

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: May 3, 2006.
Item No.: 5.a.
Staff: Aaron Mount

CERTIFICATE OF COMPLIANCE

FILE NUMBER: COC05-0164

APPLICANT: Anita Casalina and Steven Eldon

REQUEST: Request for a certificate of compliance for one parcel identified by Assessor's Parcel Number 037-140-11, created by court partition March 19, 1976. Current owners acquired title to property February 20, 2002.

LOCATION: On the east side of U.S. Highway 50, approximately 87 feet southwest of the intersection with Huckleberry Road in the Phillips/Echo Lake area. (Exhibit A)

APN: 037-140-11

ACREAGE: 0.498 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit B)

ZONING: One-half Acre Residential (R-20,000) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated negative declaration

SUMMARY RECOMMENDATION: Approval of a conditional certificate of compliance

BACKGROUND: This application is a request for a certificate of compliance on Assessor's Parcel Number 037-140-11, which will acknowledge the County's acceptance of the subject parcel as legally created parcel 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 One-half Acre Residential (R-20,000) Zoning District, which allows a single-family residence and limited horticultural and agricultural pursuits.

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 and/or mitigation measures 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 subject parcel was created as a result of a court partition filed March 2, 1973 (Deed 2002-0013090), a conveyance from Mildred Andrea Russo and Al Russo to C. Steven Casalina which was a violation of the Subdivision Map Act and County Ordinance. A correctory deed was recorded March 19, 1976 (Deed 3672-055). 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 properties pursuant to *Government Code Section 66499.35(b)*. Applicants; Anita Casalina, the daughter of Steven Casalina, and Stephen Eldon acquired their interest in APN 037-140-11 by grant deed recorded on February 20, 2002.

STAFF ANALYSIS

Project Description: Request for a certificate of compliance for one parcel identified as Assessor’s Parcel Number 037-140-11, created by court partition March 19, 1976. Current owners acquired title to property February 20, 2002.

Site Description: The subject parcel is at an average elevation of approximately 7,200 feet above mean sea level. Vegetation is predominately the Red Fir alliance with some small shrubs at the northern end of the parcel due to the South Fork of the American River flowing through. The portion of the South Fork of the American River on the subject parcel is a stream, as opposed to a river, due to the proximity to its origin and may be seasonally intermittent. No structures or improvements exist on the subject parcel. Access to the parcel is from Huckleberry Road which is a non-County maintained road with a developed width of 15 to 20 feet that encroaches onto U.S. Highway 50.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R-20,000	HDR	Undeveloped
North	R3A	MDR	U.S. Highway 50 Corridor/Undeveloped
South	R2A	MDR	Undeveloped
East	R-20,000/R2A	HDR/MDR	Undeveloped
West	R-20,000	HDR	Undeveloped

General Plan: The subject properties are designated as High Density Residential (HDR) on the General Plan Land Use Map. This land use designation establishes areas for intensive single-family residential development and is considered appropriate only within Community Regions and Rural

Centers. Standard residential subdivisions shall maintain a density range from one to two dwelling units per acre.

Discussion: The subject parcel is .498 acres in size. This acreage is consistent with the HDR Land Use Designation and is located within the Phillips Rural Center.

Conclusion: As discussed above, staff finds that the project, as proposed and conditioned, conforms to the General Plan.

Zoning: The subject parcels is zoned One-half Acre Residential (R-20,000). The purpose of the R-20,000 Zone Districts is to provide for the orderly development of single-family residential land having sufficient space and natural conditions to enable residents to engage in limited horticultural and agricultural pursuits consistent with conditions conducive to a desirable residential density and environment and to protect from the encroachment of unrelated uses tending to have an adverse effect on the single-family residential development of the area. One single-family residence is allowed on a parcel in the R-20,000 Zone District. The minimum parcel size in the R-20,000 Zone District is 20,000 square feet. All development on the parcels is subject to the development standards contained in *Section 17.28.390 of the County Code*.

Conclusion: As discussed above, staff finds that the project, as proposed and conditioned, meets all applicable Zoning ordinances.

Authority to Issue a Certificate of Compliance: On May 20, 2003, the El Dorado County Board of Supervisors passed Ordinance No. 4632 known as the Certificate of Compliance Ordinance. This Ordinance added *Chapter 16.76* to the County Code. Chapter 16.76 governs the process and issuance of unconditional (clear) and conditional Certificates of Compliance for certain parcels.

Section 16.76.090 establishes that the El Dorado County Planning Services is authorized to process, issue and record unconditional and conditional certificates of compliance for parcels created after March 4, 1972. The subject parcel was created by grant deed after March 4, 1972. As such, the County Surveyor referred the application (COC05-0164) to Planning Services.

Subdivision Map Act and Local Ordinances: *Section 66499.35(b) of the Subdivision Map Act* provides the following direction regarding the imposition of conditions such that “A local agency may as a condition to granting a Certificate of Compliance, impose any conditions which would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and which has been established at that time by this division or by local ordinance enacted pursuant thereto, except where the applicant was the owner of record at the time of the initial violation of the provisions of this division or of local ordinances enacted pursuant thereto who by a grant of the real property created a parcel or parcels in violation of this division or local ordinances enacted pursuant thereto, and the person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of this division or local ordinances enacted pursuant thereto, then the local agency may impose any conditions which would be applicable to a current division of property.”

Section 16.76.050 of the El Dorado County Code establishes that Planning Services 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, except that where the current owner(s) was involved in the initial land division violation, then the local agency may impose any conditions that would be applicable to a current division of property.

Parcel Creation and Applicable Standards: As stated above, *Section 16.76.050 of the El Dorado County Code* establishes that Planning Services 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, except that where the current owner(s) was involved in the initial land division violation, then the local agency may impose any conditions that would be applicable to a current division of property. Applicants/owners Anita Casalina and Steven Eldon received title in February, 2002.

Onsite inspections of access to the subject site have been hindered by snow coverage since submittal of the application. At the time of writing this staff report the subject parcel is covered by 12 feet of snow. A condition has been included that the applicant shall obtain a letter from the Lake Valley Fire Protection District stating that all onsite and offsite access meets California Firesafe Regulations.

Agency and Public Comments: The following agencies provided comments on this application:

- El Dorado County Environmental Management Department, Environmental Health Division
- El Dorado County Department of Transportation
- El Dorado County, Office of the County Surveyor
- Pacific Gas and Electric

Copies of their written comments are available at Planning Services office. The above agencies had no specific concerns regarding the proposed project that are not addressed and accounted for by this report's Findings and Conditions.

Additional issues may be raised as a result of the public notice of the hearing, which will be discussed at that time.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a mitigated negative declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice

of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (*California Fish and Game Code Section 711.4*).

RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff.
2. Based on the findings in Attachment 2, and subject to the Conditions of Approval and Mitigation Measures in Attachment 1, issue Conditional Certificate of Compliance for Assessor’s Parcel Number 037-140-11 / Casalina and Eldon, Attachment 3.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings
Attachment 3Conditional Certificate of Compliance
Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DAssessor’s Map Page
Exhibit FEnvironmental Checklist and Discussion of Impacts

ATTACHMENT 1

CONDITIONS OF APPROVAL

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MITIGATION MEASURES:

1. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
2. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to *Section 7050.5 of the Health and Safety Code and Section 5097.98* of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.

CONDITIONS OF APPROVAL

El Dorado County Planning Services

1. A STOP sign, pursuant to Standard Plan 105-A, shall be placed at the intersection of Huckleberry Road and U.S. Highway 50.
2. A “Not A County Maintained Road” sign, 24 inches by 30 inches, black on white, shall be placed on Huckleberry Road at the intersection with U.S. Highway 50.
3. A street sign, in conformance with Standard Plan 105 (B-1), shall be installed at the intersection of Huckleberry Road and U.S. Highway 50.
4. All on-site and off-site portions of Huckleberry Road shall be subject to the review and approval of the Lake Valley Fire Protection District. documentation of this compliance shall be provided to Planning Services.

ATTACHMENT 2 FINDINGS

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1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study and a Negative Declaration has been filed. This project is found to be de minimis (having no effect on fish and game resources).
2. The proposed use is consistent with the policies in the *El Dorado County General Plan, as adopted July 19, 2004*, as discussed in the General Plan section of this staff report.
3. The proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.
4. The issuance of the conditional certificates of compliance for APN 037-140-11 meets the requirements of the *Subdivision Map Act and County Code Title 16*.