's Office prior to the issuance of a building permit on this parcel.