

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



Date: October 20, 2021

Item No.: 4.a.

Staff: Matthew Aselage

CERTIFICATE OF COMPLIANCE

FILE NUMBER: COC21-0002/Kuntz

APPLICANT: David Kuntz

OWNER: Kuntz Family Trust c/o David Kuntz

REQUEST: Certificate of Compliance (COC) for a ten-acre remainder lot created by grant deed on May 25, 1972 (Book 1124/Page 508).

LOCATION: West side of the intersection between Arrowbee Drive and Mewuk Drive, in the Placerville area, Supervisorial District 4 (Exhibit A).

APN: 105-190-020 (Exhibit B)

ACREAGE: Ten-acres

GENERAL PLAN: Low-Density Residential – Important Biological Corridor (LDR-IBC) (Exhibit C)

ZONING: Residential Estate – Five-Acres (RE-5) (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 COC is a ministerial project; and

2. Approve Certificate of Compliance COC21-0002 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this conditional COC would make Assessor's Parcel Number (APN) 105-190-020 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 Residential Estate – Five-Acres (RE-5) Zone.

BACKGROUND/HISTORY

The parcel of concern is a portion of a 20-acre parent parcel recorded in a quitclaim deed dated July 9, 1962 (book 598, page 222) (Exhibit E). As recorded in a grant deed dated May 25, 1972 (book 1124, page 508), the 20-acre parent parcel was split into three lots as follows: Lot 20 (ten-acres), Lot 21 (five-acres), and Lot 22 (five-acres) (Exhibit F). On 2005, COC Lot 22, COC04-75, was approved by the Zoning Administrator on February 14, 2005 and subsequently recorded on February 28, 2005 (Exhibit G). Neither Lot 20 or 21 have been issued a COC, but are subject to the COC process due to these lots having been created prior to March 4, 1972. This current application fulfills this requirement for Lot 20 only.

Section 120.76.090.B of the El Dorado County Ordinance Code, authorizes the Planning and Building Department to process, issue, and record unconditional and conditional COCs for parcels that sold with delinquent taxes owed.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The ten-acre parcel is currently vacant and undeveloped. The parcel is located in the Placerville area adjacent to single family residential developments on all sides. The subject parcel is at an average elevation of approximately 1,460-feet above mean sea level. Oak trees and brush are present on site. Access to the site is from Arrowbee Drive, a non-county maintained roadway.

PROJECT DESCRIPTION

A request for a COC on APN 105-190-020 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 COC on the parcel would potentially allow development of the property consistent with the Residential Estate – Five-Acres (RE-5) Zone District and permitting process.

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

The County may issue a conditional COC 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 RE-5 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 COC including consistency with the General Plan and Zoning Ordinance.

Section 120.76.090.B of the El Dorado County Code of Ordinances authorizes the Planning and Building Department to process, issue, and record COCs for parcels that sold with delinquent taxes owed. The parcel is a remainder lot that was created as a result of a grant deed sold as a non-zero tax transfer, and therefore requires a COC.

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 Low Density Residential – Important Biological Corridor (LDR-IBC) 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. Comments were not received during the initial consultation period.

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 1000 feet and legal

advertisement was published in applicable local newspapers. 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 COC.

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.....Quitclaim Deed Dated July 9, 1962
Exhibit F.....Grant Deed Dated May 25, 1972
Exhibit G.....Conditional Certificate of Compliance Dated
February 28, 2005

FINDINGS

Certificate of Compliance COC21-0002/Kuntz Zoning Administrator/October 20, 2021

FINDINGS FOR APPROVAL:

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (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 (COC) 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 Planning and Building Department located at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 The issuance of the Conditional COC for Assessor’s Parcel Number (APN) 105-190-020 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.B. of the El Dorado County Code of Ordinances authorizes the Planning and Building Department to process, issue, and record COC for parcels that sold with delinquent taxes owed. The parcel is a remainder lot that was created as a result of a grant deed sold as a non-zero tax transfer, and therefore requires a COC.
- 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 Low Density Residential – Important Biological Corridor (LDR-IBC) 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 LDR-IBC land use designation establishes areas for single-family residential development in a rural setting. Types of uses that would be permitted include single-family residential and residential accessory structure

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 COC is consistent with the LDR-IBC General Plan land use designation for minimum parcel size, density, and land use. No development has been proposed beyond the COC. Future development would be required to be a use permitted within the Residential Estate – Five-Acres (RE-5) 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 COC. 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 Residential Estate – 5 acres (RE-5) 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. 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, 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 130.21.030

Table 130.21.030 lists the Residential Zones Development Standards. The property is located in the RE-5 Zone.

Rationale: The RE-5 Zone requires a minimum lot size of five-acres. The parcel is ten-acres and therefore meets the size standard. The site is currently undeveloped. Future development would be required to meet established setbacks of: 30-feet on all sides for all structures. Maximum building height would be 50-feet for agricultural structures and 45-feet for non-agricultural structures. Minimum lot frontage would be 100-feet. The project is consistent with Table 130.21.030.

CONDITIONS OF APPROVAL

**Certificate of Compliance COC21-0002/Kuntz
Zoning Administrator/October 20, 2021**

I. PROJECT DESCRIPTION

1. This Certificate of Compliance (COC) is based upon and limited to compliance with the project description, the site plan, 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:

COC for Assessor's Parcel Number 105-190-020 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.