

P24-0005/Pave Zoning – As approved by the Zoning Administrator on November 6, 2024

Findings

1.0 CEQA FINDINGS

- 1.1 The Board of Supervisors adopted the Mitigated Negative Declaration on December 2, 2020, for the original Tentative Parcel Map.
- 1.2 No significant changes were made to the project, and no new information has been discovered for the project.
- 1.3 Pursuant to CEQA Guidelines Sections 15162, 15163, and 15164, no subsequent, supplement, nor addendum to the original Mitigated Negative Declaration shall be prepared for this project as there has been no substantial change for the project based on the whole record that would cause a significant effect on the environment.

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 identifies that the purpose of the Low Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The maximum allowable density shall be one (1) dwelling unit per 5.0 acres.

Rationale: The Tentative Parcel Map is consistent with this policy. The site is within the Georgetown Rural Center. The proposed project is compatible with the land use designation with potential future development being consistent with density standards of the LDR land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.19.

General Plan Policy 2.2.5.19 requires that if an applicant desires to obtain approvals for a zoning designation that is compatible with the General Plan but would provide development below the densities contemplated by the General Plan, the County may, but need not, grant such approvals as being consistent with the General Plan.

Rationale: The project would create five-acre parcels with a density range of .2 units per acre, thus the project would be consistent with the density ranges of the LDR General Plan land use designation.

2.4 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is undeveloped. The adjoining properties to the north, west, east, and south are zoned for large lot residential uses. Therefore, the project has been located and designed to be compatible with adjoining land uses.

2.5 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 proposes to connect into Georgetown Divide Public Utility District (GDPUD) water services. GDPUD maintains an existing water line traversing the property. This water line is identified as having adequate capacity for the proposed project. Currently, the project site is undeveloped and has an existing fire hydrant along Raintree Road. With the creation of four (4) parcels, four (4) primary residential units could be constructed on each lot. Each lot would result in a new septic system. Proof of service in the form of GDPUD Water Meter Award Letter shall be verified prior to Parcel Map recordation.

2.6 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project was reviewed by the Georgetown Fire Protection District (GFPD) and GDPUD for adequate public services capacity. The site will need installation into existing GDPUD facilities. The project, as conditioned, is consistent with this policy.

2.7 The project is consistent with General Plan Policy 5.5.2.1.

Policy 5.5.2.1 Concurrent with the approval of new development, evidence will be required that capacity exists within the solid waste system for the processing, recycling, transformation, and disposal of solid waste.

Rationale: The project would generate solid waste that would be similar in character to that associated with domestic use and construction-related waste. The project site will be served by El Dorado Disposal Service for solid waste collection, disposal, and recycling services. El Dorado Disposal Service transports waste to the Transfer Station and Material Recovery Facility in Placerville and the Potrero Hills Landfill (CalRecycle 2015a). The Potrero Hills Landfill has a remaining estimated capacity of approximately 13.9 million cubic yards (in 2006) and is estimated to remain in operation until February of 2048. The relatively small increase in solid waste would not consume a substantial proportion of the permitted capacity at either facility and would not result in the need to expand or construct new landfill facilities. In addition, this project would adhere to all required State or County waste management ordinances and requirements, such as diversion of construction and demolition debris and hazardous waste handling requirements that ensure that use of landfill space is limited and potential for accidental spills is minimized.

2.8 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers) requires that prior to approval of new development, the responsible fire protection district shall be requested to review all application to determine the ability of the district to provide protection services.

Rationale: The GFPD currently provides fire protection service to the project site. GFPD has imposed standard Conditions of Approval to ensure adequate water supply, storage, conveyance, and site access for fire protection remains adequate.

2.9 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2 states that the County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, as listed in the Federal Register Executive Order 13728 of May 18, 2016, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection (CALFIRE).

Rationale: The project site is in an area of very high fire hazard for wildland fire pursuant to Figure 5.8-4 of the 2004 General Plan Draft Environmental Impact Report (EIR). The El Dorado County General Plan Safety Element precludes development in areas of high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local fire protection district and/or CALFIRE. Both the GFPD and the CALFIRE reviewed the application. A Wildland Fire Safe Plan is required for the project, which will require fire fuel hazard reduction, water tanks at each residence to supply residential, fire sprinkler and firefighting water, standpipes to act as fire hydrants, residential sprinkler systems, and specific building materials, as needed. Implementation of the WUI Fire Safe Plan is required as a Condition of Approval to reduce the potential for project construction resulting in fire that could spread to the adjacent wildland and affect existing residences.

2.10 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 (Adequate Access for Emergencies) requires 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: Both GFPD and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. A Wildland Fire Safe Plan has been conditioned to be approved by GFPD for the project, conditioning the project on roadway widths and turning radii, fire flow and sprinkler requirements, and vehicle ingress/egress. Compliance with these requirements will assure adequate emergency access and evacuation routes. The project is in compliance with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.24.030.

Section 130.24.030 (Residential Zone Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the Residential Estate Five-Acres (RE-5) zone district.

Rationale: The project site is zoned RE-5 with the proposed parcels meeting the required minimum lot size, and lot width as required in Section 130.24.030.

4.0 PARCEL MAP FINDINGS

4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to create four (4) residential parcels and a remainder lot from a 104.6-acre parcel. The residential resulting lots would be approximately 6.9 acres, 7.1 acres, and 5.6 acres (two [2] parcels). The project parcel is in the Georgetown Rural Center and the parcel's General Plan land use designation is LDR. The Tentative Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

4.2 The Tentative Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed parcels have been analyzed and conditioned in accordance with RE-5 zoning and will comply with all applicable development standards for new lots in that zone. As proposed and conditioned, the Tentative Parcel Map conforms to the Minor Land Division Ordinance.

4.3 The site is physically suitable for the proposed type and density of development.

Rationale: The proposed development meets the density requirements of the LDR land use designation and conforms to the minimum parcel size and development standards of the RE-5 zoning designation.

4.4 The proposed subdivision is not likely to cause substantial environmental damage.

Rationale: The project impacts have been analyzed in the Initial Study, which resulted in a Mitigated Negative Declaration. The project would not cause substantial environmental damage.

Conditions of Approval

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

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 would constitute a violation of permit approval.

The project description is as follows:

The project consists of a Tentative Parcel Map allowing for the creation of four (4) residential parcels and a remainder parcel from an existing 104.6-acre parcel (Assessor's Parcel Number 061-071-026). All residential parcels would be served by individual water meters and on-site septic systems. The approval includes the following:

Lot Number	Gross Area
1	6.9 acres
2	7.1 acres
3	5.6 acres
4	5.6 acres
Remainder	78.4 acres

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 remainder parcel is not divided for the purpose of sale, lease, or financing and is not counted as a parcel for the purpose of determining whether a parcel or subdivision map is required. A conditional Certificate of Compliance is required prior to the development of a designated remainder parcel (Condition of Approval No. 7).

Planning Division

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. **Notice of Determination (NOD) Recording Fee:** The applicant shall submit to the Planning Division a \$50.00 recording fee and the current California Department of Fish and Wildlife (CDFW) fee prior to the County filing the NOD. Checks shall be payable to El Dorado County. No permits shall be issued, or Parcel Map filed until said fees are paid.
4. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease, and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

5. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree 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 developer and 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 Parcel Map.

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

6. **Water Meters:** A Parcel Map shall not be filed until a Georgetown Divide Public Utility District (GDPUD) Water Meter Award Letter or similar document has been issued for all of the lots included in the filed Parcel Map, and a copy filed with the Planning Division.
7. **Remainder:** A conditional Certificate of Compliance, pursuant to Government Code Section 66499.35(b), shall be required prior to development of a designated remainder. A notice of restriction (NOR) shall be recorded, stating that no permit or other grant of approval for the development may be issued until a Certificate of Compliance is recorded. This NOR shall be recorded prior to recordation of the Parcel Map.
8. **Park Fees:** The subdivider shall be subject to an appraisal fee payable to the County Assessor's Office for the determination of parkland dedication in-lieu fees.

The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the County Assessor's Office and calculated in accordance with Section 120.12.090 of the County Code. Payment of the required fees shall be remitted to the Georgetown Divide Recreation District prior to the filing of the Parcel Map. A copy of the transaction receipt shall be provided to the Planning Division.

Mitigation Measures

9. Mitigation Measure BIO-1:

If construction activities will occur during the nesting season (February to August), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, the CDFW and/or the United States Fish and Wildlife Service (USFWS) shall be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be

noted on the Final Map, in an NOR that shall be recorded on the property and future grading and residential construction plans. If a pre-construction survey is required, the Planning Division shall verify the completion of survey prior to issuance of a grading permit.

Monitoring Responsibility: El Dorado County Planning and Building Department.

10. **Mitigation Measure TCR-1:**

If potential Tribal Cultural Resources (TCRs), archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other project personnel during construction activities, work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from a traditionally and culturally affiliated Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from traditionally and culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, and/or returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCRs to be appropriate or respectful and requests that materials not be permanently curated, unless requested by the Tribe.

Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with the United Auburn Indian Community and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and the California Environmental Quality Act (CEQA) Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Monitoring Requirement: The Mitigation Measure shall be incorporated into all project improvement plans and evidence of on-site monitoring shall be submitted to the County prior to finaling of the Parcel Map.

Monitoring Responsibility: El Dorado County Planning and Building Department.

11. **Mitigation Measure TCR-2:**

A consultant and construction worker TCR awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed, and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive TCRs, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

Monitoring Requirement: The Mitigation Measure shall be incorporated into all project improvement plans and evidence of on-site monitoring shall be submitted to the County prior to finaling of the Parcel Map.

Monitoring Responsibility: El Dorado County Planning and Building Department.

Office of the County Surveyor

12. All survey monuments shall be set prior to filing the Parcel Map.
13. Situs addressing for the project and interior suites shall be coordinated with the County Surveyor's Office prior to filing the Final Map.
14. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed Conditions on the map. The letter shall state that "all Conditions placed on P24-0005 by (that agency) have been satisfied." The letter is to be sent to the Office of the County Surveyor and copied to the consultant and applicant.

Georgetown Fire Protection District (GFPD)

15. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all Fire Hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle. All FDCs and Post Indicator Valves shall have signage affixed to them indicating the building they serve. There shall be one (1) fire service component set per

building. Conformance with this Condition shall be verified during review of the improvement plans.

16. **Fencing:** Any lots that back up to wildland open space shall be required to use non-combustible type fencing. Conformance with this Condition shall be verified during review of the improvement plans.
17. **Vegetative Fire Clearances:** Prior to June 1st each year, there shall be vegetation clearance around all Emergency Vehicle Accesses (EVAs), buildings, up to the property line as stated in Public Resources Code Section 4291, Title 19 as referenced in the California Fire Code. Conformance with this Condition shall be verified during review of the improvement plans.
18. **Funding Mechanism for Vegetative Clearances and Emergency Fire Access Components:** This development shall provide a funding mechanism to ensure the maintenance of all emergency access roadways, gates, vegetative clearances as required by the Wildland Fire Safe Plan (WFSP), and other required fire access components. Compliance with this Condition shall be verified during review of the Final Map for the subdivision. A WFSP shall be approved by GFPD prior to Final Map recordation.

County Department of Transportation (DOT)

19. **Onsite Road Improvements:** Construct the on-site portion of Raintree Road to County Standard Plan 101C, increased to 20 feet in width if required by the Fire Marshall.
20. **Encroachment Permit:** Obtain an encroachment permit from DOT and construct the Raintree Road encroachment to Wentworth Springs Road to the provisions of County Design Standard. 103C.
21. **Offer of Dedication:** Offer to dedicate, in fee, the rights of way for Wentworth Springs Road right of way of 60 feet total width, 30 feet on either side of centerline (approximately 1.51 acres). The offer will be accepted by the County.
22. **Road and Public Utility Easements:** Irrevocably offer to dedicate a 50-foot-wide road and public utility easement for Raintree Road and Miled Lane, shown on the final recorded map. Include slope easements where necessary. This offer will be accepted by the County of behalf of the public, but rejected for maintenance, and subject to private maintenance.
23. **Maintenance Entity:** Execute a private maintenance agreement for the on-site portion of Raintree Road, applicable to, and binding on the parcels created. Submit the agreement to DOT for review prior to filing of the Final Map.

24. **Consistency with County Codes and Standards:** The developer shall 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.

Additionally, the project improvement plans, and grading plans shall 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 of Uniform Traffic Control Devices (MUTCD).

25. **Regulatory Permits and Documents:** All regulatory permits or agreements between the project and any State or Federal agency shall be provided to DOT with the project Improvement Plans. These project Conditions of Approval and all regulatory permits shall be incorporated into the project Improvement Plans.
26. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a digital copy to DOT with the drainage report, structural wall calculations, and geotechnical reports in Portable Document Format (PDF) and the record drawings in Tag Image File Format (TIFF).