



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

**Agenda of:** March 20, 2024

**Staff:** Timothy Pitt

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P21-0008/Beam Parcel Map

**PROPERTY OWNER:** Denton A. Beam

**AGENT:** Mathis Land Surveying

**REQUEST:** A Tentative Parcel Map request to reconfigure six (6) parcels ranging in size from 19.25 acres to 19.43 acres, for a total of 116.03 acres, resulting in the creation of three (3) new parcels ranging from 36.03 acres to 40 acres in size.

**LOCATION:** On the north side of Spanish Dry Diggins Road, approximately 1.3 miles northwest of the intersection with Georgetown Road (State Route 193), in the Georgetown area, Supervisorial District 4 (Exhibit A).

**APN(s):** 061-042-033, 061-042-034, 061-042-035, 061-042-036, 061-042-037, 061-042-039 (Exhibit C)

**ACREAGE:** 116.03 acres

**GENERAL PLAN:** Rural Residential (RR) (Exhibit D)

**ZONING:** Rural Lands – 40-acre Minimum (RL-40) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration prepared based on an Initial Study in accordance with the California Environmental Quality Act (CEQA) Guidelines (Exhibit J)

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff in accordance with the CEQA Guidelines; and
2. Approve Tentative Parcel Map P21-0008 based on the Findings and subject to the Conditions of Approval as presented herein.

## **EXECUTIVE SUMMARY**

Approval of Tentative Parcel Map P21-0008 would allow a Tentative Parcel Map for a three-lot rural residential subdivision consisting of two (2) 40-acre parcels (Parcels 1 and 2) and one (1) 36.03-acre parcel (Parcel 3) from reconfiguring six (6) existing parcels totaling 116.03 acres (Exhibit F). This Tentative Parcel Map is necessary to correct parcel subdivision irregularities identified by the County Surveyor's Office. Additionally, this action is necessary to fulfill the requirements of the Conditional Certificates of Compliance issued by the County on December 17, 1991. The approval of the Tentative Parcel Map will allow the County to confer legal status to parcels of land that were not created by legal means. The subject parcels are currently undeveloped aside from an existing road which the applicant is proposing to realign in order to serve the new parcels. The subject parcels would take access from a 50-foot road and public utility easement granted through Assessor's Parcel Number (APN) 061-560-065 and joining Spanish Dry Diggins Road approximately 1,971 feet from the nearest proposed parcel boundary. No oak trees will be removed or impacted as a part of the project. The existing parcels are zoned Rural Lands – 40-acre Minimum (RL-40) and are designated in the County General Plan as Rural Residential (RR) (Exhibits E and D). As proposed and conditioned, Parcels 1 and 2 will meet the required development standards for new parcels in the RL-40 zone including minimum parcel size and lot frontage. Parcel 3, at 36.03 acres, is eligible for a parcel size exception per County Code 130.30.040 (Parcel Size Exception) as it is less than the maximum 10 percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned. With the parcel size exception for Parcel 3, staff has determined that the project is consistent with the County General Plan RR Land Use Designation and the RL-40 zone, as well as other applicable County General Plan policies, Zoning Ordinance and Subdivision Ordinance requirements as discussed in the Findings.

## **PROJECT BACKGROUND**

The subject parcels were created by gift deed in the early 1980's along with six (6) other parcels. Subsequent to a hearing before the Planning Commission on November 29, 1990, and per the Commission's direction, a Notice of Violation was recorded on the 12 parcels. This action was taken pursuant to Section 66499.36 of the Government Code as the 12 parcels were created in violation of the Subdivision Map Act. The notice was recorded November 30, 1990 in Book 3470, at Page 511, of the Official Records. An appeal of this action was heard before the Board of Supervisors on January 8, 1991. The Board's action was to deny the appeal. A legal opinion from the Office of the County Counsel issued to the Board of Supervisors on September 26, 1991, stipulates, "The Board may issue Conditional Certificates of Compliance requiring the filing of a parcel or subdivision map subject to any and all conditions required to ensure compliance with the Subdivision Map Act, and requiring the proper zoning and conformity with the General Plan". As such, each of the parcels was issued a Conditional Certificate of

Compliance pursuant to Section 66499.35 on December 17, 1991. Clear Certificates of Compliance will be issued upon the recordation of this Tentative Parcel Map.

## ENVIRONMENTAL SETTING

The subject parcels are 116.03 acres over six (6) parcels located north of Georgetown and south of Canyon Creek, a tributary to the Middle Fork of the American River. A biological resources assessment was prepared for the project by John Pickett of Live Oak Wildfire Solutions (Exhibit G). The parcels are in a transitional location with black oak woodland and Sierra Nevada mixed conifer forest types. The overstory is widely spaced blue oak, valley oak, black oak, and mixed conifers. The understory is comprised of native chaparral, grasses, and Scotch broom. The project area generally has west and north-facing slopes. The elevation for the subject parcels ranges from 2,100 feet in the northwest to 2,600 feet above mean sea level in the southeast. The parcels are located within 50 feet of the perennial Canyon Creek, which is a water of the United States. The parcels were surveyed for any rare, threatened, or endangered species. Although no species of concern were documented on the project site, and the parcels are not believed to have suitable habitat for rare, threatened, or endangered species, several species have been sighted within the United States Geological Survey (USGS) quad of the subject parcels. Because of the proximity of the Pine Hill Preserve and the gabbro soil type, the survey focused on eight (8) species that are listed as rare, threatened, and endangered. The survey determined that there was no suitable habitat on the subject parcels for seven (7) of the eight (8) species, and the eighth has been documented in the nearby Pine Hill Preserve but had not been located on the subject parcels.

### Adjacent Land Uses:

|               | <b>Zoning:</b>                               | <b>General Plan:</b>          | <b>Improvements:</b>   |
|---------------|--|-------------------------------|--|
| <b>Site:</b>  | Rural Lands – 40-acre Minimum (RL-40)        | Rural Residential (RR)        | Vacant/Undeveloped   |
| <b>North:</b> | Open Space (OS)                              | Natural Resource (NR)         | Two Parcels, Minor/Non-Residential Improvements on each  |
| <b>East:</b>  | Rural Lands – 40-acre Minimum (RL-40)        | Rural Residential (RR)        | Three Parcels, All Vacant/Undeveloped  |
| <b>South:</b> | Residential Estate – 10-acre Minimum (RE-10) | Low Density Residential (LDR) | Two Parcels, Single-Family Residence on Each   |
| <b>West:</b>  | Rural Lands – 10-acre Minimum (RL-10)        | Rural Residential (RR)        | Three Parcels, One Vacant/Undeveloped, One Single-Family Residence, One Minor/Non-Residential Improvements |

## PROJECT DESCRIPTION

A Tentative Parcel Map request proposing to reconfigure six (6) parcels, ranging in size from 19.25 acres to 19.43 acres, for a total of 116.03 acres, resulting in the creation of three (3) new parcels of 40 acres (Parcel 1), 40 acres (Parcel 2), and 36.03 acres (Parcel 3). This Tentative Parcel Map is necessary to correct parcel subdivision irregularities identified by the County Surveyor's Office. The subject parcels are accessed by a 50-foot-wide easement granted across APN 061-560-065 which connects to Spanish Dry Diggins Road 1,971 feet from the nearest proposed parcel line. Access to the individual parcels proposed by this Tentative Parcel Map will come from the realignment of an existing road on the property. There is no development on the proposed parcels currently and, beyond the realignment of the existing road, there is no further development proposed as a part of this project. All proposed parcels would be served by wells and on-site septic systems. Pacific Gas and Electric (PG&E) is the electricity purveyor for the region, although no plans for electric service are proposed as a part of this project.

## STAFF ANALYSIS

**Environmental Review:** In accordance with the California Environmental Quality Act (CEQA) staff has prepared an Initial Study analyzing the potential environmental impacts resulting from the implementation of the project. Based on the Initial Study, a Negative Declaration has been prepared (Exhibit J).

According to the CEQA Guidelines Section 15075, filing a Notice of Determination is required to institute a 30-day statute of limitations on legal challenges to the County's decision. Within 48 hours of approval of the requested Tentative Parcel Map, the applicant shall submit to Planning Services a recording fee of \$50.00 as required by the County Recorder to file the Notice of Determination by the County, as well as the current 2024 California Department of Fish and Wildlife CEQA review fee for a Negative Declaration, \$2,916.75. This fee is used to help defray the cost of managing and protecting the State's fish and wildlife resources. <https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA/Fees>.

**General Plan Consistency:** Staff has reviewed the project for consistency with all applicable General Plan policies including Policy 2.2.1.2 (appropriate land use types and density), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (Adjoining Land Use Compatibility), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.1.2.2 (Minimum Levels of Service), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.2.1 (adequate fire protection services), Policy 6.2.3.2 (adequate emergency access) and Policy 7.4.4.4 (impacts to oak resources). Staff has determined that the project is consistent with these policies and related requirements in the El Dorado County General Plan, as discussed in more detail in Section 2.0 of the Findings.

**Zoning Ordinance Consistency:** Staff has determined that the project is consistent with all applicable standards and requirements of the Zoning Ordinance. The project parcel is currently zoned RL-40, and the proposed parcels would retain this zoning designation. The applicant is asking for a size exception for Parcel 3, which will be less than 40 acres at 36.03 acres, pursuant

to section 130.30.040 (Parcel Size Exception) and is less than the maximum of 10 percent smaller than the acreage required to make even divisions into the minimum parcel size which it is zoned. Accordingly, the project has been analyzed in accordance with all other applicable development standards for the RL-40 zone district. As proposed, and with the exception allowed for Parcel 3, the project parcels will conform with the required minimum lot size and other applicable development standards for the new lots in the RL-40 zone as shown below and more fully described in the Findings section of this Staff Report.

**County Subdivision Ordinance:** Staff has determined the project is consistent with all applicable standards and requirements of the County Subdivision Ordinance (Title 120 of the County Ordinance Code) for Tentative Parcel Maps including consistency with the General Plan, consistency with zoning regulations and the Minor Land Division Ordinance, and consistency with other specific findings for subdivision map approval. Such findings include documentation that the site is physically suitable for the proposed type and density of development and documentation that the proposed subdivision is not likely to cause substantial environmental damage. Further details are discussed in the Findings section below.

**Public and Agency Comments:** The project was distributed to all applicable public agencies and organizations for review and comment including the County Department of Transportation (DOT), the County Environmental Management Department (EMD), the County Surveyor's Office, and the Georgetown Fire Protection District (GFPD). Of these agencies and organizations notified of the project, comments were received from DOT, EMD, the El Dorado County Emergency Services Authority, the GFPD, and the County Surveyor's Office. None of these agencies had any significant issues or concerns regarding the project. Comments received have been considered and if applicable, incorporated as Conditions of Approval from each of the agencies listed above. To date, no public comments have been submitted for the project.

**Public Outreach:** No formal public outreach was conducted by the County, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed per County Code Section 130.52.030 with a public notification range of 1,000 feet and a legal advertisement was published in applicable local newspapers.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings

Conditions of Approval

|                |   |
|----------------|---|
| Exhibit A..... | Vicinity Map                                    |
| Exhibit B..... | Aerial Map                                      |
| Exhibit C..... | Assessor's Parcel Map                           |
| Exhibit D..... | General Plan Land Use Map                       |
| Exhibit E..... | Zoning Map                                      |
| Exhibit F..... | Tentative Parcel Map                            |
| Exhibit G..... | Biological Resources Assessment                 |
| Exhibit H..... | WUI Fire Plan                                   |
| Exhibit I..... | Application Packet                              |
| Exhibit J..... | Proposed Negative Declaration and Initial Study |

## **FINDINGS**

### **Tentative Parcel Map P21-0008/Beam Parcel Map Zoning Administrator/March 20, 2024**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the Staff Report and evidence in the record, the following Findings can be made:

#### **1.0 CEQA FINDINGS**

- 1.1 An Initial Study has been prepared analyzing potential environmental impacts with implementation of the project. Based on the Initial Study, impacts have been identified to be less than significant and a Negative Declaration has been prepared.
- 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 Planning and Building Department, Planning Division, at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Rural Residential (RR) land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain, for the most part, in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between Low Density Residential (LDR) and the Natural Resource (NR) designations. The allowable density for this designation is one (1) dwelling unit per 10 to 160 acres.

Rationale: The proposed project will create three (3) parcels, each within the allowable size standards and density standards in the above General Plan Policy. As proposed and conditioned, the proposed project will be compatible with the existing landscape and surrounding uses, and therefore, consistent with this policy.

##### **2.2 The project is consistent with General Plan Policy 2.2.5.2.**

General Plan Policy 2.2.5.2 states that all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be

rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: As conditioned, the proposed Tentative Parcel Map is consistent with applicable General Plan policies as discussed in the Staff Report and is consistent with this policy.

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

General Plan Policy 2.2.5.21 requires development projects shall 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. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: As proposed, the project would be compatible with the adjoining land uses. The proposed parcel sizes are compatible within an area planned for the RR land use designation. The proposed Tentative Parcel Map would combine the existing six (6) parcels to create three (3) new parcels and would allow future development of each parcel. No new development beyond the realignment of the existing road is being proposed for the subject parcels. The project is consistent with this policy.

**2.4 General Plan Policy TC-Xa does not apply.**

(1) Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange, or intersection in the unincorporated areas of the County.

Rationale: The project would create three (3) RR parcels; therefore, this policy does not apply.

(2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voter's approval.

Rationale: This is not applicable as the project is not requesting any modifications to Table TC-2.

(3) and (4) Intentionally blank as noted in the General Plan.



(5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the project is not requesting the County create an Infrastructure Financing District.

(6) Intentionally left blank as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five (5) or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project would create three (3) RR parcels; therefore, this policy does not apply.

## **2.5 General Plan Policy TC-Xb does not apply.**

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

## **2.6 General Plan Policy TC-Xc does not apply.**

Policy TC-Xc directs that developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building necessary road capacity.

## **2.7 The project is consistent with General Plan Policy TC-Xd**

LOS for County-maintained roads and State highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions or LOS D in Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the

professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak Hour traffic volumes.

Rationale: This project is located just outside the Georgetown Rural Center and would not worsen (as defined by General Plan Policy TC-Xe) LOS for any County-maintained road or State highway.

## 2.8 The project is consistent with General Plan Policy TC-Xe

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project.

- A. A two-percent increase in traffic during the AM Peak Hour, PM Peak Hour, or daily, or;
- B. The addition of 100 or more daily trips, or;
- C. The addition of 10 or more trips during the AM Peak Hour or PM Peak Hour.

Rationale: This project will generate fewer than 10 trips in the Peak Hour, and fewer than 100 daily trips. The thresholds in criteria A, B, or C of this policy would not be exceeded.

## 2.9 General Plan Policy TC-Xf does not apply.

At the time of approval of a tentative map for a single-family residential subdivision of five (5) or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on the County road system, the County shall do one of the following: (1) Condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10 years from project submittal; or (2) Ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen traffic on the County road system, the County shall do one of the following: (1) Condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) Ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: This policy is applicable to projects that worsen traffic on the County road system as defined in Policy TC-Xe. The project would create three rural

residential parcels and would not worsen traffic on the County road system. Therefore, this policy does not apply.

**2.10 The project is consistent with General Plan Policy TC-Xg**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: The project, as proposed, would not worsen traffic conditions.

**2.11 This project is consistent with General Plan Policy TC-Xh**

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project will pay TIM fees at the time a building permit is issued. No residential or structural development is being proposed as a part of this project; therefore, the project is consistent with this policy.

**2.12 The project is consistent with General Plan Policy TC-Xi**

General Plan Policy TC-Xi directs the County to coordinate and work together with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies, and the project does not include any U.S. Highway 50 capacity enhancements.

**2.13 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was submitted for review to the Georgetown Fire Protection District (GFPD), County Department of Transportation (DOT), and the County Environmental Management Department (EMD) for adequate public services and utilities. No comments regarding concerns about public services or utility impacts were received. As proposed and conditioned, the project is consistent with this policy.

**2.14 The project is consistent with General Plan Policy 5.1.2.2.**

General Plan Policy 5.1.2.2 requires adequate levels of public services be provided to new discretionary development, including quantity and quality of water and adequate fire protection services.

Rationale: The project was distributed to affected public service agencies and organizations serving the project parcel including the GFPD, DOT, EMD and Georgetown Public Utility District (GPUD). No comments regarding concerns about quality or quantity of water and adequate fire protection services or other public services were received. As proposed, the project is consistent with this policy.

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

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

Rationale: The project was reviewed by EMD and GFPD for adequate supply for all uses. No comments were received from GPUD or GFPD indicating that emergency water supply was not available. The project is consistent with this policy.

**2.16 The project is consistent with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 requires the responsible fire protection district review all applications to determine the ability of the district to provide required services and to ensure services will not be reduced below acceptable levels.

Rationale: The project was distributed to the GFPD for review. No comments were received concerning the ability to provide required services to the project site or to ensure services will not be reduced below acceptable levels as a result of the approval of the project. The project, as proposed, is consistent with this policy.

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

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant 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 project was distributed for review to DOT and the GFPD; neither agency expressed any concerns regarding adequate capacity for emergency vehicle access. The project, as proposed, is consistent with this policy.

**2.18 The project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources be mitigated in accordance with the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees will be removed or impacted as no development is being proposed as a part of the project. The project, as proposed, is consistent with this policy.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.**

The parcel is zoned Rural Lands – 40-acre Minimum (RL-40) and has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Agricultural, Rural, and Resource Zones Development Standards) for minimum lot size and lot frontage.

Rationale: The project, as designed and conditioned and with the allowance of the minimum parcel size exception for Parcel 3, is consistent with the Zoning Ordinance because the parcels have been designed to comply with the RL-40 development standards as provided within Section 130.21.030 of the County Code and with an exception as provided for within Section 130.30.040(C). The smallest parcel proposed to be created is no less than 75 percent of the minimum size required by the applicable zone and is larger than 4.5 acres, and all other parcels proposed to be created are no less than the minimum required by the RL zone. The parcel size exception does not conflict with general plan policies or provisions of Title 130 that require buffers to adjacent parcels.

**4.0 PARCEL MAP FINDINGS**

The Subdivisions Ordinance Section 120.44.030 (Findings Requiring Disapproval) requires the approving authority not approve a tentative map if the approving authority makes any of the following findings:

**4.1 That the proposed map is not consistent with applicable General and Specific Plans.**

Rationale: The project is consistent with all applicable General Plan policies. The project proposes to create three (3) parcels by combining six (6) parcels resulting in two (2) parcels of 40 acres and one (1) parcel of 36.03 acres. The subject parcels are located just outside the Georgetown Rural Center and the General Plan Land Use designation is RR. Accordingly, the Tentative Parcel Map has been found to be consistent with the General Plan set forth in Finding 2.0.

**4.2 That the design or improvement of the proposed division is not consistent with applicable General and Specific Plans.**

Rationale: The design or improvement of the Tentative Parcel Map has been found to be consistent with all applicable General Plan policies as set forth in finding 2.0 and as described in Finding 4.1 above.

**4.3 The site is not physically suitable for the type of development.**

Rationale: The project is consistent with the allowed uses in the RL zone. As proposed and conditioned, the proposed parcels will meet the required development standards, including minimum lot size allowing an exception for Parcel 3, of the RL-40 zone district and therefore, the site is physically suitable for the type of development proposed.

**4.4 That the site is not physically suitable for the proposed density of development.**

Rationale: The project is consistent with the density requirements of the RL base zone.

**4.5 That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.**

Rationale: An Initial Study and Negative Declaration have been prepared for the project pursuant to CEQA guidelines. The Tentative Parcel Map will not result in substantial environmental damage and is consistent with the existing and planned development just outside the Georgetown Rural Center. Any potential impacts have been found to be less than significant and are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife, or their habitat.

**4.6 That the design of the division or the type of improvements is likely to cause serious public health hazards.**

Rationale: The project has been reviewed by all applicable County departments and local agencies for compliance with health and safety regulations, including DOT, the GFPD, PG&E, the EMD, the Air Quality Management District (AQMD), and the Planning Division. As proposed and conditioned, all departments and agencies have determined the subdivision design and improvements will conform to all applicable health and safety regulations, and the project will not cause serious public health hazards.

**4.7 That the design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code § 4291.**

Rationale: The proposed subdivision and associated improvements have been reviewed and approved by the GFPD as suitable to allow for compliance with Public Resources Code § 4291, applying to vegetative clearances and related fire protection measures to protect existing structures.

- 4.8 **That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

Rationale: Preliminary subdivision plans, and easement documentation has been reviewed by the County Surveyor's Office staff for potential conflicts with existing or proposed easements, and no conflicts have been found on the project parcel. To further ensure no potential easement conflicts will occur on the project site, the County Surveyor's Office staff will conduct a final easement review of the proposed parcels, as part of standard procedure, prior to recordation of the final map.

- 4.9 **The proposed parcel map is not consistent with the requirements of the Conditional Certificates of Compliance issued by the Board of Supervisors on December 17, 1991.**

Rationale: In a legal opinion from the Office of the County Counsel issued to the Board of Supervisors on September 26, 1991, it is stipulated that "The Board may issue Conditional Certificates of Compliance requiring the filing of a parcel or subdivision map subject to any and all conditions required to ensure compliance with the Subdivision Map Act, and requiring the proper zoning and conformity with the General Plan". The approval of the Tentative Parcel Map would fulfill the conditions of the Conditional Certificates of Compliance subsequently issued by the Board on December 17, 1991, requiring that a parcel map be filed. Clear Certificates of Compliance will be issued upon recordation of this parcel map.

## **5.0 AIRPORT LAND USE PLAN FINDINGS**

- 5.1 **Land uses surrounding the airport are primarily rural in nature, with the community of Georgetown located approximately two miles to the southeast. The**

**County intends to maintain the low densities around the airport to forestall encroachment that would jeopardize its continued operation.**

Rationale: The project is consistent with the density requirements of the RL base zone and the RR General Plan Land Use Designation. No structural development is being proposed with this project, and any future development will be reviewed for compliance with all relevant land use policies.

- 5.2 **The creation of any new residential parcels or portions thereof, including lot line adjustments of existing parcels to create new parcels or increase density, shall not be allowed within the 65 decibel (dB) or greater Community Noise Equivalent Level (CNEL) contour at the Georgetown Airport as this is not a noise compatible land use.**

Rationale: The proposed parcels are not within the 65 dB or greater CNEL contour as shown in the El Dorado County Airport Land Use Compatibility Plan. Therefore, the project is consistent with this policy.

## **6.0 Fire Protection Subdivision Map Findings**

Before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard zone, a legislative body of a county shall make the following findings:

- 6.1 A finding supported by substantial evidence in the record that the subdivision is consistent with:

(A) Regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code, or;

(B) Local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.

Rationale: The proposed subdivision and associated improvements have been reviewed and approved by the GFPD as suitable to allow for compliance with Public Resources Code § 4291, applying to vegetative clearances and related fire protection measures to protect existing structures.

- 6.2 A finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities:



(A) A county, city, or special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.

(B) The department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

Rationale: The project has been reviewed by all applicable County departments and local agencies for compliance with health and safety regulations, including the GFPD and Calfire. Structural fire protection and suppression services will be provided by the GFPD.

## CONDITIONS OF APPROVAL

### **Tentative Parcel Map P21-0008/Beam Parcel Map Zoning Administrator/March 20, 2024**

#### **Planning Services**

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, the following hearing exhibits, and Conditions of Approval set forth below:

Exhibit F.....Tentative Parcel Map

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:

Tentative Parcel Map P21-0008 consists of a request to reconfigure six (6) parcels ranging from 19.25 acres to 19.43 acres, for a total of 116.03 acres, resulting in the creation of three (3) new parcels of 40 acres (Parcel 1), 40 acres (Parcel 2), and 36.03 acres (Parcel 3). This Tentative Parcel Map is necessary to correct parcel subdivision irregularities identified by the County Surveyor's Office and to comply with Conditional Certificates of Compliance approved by the Board of Supervisors on December 17, 1991.

The development, use, and maintenance of the property, the size, shape, 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.

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.
3. **Legal Indemnity/Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the landowner agrees to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The landowner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado

County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Tentative Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

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

4. Upon project approval from the Planning Division, a Parcel Map Package shall be submitted to the County Surveyor's Office.
5. All survey monuments must be set prior to the filing of the Tentative Parcel Map, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments and the amount of the bond or deposit to be coordinated with the County Surveyor's Office prior to the filing of the Tentative Parcel Map.
6. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office. Proof of any signage required by the County Surveyor's Office must be provided prior to filing the Tentative Parcel Map.
7. Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to filing the Tentative Parcel Map.
8. Prior to filing the Tentative Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that **"all conditions placed on P21-0008 by (that agency) have been satisfied."** The letter is to be sent to the County Surveyor's Office and copied to the Consultant and the Applicant.
9. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

### **Department of Transportation (DOT)**

#### Project -Specific DOT Conditions

10. **On-site Road Improvements:** Construct the on-site access roadway consistent with County Standard Plan 101C, modified to a minimum width of 20 feet if required by the Fire District.
11. **Off-Site Road Improvements:** Construct the off-site access road to the satisfaction of the local Fire Marshall.

12. **Offer of Dedication:** Irrevocably offer to dedicate road and public utility easements for on-site access roadways with the final map. Also offer any appurtenant slope, drainage, pedestrian, public utility, or other public service easements as determined necessary by the County. The offer(s) will be rejected by the County.
13. **Encroachment Permit(s):** Obtain an encroachment permit from DOT and construct the roadway encroachment from the off-site access road onto Spanish Dry Diggins Road to the provisions of County Standard Plan 103C.
14. **Off-Site Improvements (Acquisition):** As specified elsewhere in these Conditions of Approval, the project is required to perform off-site improvements. If the developer does not secure or cannot secure sufficient title or interest for lands where said off-site improvements are required, and prior to filing of any final or parcel map, enter into an agreement with the County pursuant to Government Code Section 66462.5. The agreement will allow the County to acquire the title or interests necessary to complete the required off-site improvements. The Form, Terms and Conditions of the agreement are subject to review and approval by the Office of the County Counsel.

The agreement requires the Developer: pay all costs incurred by County associated with the acquisition of the title or interest; provide a cash deposit, letter of credit, or other securities acceptable to the County in an amount sufficient to pay such costs, including legal costs; if the costs of construction of the off-site improvements are not already contained in a Subdivision Improvement Agreement or Road Improvement Agreement, provide securities sufficient to complete the required improvements, including but not limited to, direct construction costs, construction management and surveying costs, inspection costs incurred by County, and a 20 percent contingency; provide a legal description and exhibit map for each title or interest necessary, prepared by a licensed Civil Engineer or Land Surveyor; provide an appraisal for each title or interest to be acquired, prepared by a certified appraiser; approved improvement plans, specifications and contract documents of the off-site improvements, prepared by a Civil Engineer.

DOT Standard Conditions

15. **Proof of Off-Site Road Entitlements:** Demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements for access to the project.
16. **Maintenance Entity:** Prior to filing a final map, form and entity or join an existing entity for the maintenance of private roads and drainage facilities. When joining an existing entity, amend and modify (as necessary) the existing entity to equitably incorporate maintenance of the project improvements.
17. **Consistency with County Codes and Standards:** Obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or

by approved Design Waivers) from DOT and pay all applicable fees prior to filing of the final map.

Ensure the project improvement plans and grading plans conform to the County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Stormwater Ordinance (Ordinance No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD)

18. **Water Quality Stamp:** Comply with the West Slope Development and Redevelopment Standards and Post Construction Stormwater Plan.
19. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency in the Project Grading and Improvement Plans prior to the start of construction or improvements.

Grading or Improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements.

Project Conditions of Approval shall be incorporated into the project Improvement Plans when submitted for review.

20. **Electronic Documentation:** Upon completion of the required improvements, provide As-Built Plans to the County Engineer in Tag Image File Format (TIFF), and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in Portable Document Format (PDF).