

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF MARCH 22, 2023

REGULAR MEETING

TO: Brian Veerkamp, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: Erica Sanchez, Assistant Executive Officer

AGENDA ITEM #2: Jomescbo Annexation to the El Dorado County Fire
Protection District – Coloma/Lotus Zone

LAFCO Project No. 2022-01

PETITIONER: Jomescbo Family Trust, Thomas Van Noord

RECOMMENDATION

Following an analysis of the annexation with consideration of the factors listed in Government Code §56668 and LAFCO Policies, staff recommends that the Commission take the following actions:

1. Recognize that El Dorado County, as the lead agency for the project, has prepared a Mitigated Negative Declaration and CEQA determinations which have been found to be adequate for the purposes of the annexation and direct staff to file a Notice of Determination in compliance with CEQA and local ordinances implementing the same.
2. Adopt LAFCO Resolution L-2023-04 (Attachment A), adding any additional conditions the Commission finds appropriate and approve the Jomescbo Annexation to the El Dorado County Fire Protection District – Coloma/Lotus Zone.
3. Waive the Conducting Authority Proceedings subject to Government Code §56663 and local policies.
4. Direct the Executive Officer to complete the necessary filings and transmittals as required by law.
5. Determine the effective date of the approval of this agreement to be five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion once the imposed conditions are met.

DESCRIPTION OF PROJECT

On April 20, 2022, the owners of APN 105-190-042 submitted a landowner petition for annexation into the El Dorado County Fire Protection District (EDCFPD) – Coloma/Lotus Zone for the extension of fire protection and emergency medical services.

LOCATION

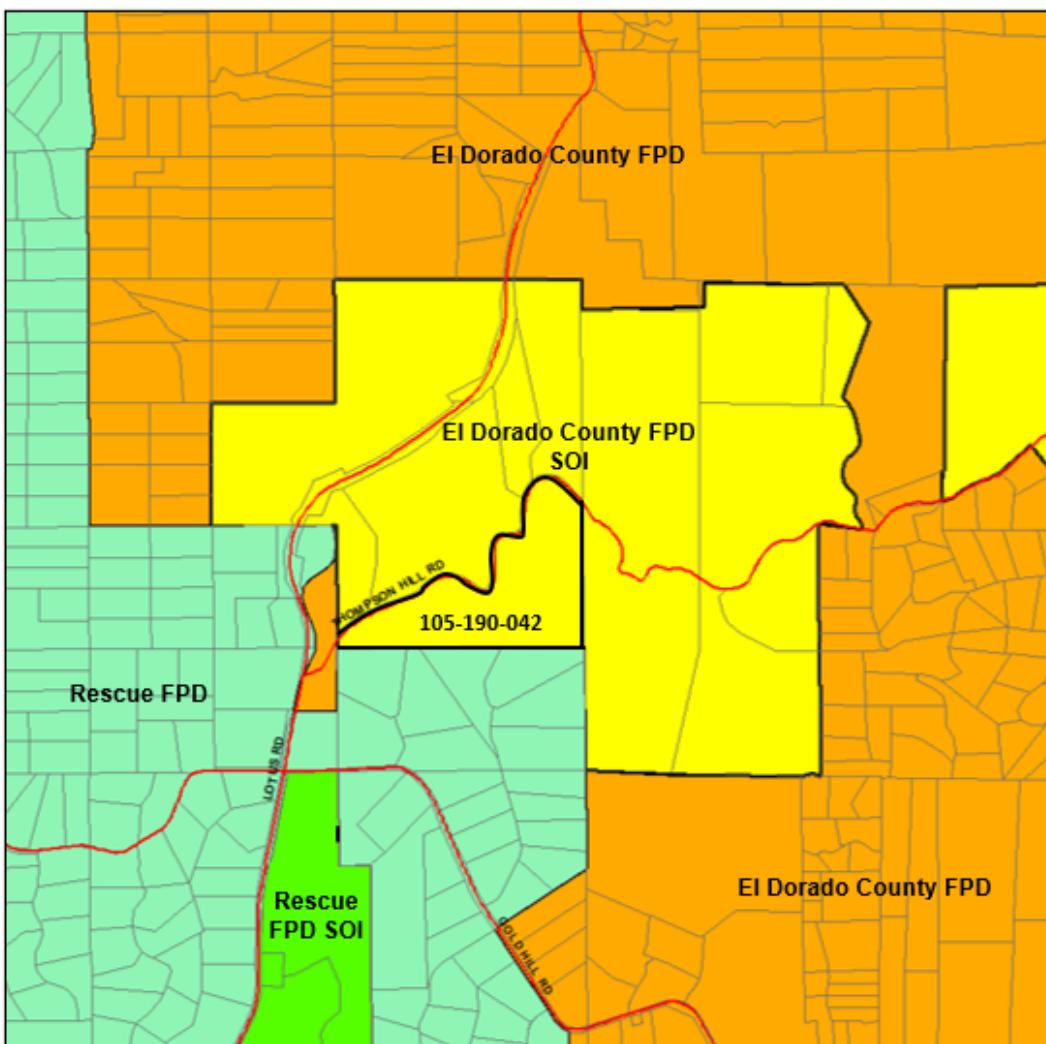
The subject parcel is located on the south side of Thompson Hill Road, 200-feet east of the intersection with Lotus Road, in the Gold Hill area. The property is part of a larger 600-acre "service island" that is not within a fire protection district, but is within EDCFPD's sphere of influence.

PURPOSE

Annexation into EDCFPD is a condition of approval for Tentative Parcel Map P21-0004, which will subdivide the 55-acre parcel into four 10 to 20-acre parcels. The property is currently undeveloped and there are no immediate development plans; however, any future development would increase the potential need for fire protection and/or emergency medical services to the site.

The annexation would align EDCFPD's boundaries more closely with its operational service area and first response area. EDCFPD is already the first responder to emergency calls to the subject parcel and surrounding area but does not receive any revenue from out-of-district parcels to offset the cost of services. Annexation makes sense from a public safety and District equity perspective.

**Jomescbo Annexation to the El Dorado County Fire Protection District –
Coloma/Lotus Zone; LAFCO Project No. 2022-01**



DISCUSSION OF STATUTORY AND POLICY CONSIDERATIONS

Government Code §56668 and El Dorado LAFCO Policies and Guidelines require the following factors to be considered in the review of a proposal. Each of the factors is individually summarized in Table 1 and fully addressed in the corresponding sections of this report. The factors of consideration are grouped into the following categories: I. Services, II. Cost and Revenues, III. Boundaries, IV. Potential Effect on Others and Comments, and V. Land Use Population and Planning.

Table 1: Summary of Statutory and Policy Considerations

STATUTORY / POLICY FACTOR	COMMENT
I. SERVICES	
1. Need for organized services, probable future needs [§56668(b)1 and Policies 3.1.4(b), 6.1.7]	Consistent. Annexation will allow for the provision of, and equitable reimbursement for, extending essential fire protection and emergency medical services to the annexation area.
2. Ability to serve, level and range of service, time frames, conditions to receive service [§56668(j), Policy 3.3]	Consistent. EDCFPD Station 74 (5122 Firehouse Road, Lotus) is 3.7 miles and 8 minutes from the annexation site. Station 74 has a 40-hour Division Chief, who is a paramedic that is stationed in Coloma and is a move up and cover station for the medic units.
3. Timely availability of adequate water supply [§56668(k)]	Not Applicable. The proposed annexation will not have any effect on the water supply in the area.
4. Alternatives to service, other agency boundaries, and local gov't structure [Policies 3.3.2.2(g), 6.1.3]	Consistent. Rescue FPD Station 83 (5122 Deer Valley Road, Rescue), is 6.9 miles and 11 minutes from the annexation site. EDCFPD has the closest resources to the annexation area and is the most likely agency to be the first responder to a fire or medical emergency.
5. Significant negative service Impacts [§56668.3(b), Policy 6.2.4]	Consistent. EDCFPD's current level of service is not expected to change as a result of the annexation. The District and existing residents will benefit from the additional revenue from the annexed property.
6. Coordination of applications [Policy 3.1.9]	Consistent. No additional services are required for the subject parcel. The parcel is part of a larger service island that is not included in this petition. Neighboring landowners seeking annexation into EDCFPD can individually or collectively submit a petition at any time.
II. COST AND REVENUES	
7. Present cost/adequacy of governmental services, including public facilities [Policy 3.3.2.2]	Consistent. EDCFPD can provide service to the subject property without expanding service capacity or infrastructure.
8. Effect of proposal on cost & adequacy of service in area and adjacent areas [§56668(b) and Policies 3.3 and 6.1.8]	Consistent. Property tax and special tax revenue from the annexing parcel will support the costs of service. Services to adjacent areas will not be affected.

9. Effect of alternative courses of action on cost & adequacy of service in area and adjacent areas [§56668(c)]	Consistent. EDCFPD has the closest resources to the subject parcel and is the most likely agency to be the first responder to a fire or medical emergency. Absent annexation, EDCFPD would have no mechanism in place to recoup its cost of service.
10. Sufficiency of revenues, per capital assessed valuation [§56668(j)]	Consistent. The County adopted a 7.8691% property tax increment for the annexation area, applicable to future increases in taxable assessed value, and there is a \$60 voter-approved special tax EDCFPD's Coloma/Lotus Zone.
11. Revenue producing territory [Policy 6.1.1]	Consistent. Collected revenue is not expected to exceed the cost of providing fire protection and emergency medical services to the annexing parcel.

III. BOUNDARIES

12. 56668.3 “best interest” [§56668.3(a)1]	Consistent. The annexation is in the best interests of the affected territory, existing customers, and EDCFPD.
13. Spheres of Influence [§56668(i); Policy 3.9.1]	Consistent: The annexation area is within EDCFPD's sphere of influence.
14. Creation of islands, corridors, irregular boundaries [Policies 3.9.3, 3.9.4, 3.9.7]	Consistent. The subject parcel sits in the middle of a larger “service island” of 13 parcels / 600 acres that is not within a fire protection district. Annexation will reduce the overall size of this island by approximately 55 acres.
15. Conformance to lines of assessment, ownership [Policy 3.9.2]	Consistent: The boundaries of the proposed annexation area conform to the existing lines of assessment and ownership of APN 105-190-042.
16. Boundaries: logical, contiguous, not difficult to serve, definite and certain [§56668(f), §56741-cities; Policies 3.9.2, 3.9.3, 3.9.4]	Consistent. The annexation proposal is consistent with EDCFPD's SOI and with Fire Protection District Law (Health and Safety Code §13810), which allows inclusion of non-contiguous territory within a fire protection district.
17. Topography, natural boundaries, drainage basins, land area [Policies 3.9.6 and 3.9.7]	Consistent: There are no topographical features that will hinder service to this area.
18. Information contained in a local hazard mitigation plan, a safety element of a general plan, and any maps that identify land as a very high fire hazard zone [§56668(q)]	Consistent. The annexation site is in an area of “very high fire hazard” for wildland fire pursuant to CAL FIRE’s most recent FHSZ map (November 2022).

IV. POTENTIAL EFFECT ON OTHERS AND COMMENTS

19. Effect on adjacent areas, communities of interest [§56668(c)]	Consistent. The annexation will have a minimal effect on adjacent areas.
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20. Effect on other community services, schools	Consistent. There are no negative impacts expected for other public service providers to the annexation area.
21. Information or comments from landowners or owners [§56668(n)]	Consistent: The annexation was initiated by landowner petition with 100% landowner consent.
22. Other agency comments, objections [§56668(i); Policy 3.1.4 (l)]	Consistent. Affected agencies were notified of the proposal, no comments or objections have been received.
23. The extent to which the proposal will promote environmental justice, with respect to the location of public facilities and the provision of public services, to ensure that the effects of pollution are not disproportionately borne by any particular population or communities. [§56668(p)]	Consistent. The annexation proposal will not have any effect on the promotion of environmental justice within the annexation area or surrounding areas.

V. LAND USE, POPULATION AND PLANNING

24. Land use, information relating to existing land use designations [§56668(o)]	Consistent. Approved Tentative Parcel Map P21-0004 will create four residential parcels from the 55-acre parcel. There is no further development proposed at this time.
25. Population, density, growth, likelihood of growth in, and in adjacent areas, over 10 years [§56668(a)]	Consistent. There are currently no registered voters residing in the proposal area. Each of the four proposed parcels would be allowed to develop a primary residence and secondary dwelling by right, for a total of eight residences possible.
26. Proximity to other populated areas [Policy 3.1.4 (a)]	Consistent. The annexation site is in a Rural Region of the County, generally surrounded by large parcels with rural residential development and agricultural uses.
27. Consistency with General Plans, specific plans, zoning [§56668(h); Policy 3.1.4(g)]	Consistent: The annexation and approved Tentative Parcel Map are consistent with the zoning (RL-10) and land use designation (RR).
28. Physical and economic integrity of agriculture lands and open space [Policy 3.1.4(e), §56016, 56064]	Consistent. The annexation will not have an adverse effect on agricultural land or open space.
29. Fair share of regional housing needs [§56668(m)]	Consistent. This annexation proposal does not include any type of new housing or other development. It will neither assist or detract from the County's ability to achieve its RHNA targets.

I. SERVICES

Need for Services

Annexation will allow for the provision of, and equitable reimbursement for, extending essential fire protection and emergency medical services to the annexation area. Anticipated future residential development in the annexation area will likely increase the potential need for fire and emergency responses to the area. Annexation is appropriate at this time, before further development occurs.

EDCFPD is an "all risk" fire department, responding to all emergencies such as medical aids, structure fires, wildland fires, vehicle traffic collisions, hazardous materials incidents, and public service assists. The proposed annexation will link financing to services provided and promotes logical boundaries. The District's service calls will be unaffected by the proposed annexation, as the District already serves the affected territory.

Existing and Necessary Infrastructure to Deliver Service

Facilities and infrastructure for delivery of services include fire stations, engines, personnel and equipment. The closest staffed fire station is EDCFPD's Coloma/Lotus Station 74, located at 5122 Firehouse Road in Lotus, approximately 3.7 miles from the annexation site, followed by Station 25 at 3034 Sacramento Street, Placerville (8.1 miles away) and Station 28 at 3860 Ponderosa Road, Shingle Springs (10.1 miles away). No new infrastructure is necessary to deliver service to the subject parcel.

Ability of Annexing District to Provide Service

A countywide automatic aid agreement ensures that service is provided to all, as needed. Fire/EMS providers are dispatched to respond to 911 calls based on available resources located within the shortest travel time from the emergency. This system is known as "boundary drop" among the service providers. When primary station personnel are responding to another incident, or the incident requires additional support, other nearby stations may be dispatched to respond as well. Under automatic aid agreements, the closest available resource is always dispatched to fire and medical emergencies.

The estimated response time from EDCFPD Station 74 to the annexation area is 8 minutes, followed by 16 minutes from Stations 25 and 28. All response times are well within the County General Plan minimum standard for fire district response time of 15-45 minutes within Rural Centers and Rural Regions.

Station 74 has a 40-hour Division Chief, who is a paramedic that is stationed in Coloma. EDCFPD also routinely tries to staff the station on the weekends during the summer and on holiday weekends. Station 74 is also a "move-up and cover" location for ambulances. "Move-up and cover" is the reallocation of fire suppression or ambulance resources from their established location to a temporary location. Placerville Station 25 and Shingle Springs Station 28 are both staffed 24-hours a day, 7 days a week, by an Engine Company and Medic Unit. Station 28 also houses the District's Office of Emergency Services (OES) Engine, which is staffed when requested by Cal OES.

Timely Availability of Water Supply

The proposed annexation will not have any effect on the water supply available in the general vicinity or the provision of water to the annexation area. The annexing territory is within the El Dorado Irrigation District, but service to the four parcels is proposed to be provided by private wells and septic systems. The El Dorado County Environmental Management Department reviewed the Tentative Map project and concluded that each parcel meets the requirements for private wells on site, including adequate water supply.

Alternatives for Service

Mutual aid agreements exist among the local fire districts in order to ensure service is provided in the most efficient manner possible, no matter the jurisdictional boundaries of where the emergency call is located. Rescue Fire Protection District's Station 83 at 5122 Deer Valley Road, Rescue, is the closest, staffed mutual aid station to the annexation site. Station 83 is approximately 6.9 miles from the annexation site, with an estimated response time of 11 minutes.

Regardless of annexation, El Dorado County FPD has the closest resources to the subject parcel and is the most likely agency to be the first responder to a fire or medical emergency. EDCFPD does not have out of district fees to recover costs for services. Absent annexation, the District would have no mechanism in place to recoup its cost of service, which creates an issue of fiscal inequity for the agency.

Service Impacts to Existing District Customers

The level of service the EDCFPD currently provides is not expected to change as a result of this annexation. The District and existing district customers will benefit from the additional revenue from the annexed properties.

Coordination of Applications

There are no additional public services required for the future parcels which would require LAFCO action. The annexing territory is within the El Dorado Irrigation District for potential water service and the Gold Trail Recreation Zone of County Service Area 9 for recreation services. Nearby public roads are maintained by the County of El Dorado, and the private roads are maintained by the landowners.

The subject parcel is part of a "service island" that is not within the boundaries of a fire protection district. The other 13 parcels that make up the island were not included in the annexation proposal due to the additional time and expense that would be added to the original project.

Fire Protection District Law allows for the annexation of both contiguous and non-contiguous lands. This petition does not affect the ability of any of the other owners to submit their own petition, collectively or independently, for annexation into EDCFPD. A neighboring landowner from the same island successfully petitioned LAFCO to annex their parcel into EDCFPD in 2020 (Bloxom/AT&T Annexation into EDCFPD; LAFCO Project No. 2019-04).

EDCFPD successfully completed a District-initiated annexation of 14 separate islands (159 parcels, 5,500 acres) in 2021 (EDCFPD Island Annexation; LAFCO Project No. 2020-01). Eight additional islands were also identified that could not be included in the Island Annexation project because they weren't considered true islands by State Board of Equalization standards. In this instance, it was due to the shared boundary with Rescue FPD to the south.

II. COST AND REVENUES

Cost to Provide Service

Costs to provide service to the subject parcel are not expected to increase upon annexation. EDCFPD can provide service to the subject property without expanding service capacity or infrastructure. EDCFPD is the likely first responder to the subject parcel, regardless of any change in the jurisdictional boundaries. Annexation will allow EDCFPD to collect property tax and special tax revenue from the annexed territory to help offset the costs of providing fire protection and emergency medical services.

Assessed Value / Property Tax Exchange Agreements

The subject parcel is currently within tax rate area 072-054. According to the Assessor's Report prepared for this project, the total assessed value of APN 105-190-042 is \$246,069 (FY20-21).

On July 19, 2022, the El Dorado County Board of Supervisors adopted property tax redistribution Resolution No. 107-2022 for the annexation, approving a 7.8691% future property tax increment for the annexing territory (Attachment B). On July 21, 2022, the EDCFPD Board adopted Resolution No. 2022-06 agreeing to the proposed increment.

The negotiated 7.8691% property tax increment applies only to future increases in taxable assessed value, added after the effective date of the annexation. Future increases would include changes in the assessed value as a result of the approved parcel split, changes in ownership, or new development or improvements.

EDCFPD also levies voter-approved special taxes within its different special tax zones for fire and emergency medical services. The subject parcel is annexing into EDCFPD's Coloma/Lotus Zone, which has a \$60 voter-approved special tax. Upon annexation, the special tax will be extended to the annexed territory (current and future parcels) on the following year's tax roll.

Sufficiency of Revenues

The annexation is expected to provide sufficient revenue to cover the short- and long-term costs of providing fire protection and emergency services to the new parcels. EDCFPD will collect revenue from the territory through special tax revenue and an increment of the property taxes collected. Collected revenue will offset the cost of providing service to the area, but is not expected to exceed those costs.

III. BOUNDARIES

Proximity to District Boundaries / Sphere of Influence

Government Code §56375.5 requires LAFCO actions regarding changes of district boundaries be consistent with the affected district's sphere of influence. The annexation proposal is consistent with El Dorado County FPD's sphere of influence and with Fire Protection District Law (Health and Safety Code §13810), which allows inclusion of non-contiguous territory within an FPD. The subject parcel has pinpoint contiguity to the EDCFPD boundaries to the west, is surrounded by EDCFPD's SOI to the north and west, and shares a border with Rescue FPD to the south.

Creation of Irregular Boundaries

As previously noted, the subject parcel sits in the middle of a larger "service island" of parcels that are surrounded on three sides by EDCFPD, the southern boundary borders Rescue FPD. The service island includes 13 parcels and covers a 600-acre area from Thompson Hill Road and Lotus Road, west to State Highway 49. Annexing APN 105-190-042 into El Dorado County FPD will reduce the size of the service island by approximately 55 acres.

The proposed annexation map has been reviewed by the El Dorado County Surveyor's Office and the boundaries of the proposed annexation conform to the existing lines of assessment and ownership of the subject parcel.

Topographical Information

The site ranges in elevation from approximately 1,330 feet to 1,560 feet above mean sea level. The topography consists of three northerly-sloping ridges separated by two unnamed intermittent creeks which flow from south to north across the property. The property also

contains wetlands adjacent to both creeks and a seasonal pond. The annexation will not affect wetlands or creeks and there are no topographical features that will hinder service to this area.

Local Hazard Mitigation Plan / Fire Hazard Severity Zone

LAFCOs are required to consider information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone when considering a proposal.

El Dorado County's Local Hazard Mitigation Plan (LHMP, updated July 2018) serves as the implementation program for the coordination of hazard planning and disaster response efforts within the County. The LHMP is incorporated by reference into the El Dorado County General Plan Safety Element. The LHMP requires Fire Hazard Severity Zone maps be consulted in the review of all discretionary projects so that standards and mitigation measures appropriate to each hazard classification can be applied.

The California Department of Forestry and Fire Protection (CAL FIRE) classifies all lands within the state responsibility area into fire hazard severity zones, based on vegetation, fire history, and slope. The FHSZ classifications are moderate, high or very high fire hazards. CAL FIRE is in the final stages of the adoption process for a 2022 update of the FHSZ maps, expected to be finalized in the spring of 2023. The 2022 update uses a new model that is more spatially detailed and includes new factors including, land use changes, recent fire history, and new significant wide event data. Prior to this update, the FHSZ maps were last updated in 2007.

The project site is in an area of "very high fire hazard" for wildland fire pursuant to CAL FIRE's most recent FHSZ map, November 21, 2022 (Attachment C). This FHSZ classification has intensified since the 2007 designations of moderate and high fire hazard.

As part of the Tentative Parcel Map approval process, a Fire Safe Plan dated April 11, 2022 was reviewed and approved by El Dorado County FPD. The fire safe plan confirms that the project site can be developed for residential uses with adherence to fire safe conditions of approval.

Annexation benefits both the landowners and the District, by providing a fair share of additional revenue to EDCFPD to be used for essential fire and emergency medical services.

IV. POTENTIAL EFFECT ON OTHERS AND COMMENTS

Effect on Adjacent Areas

The proposed annexation will have a minimal effect on adjacent areas. The extension of fire and emergency medical services to the site will not affect the ability of other landowners to annex into the EDCFPD for similar services, nor will it have an adverse effect on the District's ability to provide those services to its existing customers.

Effect on Other Community Services

There are no negative impacts expected for other public service providers to the annexation area. Other public service providers within the affected territory include: El Dorado Irrigation District (available water service), County Service Area 7 (ambulance services), County Service Area 9, Zone 19 – Gold Trail Recreation Zone (park and recreation services), Gold Trail Union School District and El Dorado Union High School District (schools), and the El Dorado County Sheriff's Department (law enforcement).

Comments and/or Objections from Other Agencies and the Landowners

The following agencies and El Dorado County departments were notified of, and provided an opportunity to comment on this proposal:

- Assessor's Office
- Auditor's Office
- Chief Administrative Office
- County Service Areas 7, 9, and 10
- Department of Agriculture
- El Dorado County Farm Bureau
- El Dorado County Resource Conservation District
- El Dorado County Water Agency
- El Dorado Irrigation District
- El Dorado Union High School District
- Elections Department
- Emergency Services Authority
- Gold Trail Union School District
- Los Rios Community College District
- Office of Education
- Planning Department
- Rescue Fire Protection District
- Sheriff's Department
- Surveyor's Office

As part of the standard notification process, LAFCO sent a project notice requesting agency comments to all affected agencies in August 2022, and a project hearing notification in February 2023. LAFCO has not received any comments from the above affected agencies in response to the proposed annexation, to date.

The annexation petition was initiated by the landowners and the EDCFPD, as the annexing agency, fully supports the change of organization.

Public Notice

Per Government Code §56150, a notice of public hearing was posted at the LAFCO office, El Dorado County Building A, on the LAFCO website, and published in the Mountain Democrat on March 1, 2023, 21 days in advance of the hearing. As of the date of this report, LAFCO has not received any comments from the public in response to the proposed annexation.

Effect on Environmental Justice

The annexation proposal will not have any effect on the promotion of environmental justice within the annexation area or surrounding areas. The annexation will not alter the land use in or around the annexation site, nor will it increase or decrease the level of pollution in the immediate area. The annexation proposal will also not have an adverse effect on the ability of neighboring landowners to receive service from EDCFPD or to petition LAFCO to annex into the District for services.

V. LAND USE, POPULATION AND PLANNING

Zoning and Land Use Designations, Consistency with General / Specific Plans

The subject parcel is designated Rural Residential (RR) per the El Dorado County General Plan and zoned Rural Lands, ten-acre minimum (RL-10). No new on-site improvements or residential developments are proposed at this time. Approved Tentative Parcel Map P21-0004 will create four residential parcels from the 54.92-acre parcel as follows: Parcel One 10.06-acres, Parcel Two 10.55-acres, Parcel Three 14.02-acres, and Parcel Four 20.29-acres. Fire and vehicular access to each of the proposed parcels will be from individual driveways encroaching onto Thompson Hill Road, a county-maintained road. Future residential development is anticipated to occur on the four parcels at some point. The parcel split and expected future residential development are consistent with the zoning and land use.

The following P21-0004 Exhibits A-F are included as Attachment D, for reference:

- A. Location/Vicinity Map
- B. Assessor's Parcel Map

- C. General Plan Land Use Designation Map
- D. Zoning Map
- E. Agricultural District Map
- F. Tentative Parcel Map

The above exhibits were prepared by El Dorado County Planning staff for the Jomescbo Tentative Parcel Map, approved by the Zoning Administrator on August 17, 2022.

Surrounding Land Uses

The surrounding properties are primarily developed for residential uses, but also include undeveloped parcels and agricultural uses. The adjacent neighboring parcels to the east are zoned as Agriculture 40-acres (AG-40); to the south and north are zoned as RL-10; and to the west are Residential Estate Five-Acres (RE-5) and RL-10 properties. Approximately half of the surrounding properties are currently developed with rural residential uses and the rest remain undeveloped. The neighboring property to the east is zoned as AG-40 and developed with agricultural uses, which requires a minimum setback of 200-feet from all common boundaries.

Surrounding Area	Land Use Designation	Zoning	Current Use
Project Site: 105-190-042	RR	RL-10	Undeveloped; approved parcel map to split parcel into four 10-20-acre parcels
North:	RR	RL-10	Thompson Hill Rd; undeveloped
West:	RR / LDR	RL-10 / RE-5	Lotus Road; rural and low density residential development
East:	AL	AG-40	Agricultural preserves; developed with agricultural and residential uses
South:	RR	RL-10	Developed with rural residential uses; developed and undeveloped

Impact to Agriculture / Open Space

The annexation will not have an adverse effect on agriculture or open space lands. The annexation site is located adjacent to, but not within, the Gold Hill Agricultural District. The site is zoned as Rural Lands, ten-acre minimum, which allows for agricultural uses. Adjacent zoning designations allow residential uses and varying intensities of agricultural uses by right, none of which will be impacted by the proposed annexations.

The annexation site is in the Important Biological Corridor (IBC) overlay area; however, there were no recorded occurrences of special-status plants or wildlife species within the project area. The Biological Resources Report determined that the mitigation measures required under the County's IBC Overlay, including enhanced 60-foot setbacks from waters and wetlands, and pre-construction bird and plant surveys, would be sufficient to mitigate any potential impacts to wildlife movement.

Population and Growth in the Area

There are currently no registered voters residing in the proposal area, therefore the subject territory is considered uninhabited per Government Code §56046, which states, "*Inhabited territory*" means *territory within which there reside 12 or more registered voters...All other territory shall be deemed "uninhabited"*".

The subject parcel is currently undeveloped, though approved to be split into four smaller lots per Tentative Parcel Map P21-0004. Each proposed parcel would be allowed to develop a primary residence and secondary dwelling by right, for a total of eight residences possible.

Regional Housing Needs Considerations

The annexation proposal does not include any type of new housing or residential development; therefore, it will neither assist or detract from the County's ability to achieve its RHNA (Regional Housing Needs Assessment) targets.

ENVIRONMENTAL REVIEW

Acting on behalf of El Dorado County as the Lead Agency for the project, the El Dorado County Zoning Administrator prepared and certified a Mitigated Negative Declaration (MND) for the project on August 17, 2022, in accordance with the California Environmental Quality Act (CEQA). The environmental impacts of the annexation were addressed within the scope of this environmental document. The MND includes mitigation measures as necessary to lessen the potential significant effect that the project could have on the surrounding area. The County's MND can be reviewed in its entirety as Attachment E. LAFCO staff analysis of these issues can be found within the corresponding factors to be considered below.

ATTACHMENTS

- Attachment A: LAFCO Draft Resolution L-2023-04
- Attachment B: BOS AB-8 Resolution 107-2022
- Attachment C: CAL FIRE El Dorado County Fire Hazard Severity Zone Map, November 21, 2022
- Attachment D: P21-0004 Jomescbo Tentative Parcel Map Exhibits A-F
- Attachment E: Jomescbo Parcel Map Mitigated Negative Declaration, El Dorado County Zoning Administrator, August 17, 2022

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2023-04

Jomescbo Annexation to the El Dorado County Fire Protection District –
Coloma/Lotus Zone
LAFCO Project No. 2022-01

WHEREAS, on April 20, 2022, the Jomescbo Family Trust, owner of 100% of the assessed value of the land shown in “Exhibit A” (hereinafter referred to as the “subject territory”), represented by Thomas Van Noord, submitted a landowner petition (“petition”) requesting the annexation of the subject territory into the El Dorado County Fire Protection District (EDCFPD); and

WHEREAS, the petition is in conformance with Government Code §56650 et seq.; and

WHEREAS, the proposal was assigned LAFCO Project No. 2022-01 and is referred to as the “Jomescbo Annexation to the El Dorado County Fire Protection District”; and

WHEREAS, the subject territory includes Assessor’s Parcel Number (APN) 105-190-042, consisting of approximately 54.92 acres; and

WHEREAS, the petition requests the annexation of the subject territory, into EDCFPD for the provision of structural fire protection and emergency medical services; and

WHEREAS, Revenue and Taxation Code §99 requires an agreement for the exchange of property tax revenues in the event of a jurisdictional change of local agencies; and

WHEREAS, property tax exchange negotiations were completed and approved by the County of El Dorado (“the County”) on July 19, 2022 by Resolution 107-2022, and by EDCFPD on July 21, 2022 by Resolution 2022-06; and

WHEREAS, pursuant to Government Code §56857(e), informational hearing proceedings were not required; and

WHEREAS, acting on behalf of El Dorado County as Lead Agency, the El Dorado County Zoning Administrator adopted a Mitigated Negative Declaration of Environmental Impact (MND) for the project on August 17, 2022, in accordance with the California Environmental Quality Act (“CEQA”); and

WHEREAS, prior to making a decision on the project and in accordance with State CEQA Guidelines Section 15096, the El Dorado Local Agency Formation Commission (“LAFCO”), as a Responsible Agency under CEQA independently reviewed the MND, a copy of which is filed and available for public inspection at the LAFCO office; and

WHEREAS, in LAFCO’s limited role as a Responsible Agency under CEQA, LAFCO has independently reviewed and considered El Dorado County’s MND, and has determined that any potential environmental impacts of the project were considered and addressed within the scope of the MND; and

WHEREAS, the Executive Officer examined the petition, certified that it is adequate and has accepted the petition for filing on February 7, 2023; and

WHEREAS, the Executive Officer set a public hearing for March 22, 2023 for consideration of the petition and the MND and caused Notice thereof to be posted, published and mailed at the times and in the manner required by law at least twenty-one (21) days in advance of that date; and

WHEREAS, said Notice stated that the petition and the environmental determination would be considered by this Commission at the hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code §56665, has reviewed this petition and prepared and distributed a report, including recommendations, and has furnished a copy of this report to each person entitled to a copy at least five (5) days prior to the March 22, 2023 meeting during which the petition was considered; and

WHEREAS, on March 22, 2023, the matter came on regularly for hearing before this Commission, at the time and place specified in the Notice of the Public Hearing; and

WHEREAS, at said hearing, the petition, the environmental determination, and the Executive Officer's Report and Recommendations were reviewed and considered; and

WHEREAS, an opportunity was given to all interested persons, organizations, and agencies to present oral or written protests, objections, and any other information concerning the proposal and all related matters; and

WHEREAS, this Commission has received, heard, discussed and considered all oral and written testimony related to the petition, including, but not limited to, protests and objections, the Executive Officer's report and recommendations, the environmental determination, plans for providing service, spheres of influence, applicable General and Specific Plans, each of the policies, priorities and functions set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including those set forth in Government Code §§56377, 56668 and 56668.3, LAFCO's Policies and Guidelines and all other materials presented as prescribed by law.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND by the El Dorado Local Agency Formation Commission as follows:

1. Each of the foregoing recitals is true and correct.
2. This resolution making determinations is made pursuant to and in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 et seq., CEQA, California Public Resources Code §21000, et seq., and all other applicable law, regulations, policies and procedures.
3. The following agencies and districts were notified concerning this petition: El Dorado County Assessor's Office, El Dorado County Auditor's Office, El Dorado County Chief Administrative Office, El Dorado County Department of Agriculture, El Dorado County Elections Department, El Dorado County Emergency Services Authority, El Dorado County Farm Bureau, El Dorado County Office of Education, El Dorado County Planning Department, El Dorado County Representing County Service Areas 7, 9, and 10, El

Dorado County Resource Conservation District, El Dorado County Sheriff's Department, El Dorado County Surveyor's Office, El Dorado County Water Agency, El Dorado Irrigation District, El Dorado Union High School District, Gold Trail Union School District, Los Rios Community College District, and Rescue Fire Protection District.

4. The Jomescbo Family Trust, as owner of 100% of the assessed value of the land within the subject territory, has given its written consent to the annexation.
5. There are zero (0) registered voters in the subject territory; therefore, the subject territory is considered uninhabited per Government Code §56046.
6. The EDCFPD, as the subject agency, has not requested in writing or otherwise that LAFCO hold protest proceedings on this petition.
7. The Conducting Authority proceedings are hereby waived in accordance with Government Code §56663(c).
8. The subject territory is within the EDCFPD sphere of influence and is contiguous to the existing boundary.
9. The subject property is designated Rural Residential (RR) and is zoned Rural Lands, 10-Acre Minimum (RL-10) by the 2015 Land Use Element of the County's General Plan.
10. The subject territory is currently undeveloped.
11. Annexation is required as a condition of approval for Tentative Parcel Map P21-0004, approved by the El Dorado County Zoning Administrator on August 17, 2022.
12. Tentative Parcel Map P21-0004 splits the 54.92-acre parcel into four smaller parcels, ranging from 10.06 acres to 20.25 acres.
13. No new on-site improvements or residential developments are proposed at this time.
14. The petition is consistent with the County's 2015 Updates to its General Plan.
15. The subject territory consists of a single tax rate area and is currently within TRA 072-054.
16. The total assessed land value of the subject territory is \$246,069 (FY 2020-21).
17. The petition will neither assist nor detract from the County's ability to meet its Regional Housing Needs Assessment allocations as determined by the Sacramento Area Council of Governments for any income groups.
18. Upon completion of the approval proceedings, the EDCFPD shall provide fire protection and emergency medical services to the subject territory.
19. The EDCFPD has planned for the provision of fire protection and emergency medical services to the subject territory and has developed a fee schedule and assessments to provide funding for that service.

20. The petition meets the intent, policies, and priorities of this Commission, and the laws and policies within its jurisdiction and authority, including but not limited to the EDCFPD sphere of influence and the El Dorado LAFCO Policies and Guidelines.
21. This Commission independently reviewed and considered the information contained in the MND, Initial Study and Notice of Determination (collectively referred to as "environmental determination") and administrative record for the petition and hereby authorizes the filing and posting of a Notice of Determination in accordance with applicable CEQA statutory and Guidelines provisions.
22. The environmental determination addressed, among other things, impacts to agricultural resources, hydrology and water quality, land use and planning, population and housing, public services, transportation and traffic, utilities and service systems, and recreation.
23. The environmental determination included mitigation measures necessary to mitigate the potentially significant effects of the entire project that the project could have on the surrounding area, and identified the responsible parties and included the provisions to be followed.
24. El Dorado County, in accordance with the California Environmental Quality Act, ultimately determined that with implementation of adopted mitigation measures as described in the Mitigated Negative Declaration adopted for the annexation and other actions taken pursuant to this resolution would not have a significant impact on the environment.
25. This Commission finds that the environmental determination contains a complete, accurate and objective reporting of the environmental impacts associated with the annexation and reflect the independent judgement of the Commission.
26. This Commission further finds that the environmental determination has been completed in compliance with CEQA, the State CEQA Guidelines and the Commission's Local CEQA Guidelines as detailed in the El Dorado LAFCO Policies and Guidelines.
27. A full and fair public hearing was held on the environmental determination for the annexation.
28. This Commission has considered all comments received thereon in response to the public circulation of the environmental determination, and said environmental determination is hereby accepted as the environmental review for the petition.
29. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
30. The annexation will not result in negative impacts to the cost and adequacy of services otherwise provided in the area and it is in the best interests of the affected area and the total organization of local government agencies.
31. The area proposed for reorganization represents an orderly, logical and a justifiable extension of the EDCFPD boundaries.
32. The proposal is assigned the following short form designation:

Jomescbo Annexation to the El Dorado County Fire Protection District (EDCFPD) –
Coloma/Lotus Zone
LAFCO Project No. 2022-01

33. The Jomescbo Annexation to the El Dorado County Fire Protection District is hereby approved, subject to the following conditions:
 - (a) The subject territory shall be liable for any authorized or existing taxes, fees, service charges, assessments and any bonded indebtedness of the EDCFPD.
 - (b) The applicant and the real party of interest, if different, shall agree to defend, indemnify, hold harmless and release the El Dorado Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against them or any of them, the purpose of which to attack, set aside, void, condition, challenge or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, related to or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the El Dorado Local Agency Formation Commission or its agents, officers, attorney or employees.
 - (c) The Certificate of Completion shall be issued and recorded subsequent to final payment of all LAFCO, State Board of Equalization and County fees, costs and charges associated with the project and necessary to complete the required filings and transmittals.
 - (d) Proponents shall complete all map and legal description requirements for final recording and filing, including documents required by the State Board of Equalization, within 180 days of March 22, 2023.
34. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries and conditions set forth in the attachments and any terms and conditions specified in this resolution.
35. The Executive Officer is hereby authorized and directed to file with the Clerk of the County of El Dorado, a Notice of Determination for the annexation, pursuant to Title 14 California Code of Regulations §15075.
36. The effective date shall be the five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion, which shall be prepared and recorded after the conditions set forth above are met.
37. Upon and after the effective date of said reorganization, the affected territory, all inhabitants within such territory, and all persons entitled to vote by reasons of residing or owning land within the territory:
 - (a) Shall be subject to the jurisdiction of EDCFPD, hereafter referred to as "the District";

- (b) Shall have the same rights and duties as if the affected territory has been a part of the District upon its original formation;
 - (c) Shall be liable for the payment of any authorized or existing taxes, fees, assessments and any bonded indebtedness of the District, including amounts which shall become due on account of any outstanding or then authorized but thereafter issued obligations of the District;
 - (d) Shall be subject to the collection of all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such services;
 - (e) Shall be subject to all of the rules, regulations and ordinances of the District as now existing or hereafter amended.
38. All interested parties, including without limitation the Jomescbo Family Trust and Thomas Van Noord, agree that LAFCO retains in perpetuity the authority to enforce, through legal action or otherwise, all of the terms and conditions of the project approval.
39. The documents and materials which constitute the record of proceedings on which these findings are based are located at 550 Main Street, Suite E, Placerville, CA 95667. The custodian of these records is the Executive Officer.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held March 22, 2023 by the following vote of said Commission.

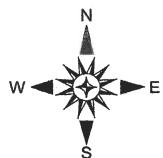
	AYE	NO	ABSTAIN	ABSENT	NOT VOTING
Commissioner Clerici	<input type="checkbox"/>				
Commissioner Hidahl	<input type="checkbox"/>				
Commissioner Turnboo	<input type="checkbox"/>				
Commissioner Veerkamp (Chair)	<input type="checkbox"/>				
Commissioner Wallace	<input type="checkbox"/>				
Commissioner White	<input type="checkbox"/>				
Commissioner Wilde	<input type="checkbox"/>				
Alt. Commissioner Gotberg	<input type="checkbox"/>				
Alt. Commissioner Hodson	<input type="checkbox"/>				
Alt. Commissioner Saunders	<input type="checkbox"/>				
Alt. Commissioner Thomas	<input type="checkbox"/>				

ATTEST:

Executive Officer

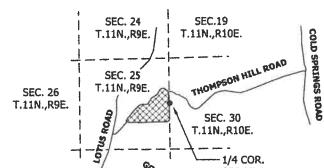
Chairperson

EXHIBIT A



LAFCO EXHIBIT MAP PROJECT NO. 2022-01
ANNEXATION INTO EL DORADO COUNTY FIRE PROTECTION DISTRICT
ASSESSORS PARCEL NO. 105-190-042

A PORTION OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 9 EAST, M.D.M.
BEING PARCEL B OF PARCEL MAP 51-83
COUNTY OF EL DORADO STATE OF CALIFORNIA
JANUARY 2023 SCALE 1"=400'
SHEET 1 OF 1



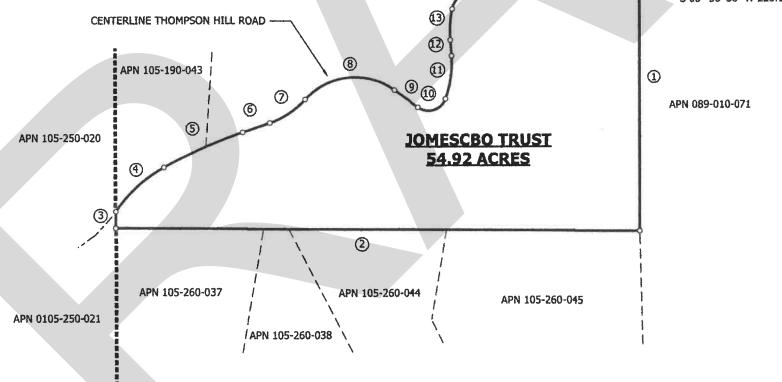
VICINITY MAP

PARCEL COURSES:

- 1) S 00° 50' 36" W 1542.74'
- 2) N 88° 58' 39" W 2655.54'
- 3) N 00° 53' 59" E 83.54'
- 4) R=710.00' D=26° 50' 01" L=332.52' CH=N 48° 27' 58" E 329.49'
- 5) R=2600.00' D=09° 36' 39" L=436.13' CH=N 66° 41' 19" E 435.62'
- 6) N 71° 29' 38" E 147.65'
- 7) R=200.00' D=24° 34' 17" L=216.92' CH=N 57° 12' 30" E 214.68'
- 8) R=340.00' D=28° 51' 15" L=497.41' CH=N 84° 49' 59" E 454.22'
- 9) S 53° 15' 23" E 149.72"
- 10) R=92.00' D=105° 58' 00" L=170.15' CH=N 73° 45' 38" E 146.92'
- 11) R=530.00' D=24° 03' 30" L=222.55' CH=N 08° 44' 53" E 220.91'
- 12) N 03° 16' 53" W 80.93'
- 13) R=582.00' D=15° 31' 22" L=157.64' CH=N 04° 28' 48" E 157.20'
- 14) R=115.00' D=77° 41' 14" L=155.93' CH=N 51° 05' 08" E 144.26'
- 15) N 89° 55' 43" E 104.05'
- 16) R=100.00' D=15° 15' 15" L=176.13' CH=N 43° 12' 34" E 157.25'
- 17) R=930.00' D=20° 50' 38" L=334.69' CH=N 00° 54' 43" E 332.85'
- 18) R=235.00' D=120° 26' 34" L=494.00' CH=N 77° 33' 19" E 407.94'
- 19) S 42° 13' 24" E 243.80'
- 20) R=610.00' D=04° 09' 00" L=44.18' CH=N 40° 08' 54" E 44.17'

LEGEND:

- EXISTING BOUNDARY
- PROPOSED BOUNDARY
- ONE-QUARTER SECTION CORNER
COMMON TO SECTION 25 AND 30 T.11N.
- R.9E. AND R.10E. PER PARCEL MAP 51-83



SURVEYOR'S STATEMENT

THIS EXHIBIT WAS PREPARED ON JANUARY 20, 2023 AND IS FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS A BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

DATE: 02.01.2023

[Signature]
LOREN A. MASSARO, PLS 8117



COUNTY SURVEYOR'S STATEMENT

THIS EXHIBIT MEETS THE STATE BOARD OF EQUALIZATION, THE EL DORADO COUNTY RECORDER'S OFFICE AND CONFORMS TO THE LINES OF ASSESSMENT.

DATE: FEB 2, 2023

[Signature]
BRIAN K. FRAZIER, PLS 9190
COUNTY SURVEYOR
COUNTY OF EL DORADO, CALIFORNIA

BY:
JUSTIN C. CISNEROS, PLS 9539
DEPUTY COUNTY SURVEYOR
COUNTY OF EL DORADO, CALIFORNIA



APPROVED BY
LOCAL AGENCY FORMATION COMMISSION
EL DORADO COUNTY, CA 95626

DATE: _____

ATTEST: _____
EXECUTIVE OFFICER



EXHIBIT A

Annexation Description
LAFCO Project # 2022-01

Jomescbo Trust

Assessors Parcel No. 105-190-042

All that certain real property situate in Section 25, Township 11 North, Range 9 East, Mount Diablo Meridian, County of El Dorado, State of California being Parcel B of that particular Parcel Map Filed in book 51 at page 83 official records said county and state more particularly described as follows:

Beginning at the Northeast corner of said Parcel B from which the One Quarter corner common to Section 25 Range 9 East and Section 30 Range 10 East bears South 00° 50' 36" West 223.14 feet; thence from said POINT OF BEGINNING along the record boundary of said Parcel B the following twenty (20) courses:

- 1) South 00° 50' 36" West, a distance of 1542.74 feet;
- 2) North 88° 58' 39" West, a distance of 2655.54 feet to the LAFCO boundary
- 3) Along said boundary North 00° 53' 59" East, a distance of 83.54 feet to the beginning of a non-tangent curve to the right having a radius of 710.00 feet;
- 4) Leaving said boundary along said curve through a central angle of 26° 50' 01" an arc length of 332.52 feet, said curve being subtended by a chord which bears North 48° 27' 58" East 329.49 feet to the beginning of a compound curve having a radius of 2600.00 feet;
- 5) Along said compound curve through a central angle of 09° 36' 39" an arc length of 436.13 feet, said curve being subtended by a chord which bears North 66° 41' 19" East 435.62 feet;
- 6) North 71° 29' 38" East 147.65 feet to the beginning of a curve to the left having a radius of 435.00 feet;
- 7) Along said curve through a central angle of 28° 34' 17" an arc length of 216.92 feet, said curve being subtended by a chord which bears North 57° 12' 29" East 214.68 feet to a reverse curve having a radius of 340.00 feet;
- 8) Along said curve through a central angle of 83° 49' 16" an arc length of 497.41 feet, said curve being subtended by a chord which bears North 84° 49' 59" East 454.22 feet;
- 9) South 53° 15' 23" East 149.72 feet to the beginning of a curve to the left having a radius of 92.00 feet;



EXHIBIT A

- 10) Along said curve through a central angle of $105^\circ 58' 00''$ an arc length of 170.15 feet, said curve being subtended by a chord which bears North $73^\circ 45' 38''$ East 146.92 feet to a compound curve having a radius of 530.00 feet;
- 11) Along said curve through a central angle of $24^\circ 03' 30''$ an arc length of 222.55 feet, said curve being subtended by a chord which bears North $08^\circ 44' 53''$ East 220.91 feet;
- 12) Thence North $03^\circ 16' 53''$ West 80.93 feet to the beginning of a curve to the right having a radius of 582.00 feet;
- 13) Along said curve through a central angle of $15^\circ 31' 22''$ an arc length of 157.68 feet, said curve being subtended by a chord which bears North $04^\circ 28' 48''$ East 157.20 feet to a compound curve having a radius of 115.00 feet;
- 14) Along said curve through a central angle of $77^\circ 41' 14''$ an arc length of 155.93 feet, said curve being subtended by a chord which bears North $51^\circ 05' 08''$ East 144.26 feet;
- 15) North $89^\circ 55' 43''$ East 104.05 feet to the beginning of a curve to the left having a radius of 108.00 feet;
- 16) Along said curve through a central angle of $93^\circ 26' 19''$ an arc length of 176.13 feet, said curve being subtended by a chord which bears North $43^\circ 12' 34''$ East 157.25 feet to a reverse curve having a radius of 920.00 feet;
- 17) Along said curve through a central angle of $20^\circ 50' 38''$ an arc length of 334.69 feet, said curve being subtended by a chord which bears North $06^\circ 54' 43''$ East 332.85 feet to a compound curve having a radius of 235.00 feet;
- 18) Along said curve through a central angle of $120^\circ 26' 34''$ an arc length of 494.00 feet, said curve being subtended by a chord which bears North $77^\circ 33' 19''$ East 407.94 feet;
- 19) South $42^\circ 13' 24''$ East 243.80 feet to the beginning of a curve to the right having a radius of 610.00 feet;
- 20) Along said curve through a central angle of $04^\circ 09' 00''$ an arc length of 44.18 feet; said curve being subtended by a chord which bears South $40^\circ 08' 54''$ East 44.17 feet to the POINT OF BEGINNING containing 54.92 Acres more or less.

Page 3 of 3

EXHIBIT A

End of Description

This description is for assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.




Loren A. Massaro P.L.S. 8117

Dated: 02.02.2023





RESOLUTION NO. 107-2022

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Jomescko Annexation to the El Dorado County Fire Protection District; LAFCO Project No. 2022-01.

WHEREAS, request has been made to the Board of Supervisors of the County of El Dorado for negotiations with respect to property tax revenue in accordance with Section 99 and 99.01 of the Revenue and Taxation Code; and

WHEREAS, this request related to the annexation of one parcel, Assessor's Parcel Number 105-190-042-100 (54.92 acres), located on the South side of Thompson Hill Road, 200 feet East of the intersection with Lotus Road, namely LAFCO Project Number 2022-01, to be annexed to the El Dorado County Fire Protection District; and

WHEREAS, negotiations for a redistribution of property tax increments have been concluded, and the El Dorado County Fire Protection District has adopted its resolution accepting the annexation and property tax increment distribution plan.

NOW, THEREFORE, BE IT RESOLVED by the El Dorado County Board of Supervisors that the property tax increment with respect to parcel 105-190-042-100 to be annexed to the El Dorado County Fire Protection District will be distributed as shown on Exhibit A.

BE IT FURTHER RESOLVED that El Dorado County authorizes an exemption from the requirement for LAFCO to hold an additional information hearing 60 days before the regular hearing to consider the proposed annexation. For purposes of Government Code Section 56857(e), the County supports the annexation of Parcel Number 105-190-042-100 to the El Dorado County Fire Protection District, LAFCO Project No. 2022-01.

BE IT FURTHER RESOLVED that the Clerk to the Board of Supervisors is hereby directed to transmit notice of this resolution to the affected agencies and the El Dorado County Local Agency Formation Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 19th day of July, 2022, by the following vote of said Board:

Ayes: Parlin, Thomas, Hidahl, Turnboo, Novasel

Noes: None

Absent: None

Attest:

Kimberly Dawson

Clerk of the Board of Supervisors

By: Lori Parlin

Deputy Clerk

Lori Parlin
Chair, Board of Supervisors
Lori Parlin

ESTIMATE OF PROPERTY TAX REVENUE & DISTRIBUTION
FOR THE FISCAL YEAR 2022-23
EXHIBIT 2021-03-A

LAFCO Project #: 2022-01
Project Name: Jomescbo Annexation into the El Dorado County Fire Protection District
Annexation Per R&T Code Section 99.01
Existing Tax Rate Area # (TRA): 072-054
Net Assessed Value Per Assessor: \$246,069
H/O Exemption Assessed Value: \$0
Total Assessed Value Subject to AB-8: \$246,069
Estimated 1% Property Tax Revenue: \$2,461

Agency	Estimated Portion of Current Tax Revenue (note 1)	Current Share of Tax Levy in Existing TRA (note 1)	Possible Exchange of Tax Increment Shares	Possible New Future Tax Increment Shares
County General Fund	\$ 912	37.0829%	-1.8461%	35.2368%
County Capital Outlay Fund	\$ 19	0.7691%	-0.0383%	0.7308%
Road District Tax	\$ 92	3.7213%	-0.1853%	3.5360%
El Dorado County Fire	\$ -	0.0000%	7.8691%	7.8691%
County Water Agency	\$ 30	1.2142%	-0.0604%	1.1538%
El Dorado Irrigation District	\$ 204	8.2814%	-5.6147%	2.6667%
CSA #7	\$ 61	2.4980%	-0.1244%	2.3736%
Total Local Agencies:	\$ 1,318	53.5669%	0.0000%	53.5669%
Gold Trail Elementary	\$ 513	20.8593%	0.0000%	20.8593%
El Dorado High	\$ 424	17.224%	0.0000%	17.224%
Los Rios Jr College	\$ 152	6.1618%	0.0000%	6.1618%
Office of Education	\$ 53	2.1680%	0.0000%	2.1680%
Total School Agencies:	\$ 1,142	46.4131%	0.0000%	46.4131%
Grand Total:	\$ 2,461	100.0%	0.0%	100.0%

Note 1: Revenue estimates shown are PRE: SDAF, ERAF I, ERAF II, ERAF III, VLF Swap, and/or Triple Flip.

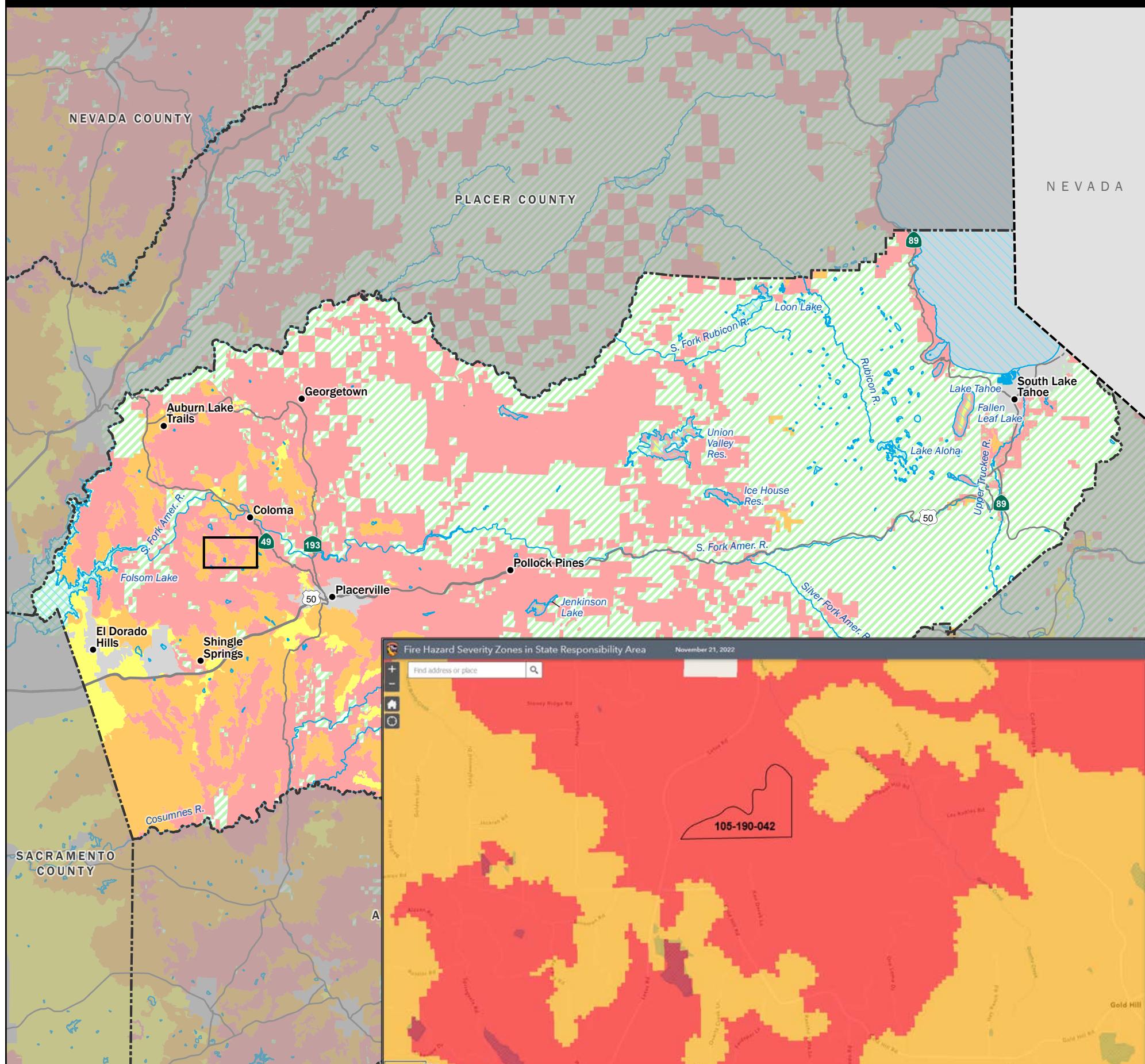
EL DORADO COUNTY



FRAP
Fire and Resource Assessment Program
California Department of Forestry and Fire Protection

State Responsibility Area Fire Hazard Severity Zones

November 21, 2022



Fire Hazard Severity Zones in State Responsibility Area (SRA)

	Very High	419,622 Acres
	High	109,323 Acres
	Moderate	19,587 Acres

Fire Protection Responsibility Areas (non-SRA)

	Federal Responsibility Area (FRA)
	Local Responsibility Area (LRA)

0 5 10 Miles

0 5 10 15 20 Kilometers

Projection: NAD 83 California Teale Albers
Scale: 1:440,000 at 11" x 17"

Public Resources Code 4201-4204 directs the California Department of Forestry and Fire Protection (CAL FIRE) to map fire hazard within State Responsibility Areas (SRA) based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the department as a major cause of wildfire spread. These zones, referred to as Fire Hazard Severity Zones (FHSZ), classify a wildland zone as Moderate, High, or Very High fire hazard based on the average hazard across the area included in the zone.

Access PDF versions of the maps at <https://osfm.fire.ca.gov/fhsz-maps>. For more information, please visit the Frequently Asked Questions document for the 2023 Fire Hazard Severity Zones at <https://osfm.fire.ca.gov/fhsz> or scan the QR code at right. If you have further questions, please call 916-633-7655 or email FHSZcomments@fire.ca.gov.

The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect to any claim by any user or third party on account of, or arising from, the use of data or maps.

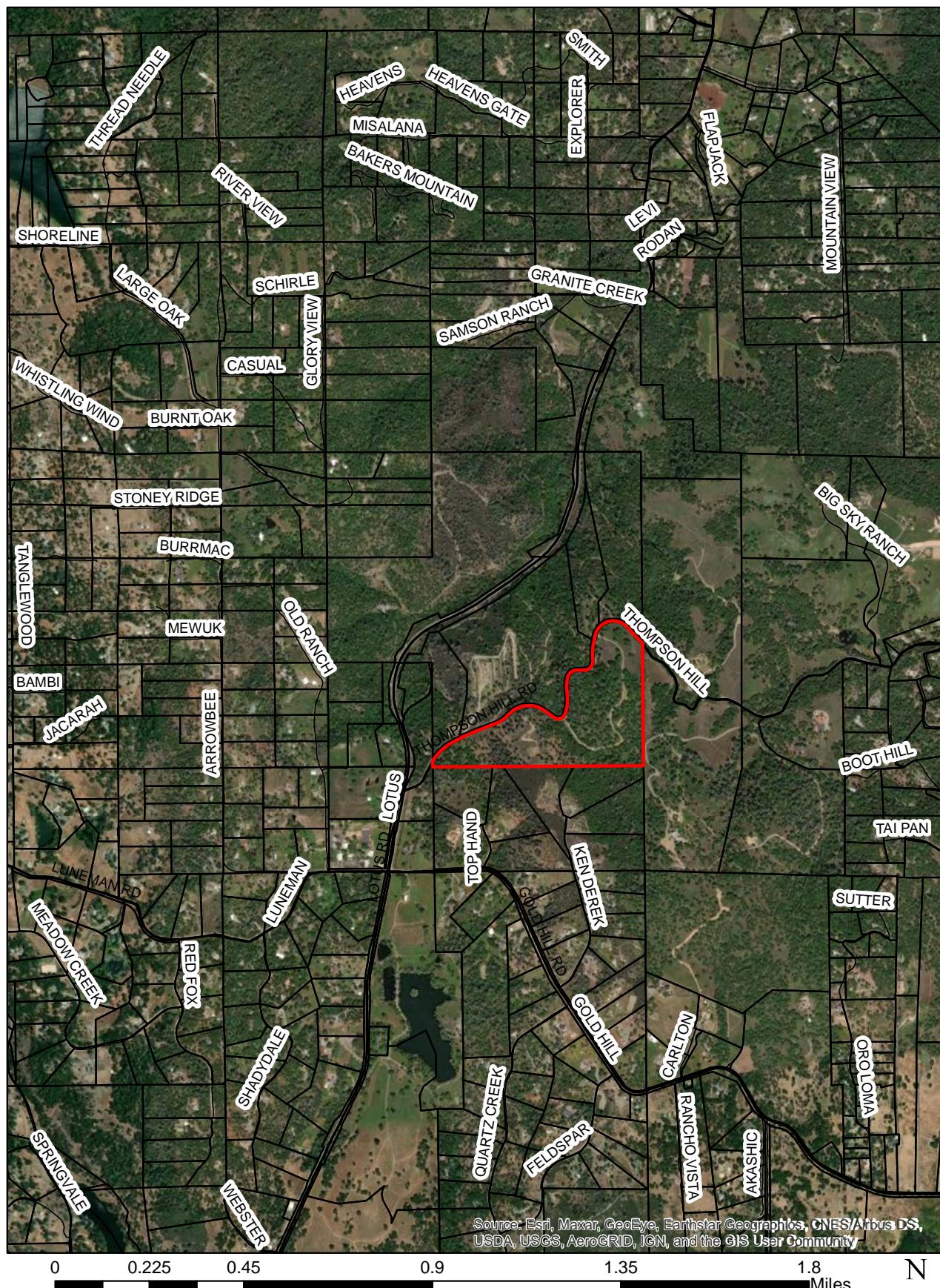
Obtain FRAP maps, data, metadata, and publications at <https://frap.fire.ca.gov>.
For more information, please call 916-633-7655 or email FHSZcomments@fire.ca.gov.

Gavin Newsom, Governor, State of California
Wade Crowfoot, Secretary for Natural Resources, California Natural Resources Agency
Mike Richwine, State Fire Marshal, California Department of Forestry and Fire Protection

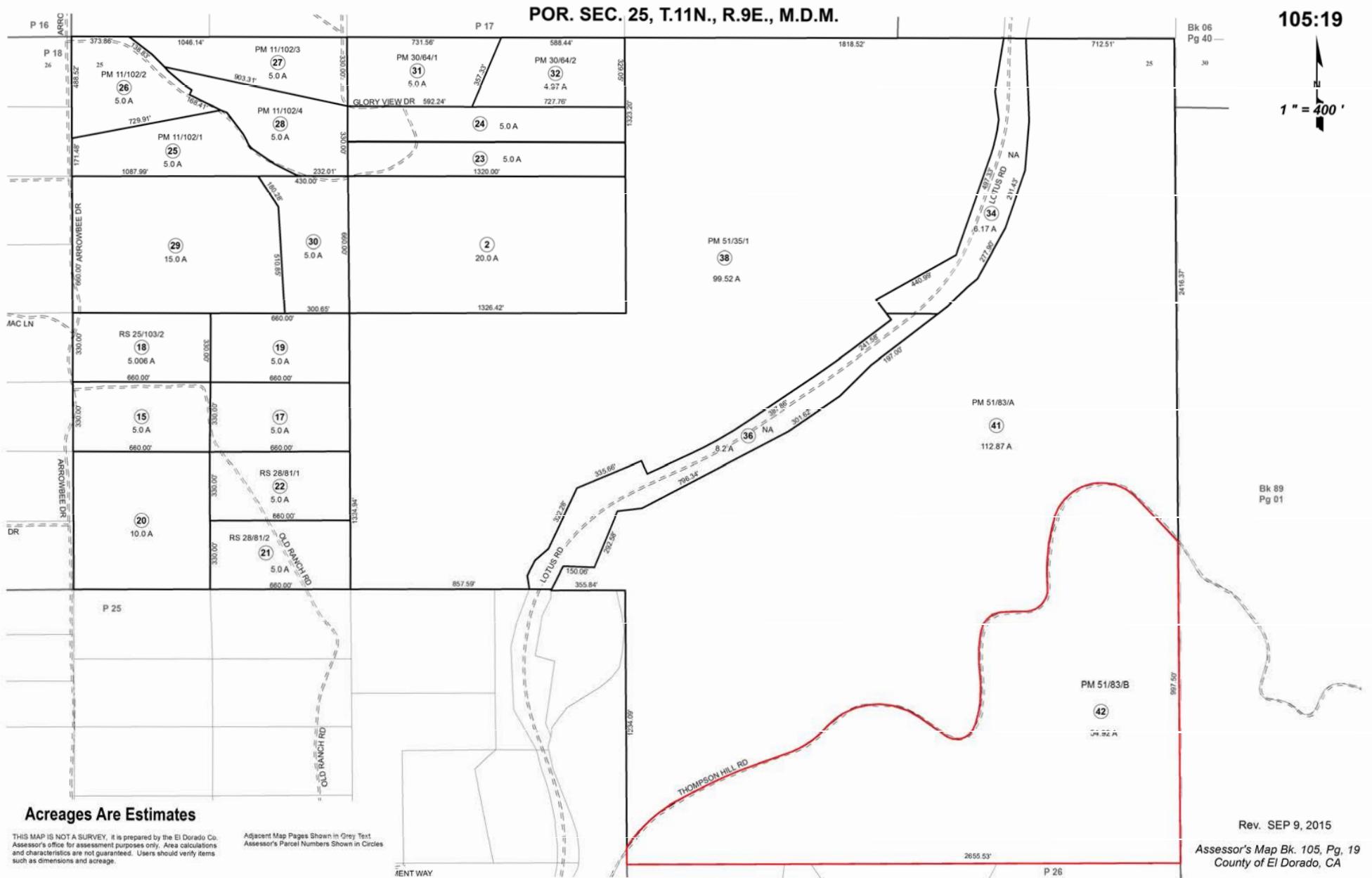
Data Sources:
CAL FIRE Fire Hazard Severity Zones (FHSZSRA_DRAFT_23_1)
CAL FIRE State Responsibility Areas (SRA22_2)



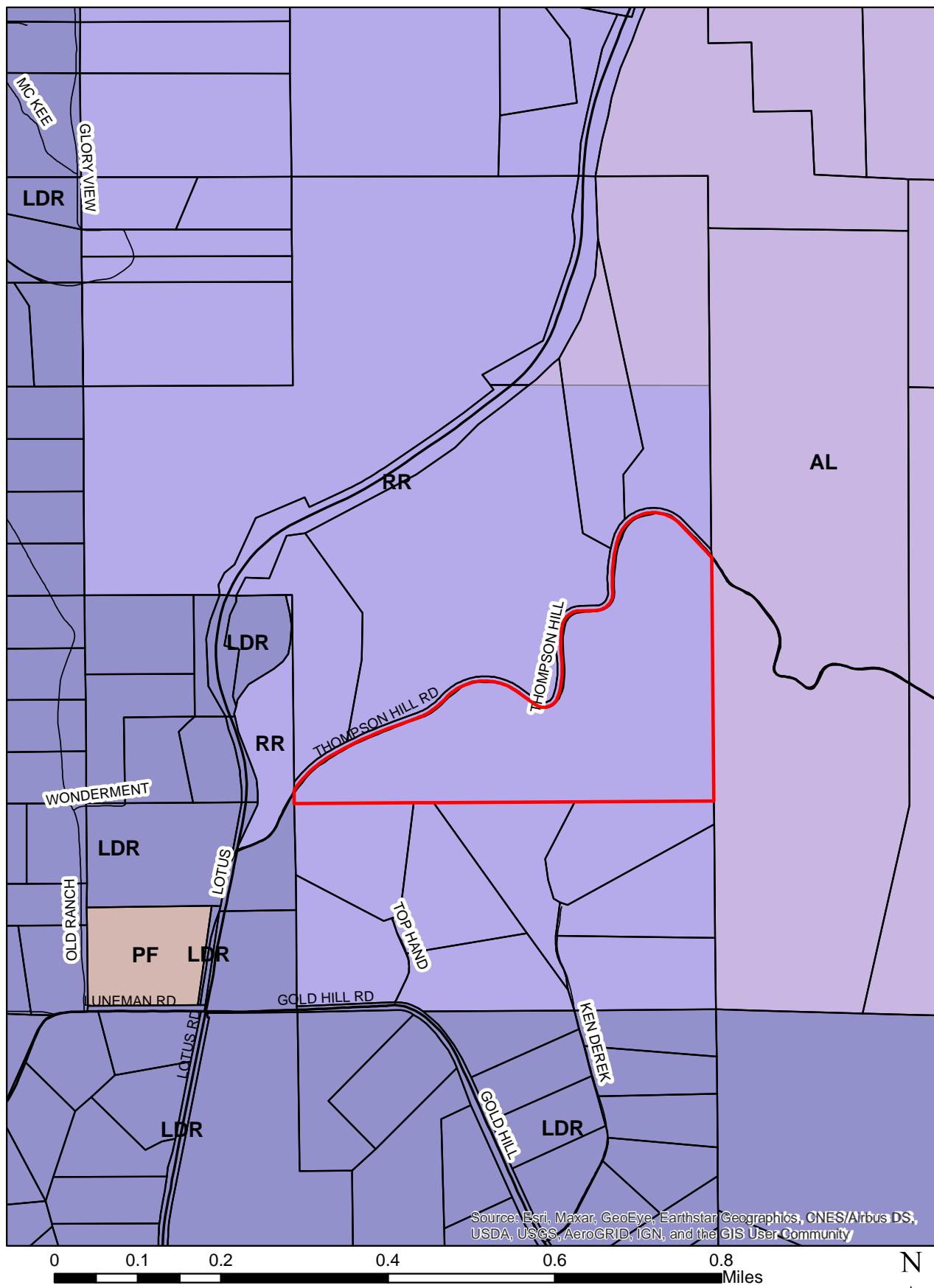
Scan or click the QR code for more information and to visit the interactive FHSZ viewer.



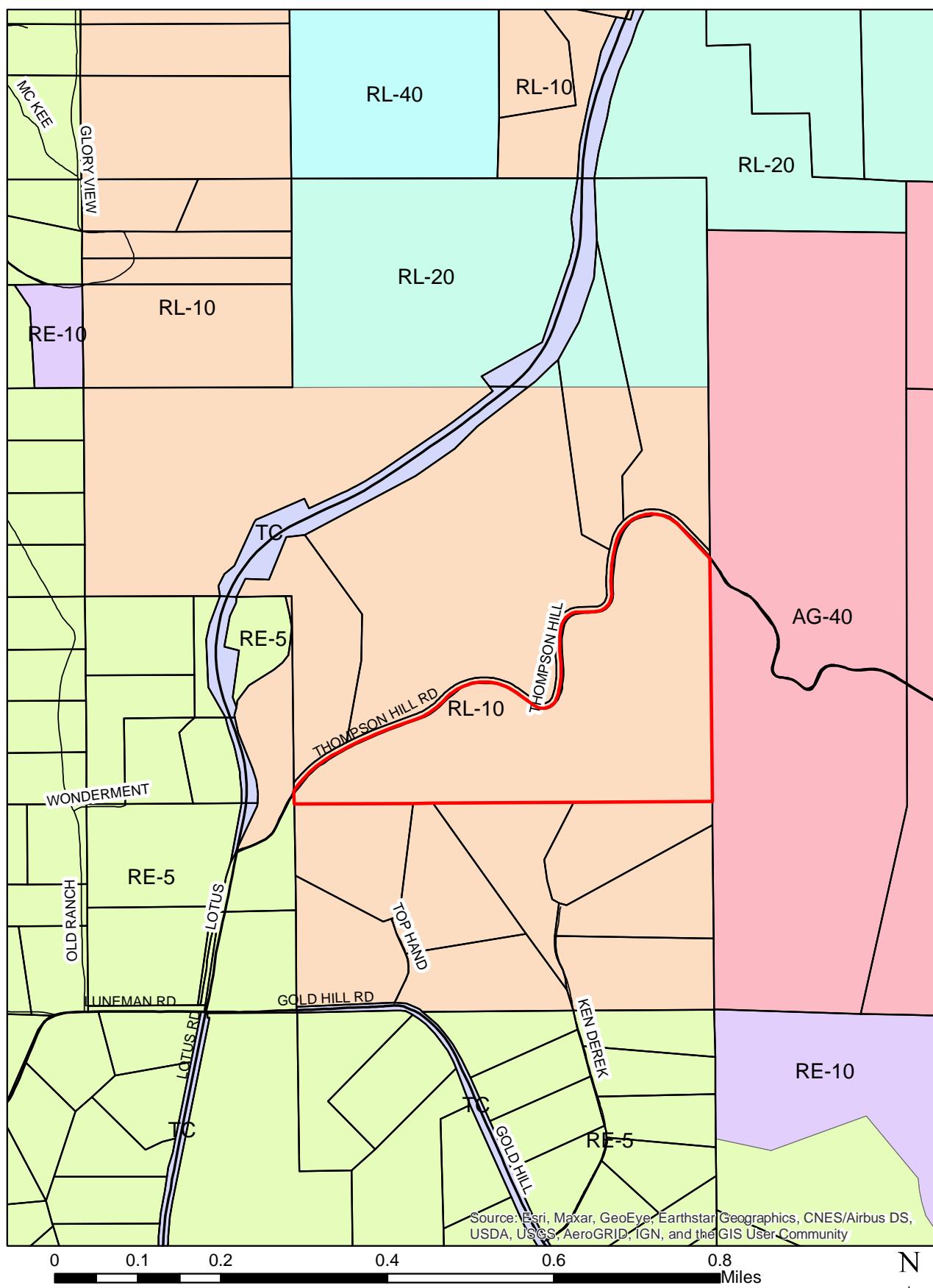
P21-0004 Exhibit A: Location/Vicinity Map



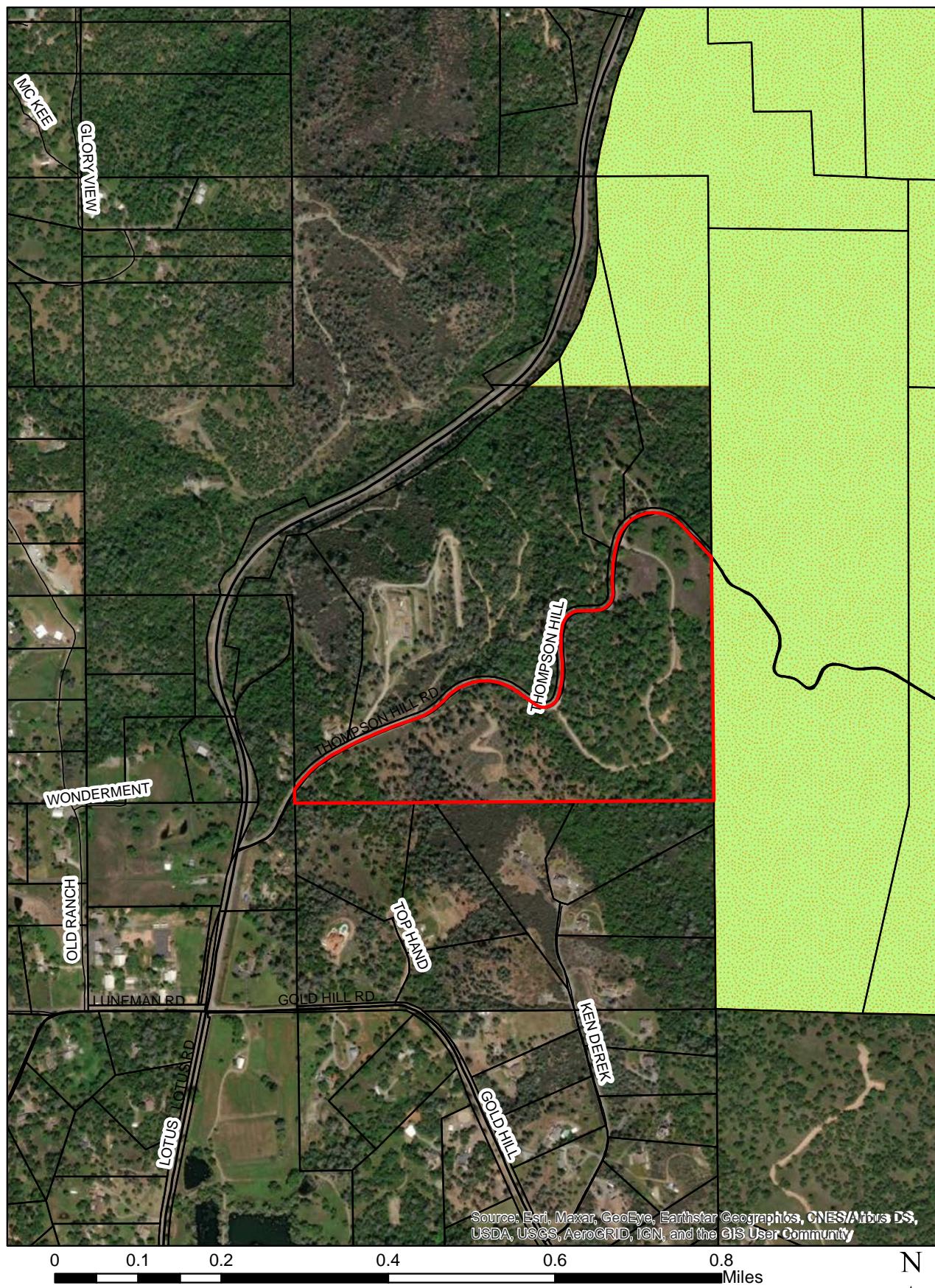
P21-0004 Exhibit B: Assessor's Parcel Map



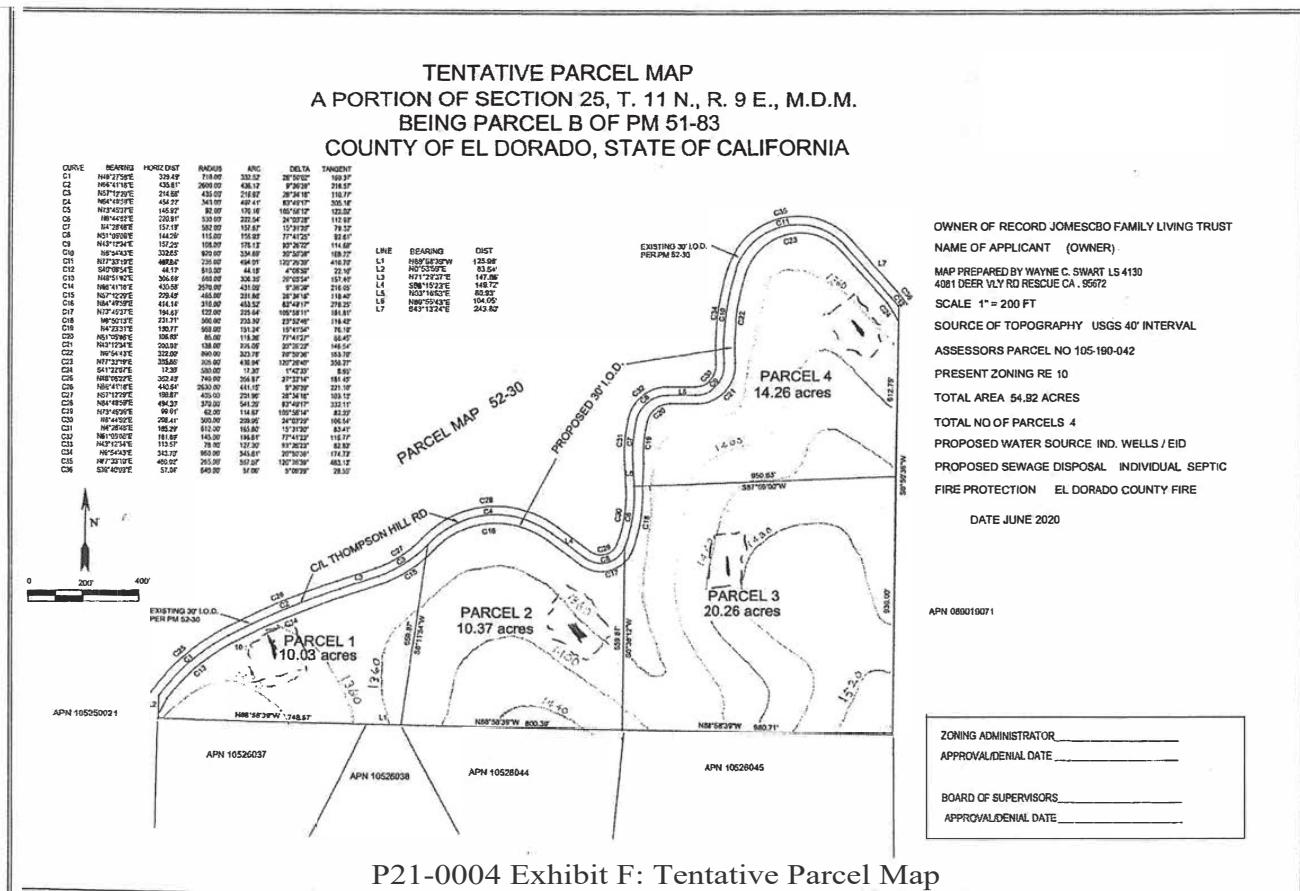
P21-0004 Exhibit C: General Plan Land Use Designation Map



P21-0004 Exhibit D: Zoning Map



P21-0004 Exhibit E: Agricultural District Map



MITIGATED NEGATIVE DECLARATION

FILE: P21-0004

PROJECT NAME: Jomescbo Tentative Parcel Map

NAME OF APPLICANT: Thomas Van Noord

ASSESSOR'S PARCEL NO.: 105-190-042 SECTION: 25 T: 11N R: 9E

LOCATION: On the south side of Thompson Hill Road, approximately 200-feet east of the intersection with Lotus Road, in the Gold Hill area.

- GENERAL PLAN AMENDMENT: FROM: TO:
- REZONING: FROM: TO:
- TENTATIVE PARCEL MAP SUBDIVISION (NAME):
- SPECIAL USE PERMIT TO ALLOW:
- OTHER:

REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:

- NO SIGNIFICANT ENVIRONMENTAL CONCERNs WERE IDENTIFIED DURING THE INITIAL STUDY.
- MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS.
- OTHER:

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this Mitigated Negative Declaration. A period of twenty (20) days from the date of filing this mitigated negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by COUNTY OF EL DORADO. A copy of the project specifications is on file at the County of El Dorado Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

This Mitigated Negative Declaration was adopted by the Zoning Administrator on August 17, 2022.

Rob Peters / dce
Executive Secretary



COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
INITIAL STUDY
ENVIRONMENTAL CHECKLIST

Project Title: P21-0004/Jomescbo Tentative Parcel Map

Lead Agency Name and Address: El Dorado County, 2850 Fairlane Court, Placerville, CA 95667

Contact Person: Matthew Aselage, Assistant Planner **Phone Number:** (530) 621-5977

Owner's Name and Address: Jomescbo Family Trust c/o Thomas R. Van Noord, 3350 Country Club Dr., #202, Cameron Park, CA 95682

Applicant's Name and Address: Thomas R. Van Noord, 3350 Country Club Dr., #202, Cameron Park, CA 95682

Project Location: The project is located on the south side of Thompson Hill Road, 200-feet east of the intersection with Lotus Road in the Gold Hill area.

Assessor's Parcel Number: 105-190-042 **Acres:** 55-acres

Sections: S:25 T: 11N R: 9E

General Plan Designation: Rural Residential (RR)

Zoning: Rural Lands – 10-Acre (RL-10)

Description of Project: A request for a Tentative Parcel Map to subdivide an approximately 55-acre parcel into four parcels as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), 20.29-acres (Parcel Four) (Attachment A). The property is currently undeveloped. Access to each of the proposed parcels will be from future driveway encroachments onto Thompson Hill Road (a county-maintained roadway). Electricity/utilities services are provided by Pacific Gas & Electric (PG&E). The project proposes well water and septic systems on each proposed parcel for water and sanitation service. However, EID water may be pursued in the future- this will require consultation with EID to determine up-to-date requirements for infrastructure developments at that time. Additionally, future EID developments may require a new CEQA analysis. Further, the project will include annexation into the El Dorado County Fire Protection District for structural fire protection and emergency medical services. No new on-site improvements or residential developments are proposed at this time. Any future development would be reviewed at time of building permit issuance. No trees are proposed for removal at this time. The vegetation communities on the project site are classified as Interior Live Oak Woodland, Foothill Pine Woodland, Mixed Serpentine Chaparral, Interior Live Oak Woodland, Blue Oak Woodland, and California Annual Grassland.

Environmental Setting: The project site is an approximately 55-acre developed parcel located in the western slope of the Sierra Nevada Mountains at an elevation of approximately 1,330-feet to 1,560-feet above mean sea level. The topography consists of three northerly-sloping ridges separated by two unnamed intermittent creeks. The slope gradients on the ridges are as follows: westernmost ridge, 15-percent; central ridge, 14-percent; and easternmost ridge, 11-percent. Soils on the project site include Auburn very rocky silt loam (AxE), Serpentine rock land (SaF), Auburn very rocky silt loam, Boomer very rocky loam (BkD and BkE). Auburn soils comprise approximately 30-percent of the parcel; Boomer soils, 40-percent; and serpentine soils, 30-percent. The vegetation community on the project site includes Interior Live Oak Woodland, Foothill Pine Woodland, Mixed Serpentine Chaparral, Interior Live Oak Woodland, Blue Oak Woodland, and California Annual Grassland. Interior live oak woodland covers approximately nine-acres in two areas of the property: five-acres at the western corner of the project site, and four-acres in the center of the parcel. Foothill Pine Woodland covers approximately four and one-half-acres of the project site. Mixed serpentine chaparral vegetation, covering approximately nine-acres, is the dominant vegetation community on the Serpentine soils between the two intermittent creeks in the project site. Blue oak woodland covers about thirty-two-acres on the ridge in the eastern portion of the property. California annual grassland covers about seven-acres, found in two locations: about one-half-acre west of the intermittent creek on Parcel One and about 6.5-acres on Parcels Two and Three. Blue oak woodland covers about 25-acres of the project site, and interior live oak woodland covers about nine-acres. The project site has two intermittent creeks, designated Channels One and Two that flow from south to north across the property, and one ephemeral drainage, Channel Three, that carries water northwesterly from the ridge in the eastern portion of the site. Channel One, located on Parcel One, has its origins south of the project site and carries water northerly through small wetlands near Thompson Hill Road. Water collects at a culvert beneath a dirt road, then leaves the property within a second culvert beneath

Thompson Hill Road. Channel Two carries water from a swale on proposed Parcel Three to a seasonal pond near Thompson Hill Road on Parcel Two, then continues to the property boundary, where it enters a culvert beneath the road. The ephemeral drainage carries storm water northwesterly on proposed Parcel Four to a broad flood plain south of Thompson Hill Road, then collects at a culvert that transports it off the property and beneath the road. Wetlands are found within and adjacent to Channel One and surrounding the pond on Channel Two. The seasonal pond held water until late May in 2017- which was an exceptionally wet winter- but was dry on the same date in 2020. Likewise, water was flowing into the wetlands on Channel One in early June of 2017, but the channel was dry by mid-May in 2020. A Biological Resources Report was completed in August of 2017 and updated in December of 2020 by Ruth A Wilson of Site Consulting, Inc. Biological Services (Attachment B). No oak trees are proposed for removal. No species listed by either the state or federal Endangered Species Acts were found on the project site. Potential habitat was found for one state and federal-listed species: Layne's butterweed. Additionally, two species of special concern were found: Oak titmouse and Wrentit. Further, potential habitat was found for fifty-one other species of concern including two insects, one reptile, sixteen birds, six mammals, and thirty-two plants. However, none of these fifty-one species were observed on site. Each proposed parcel would be allowed to develop up to one primary residence, one secondary residence, accessory residential structures, and/or agricultural structure(s). Each proposed parcel is current undeveloped. Further, no residential development is proposed at this time. The property is located in the Important Biological Corridor; however, there were no recorded occurrences of special-status plants or wildlife species within the project area. The adjacent-neighboring parcels to the east are zoned as Agriculture – 40-acres (AG-40); to the south and north are zoned as Rural Lands – 10-acres (RL-10); and to the west are Residential Estate – Five-Acres (RE-5) and RL-10 properties. These surrounding properties are primarily developed for residential uses, but also include undeveloped parcels and agricultural uses. The Biological Resources Report determined that enhanced 60-foot setbacks from waters and wetlands, pre-construction bird surveys, and pre-construction plant surveys would be the only required mitigations to finalize this Parcel Map.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

1. El Dorado County Surveyor
2. El Dorado County Building Services
3. El Dorado County Environmental Management Department
4. El Dorado County Department of Transportation
5. El Dorado County Fire Protection District
6. El Dorado LAFCO

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

At the time of the application request, seven Tribes: Colfax-Todds Valley Consolidated Tribe, Ione Band of Miwok Indians, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, Shingle Springs Band of Miwok Indians, T'si-Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, Washoe Tribe of California and Nevada, had requested to be notified of proposed projects for consultation in the project area. Consultation notices were sent on May 2, 2021. Staff had not received a response within a 30-day period from the date of staff's consultation initiation response. As such, AB52 consultation has been closed. Pursuant to the records search conducted at the North Central Information Center on January 7, 2020, the proposed project area contains zero prehistoric-period resources and zero historic-period cultural resources. Additionally, zero cultural resources study reports covering any portion of the site are on file. Outside of the project area, but within the ¼ mile radius of the geographic area, a broader search area contains zero prehistoric-period resources and two historic-period cultural resources. Additionally, two cultural resource study reports are on file which covers a portion of the broader search area. There is low potential for locating prehistoric-period cultural resources in the immediate vicinity. There is low potential for locating historic-period cultural resources in the immediate vicinity. The project site is not known to contain neither Tribal Cultural Resources (TCRs) nor historic-period resources.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics	Agriculture and Forestry Resources	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	Cultural Resources	Geology / Soils
	Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology / Water Quality
	Land Use / Planning	Mineral Resources	Noise
	Population / Housing	Public Services	Recreation
	Transportation/Traffic	Tribal Cultural Resources	Utilities / Service Systems

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by Mitigation Measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or Mitigation Measures that are imposed upon the proposed project, nothing further is required.

Printed Name Matthew Aselage, Assistant Planner For: El Dorado County

Signature: Matthew Aselage Date: 10/18/2021

Printed Name Rommel Pabalinas, Current Planning Manager For: El Dorado County

Signature: R.P. Date: 10/18/21

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Transportation/Traffic	Tribal Cultural Resources	Utilities / Service Systems

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Printed Name Matthew Aselage, Assistant Planner For: El Dorado County

Signature: _____ Date: _____

Printed Name Rommel Pabalinas, Current Planning Manager For: El Dorado County

Signature: _____ Date: _____

PROJECT DESCRIPTION

Introduction

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts resulting from the proposed project. The proposed project would allow for the subdivision of an undeveloped approximately 55-acre parcel into four parcels as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), 20.29-acres (Parcel Four)

Throughout this Initial Study, please reference the following Attachments:

- Attachment A: Tentative Parcel Map
- Attachment B: Biological Resources Report
- Attachment C: Wetland Delineation Report

Project Description:

A request for a Tentative Parcel Map to subdivide an approximately 55-acre parcel into four parcels as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), 20.29-acres (Parcel Four) (Attachment A). The property is currently undeveloped. Access to each of the proposed parcels will be from future driveway encroachments onto Thompson Hill Road (a county-maintained roadway). Electricity/utilities services are provided by Pacific Gas & Electric (PG&E). The project proposes well water and septic systems on each proposed parcel for water and sanitation service. However, EID water may be pursued in the future- this will require consultation with EID to determine up-to-date requirements for infrastructure developments at that time. Additionally, future EID developments may require a new CEQA analysis. No new on-site improvements or residential developments are proposed at this time. Any future development would be reviewed at time of building permit issuance. No trees are proposed for removal at this time. The vegetation communities on the project site are classified as Interior Live Oak Woodland, Foothill Pine Woodland, Mixed Serpentine Chaparral, Interior Live Oak Woodland, Blue Oak Woodland, and California Annual Grassland.

Site Description:

The project site is an approximately 55-acre developed parcel located in the western slope of the Sierra Nevada Mountains at an elevation of approximately 1,330-feet to 1,560-feet above mean sea level. The topography consists of three northerly-sloping ridges separated by two unnamed intermittent creeks. The slope gradients on the ridges are as follows: westernmost ridge, 15-percent; central ridge, 14-percent; and easternmost ridge, 11-percent. Soils on the project site include Auburn very rocky silt loam (AxE), Serpentine rock land (SaF), Auburn very rocky silt loam, Boomer very rocky loam (BkD and BkE). Auburn soils comprise approximately 30-percent of the parcel; Boomer soils, 40-percent; and serpentine soils, 30-percent. The vegetation community on the project site includes Interior Live Oak Woodland, Foothill Pine Woodland, Mixed Serpentine Chaparral, Interior Live Oak Woodland, Blue Oak Woodland, and California Annual Grassland. Interior live oak woodland covers approximately nine-acres in two areas of the property: five-acres at the western corner of the project site, and four-acres in the center of the parcel. Foothill Pine Woodland covers approximately four and one-half-acres of the project site. Mixed serpentine chaparral vegetation, covering approximately nine-acres, is the dominant vegetation community on the Serpentine soils between the two intermittent creeks in the project site. Blue oak woodland covers about thirty-two-acres on the ridge in the eastern portion of the property. California annual grassland covers about seven-acres, found in two locations: about one-half-acre west of the intermittent creek on Parcel One and about 6.5-acres on Parcels Two and Three. Blue oak woodland covers about 25-acres of the project site, and interior live oak woodland covers about nine-acres. The project site has two intermittent creeks, designated Channels One and Two, that flow from south to north across the property, and one ephemeral drainage, Channel Three, that carries water northwesterly from the ridge in the eastern portion of the site. Channel One, located on Parcel One, has its origins south of the project site and carries water northerly through small wetlands near Thompson Hill Road. Water collects at a culvert beneath a dirt road, then leaves the property within a second culvert beneath Thompson Hill Road. Channel Two carries water from a swale on proposed Parcel Three to a seasonal pond near Thompson Hill Road on Parcel Two, then continues to the property boundary, where it enters a culvert beneath the road. The ephemeral drainage carries storm water northwesterly on proposed Parcel Four

to a broad flood plain south of Thompson Hill Road, then collects at a culvert that transports it off the property and beneath the road. Wetlands are found within and adjacent to Channel One and surrounding the pond on Channel Two. The seasonal pond held water until late May in 2017- which was an exceptionally wet winter- but was dry on the same date in 2020. Likewise, water was flowing into the wetlands on Channel One in early June of 2017, but the channel was dry by mid-May in 2020. A Biological Resources Report was completed in August of 2017 and updated in December of 2020 by Ruth A Wilson of Site Consulting, Inc. Biological Services (Attachment B). No oak trees are proposed for removal. No species listed by either the state or federal Endangered Species Acts were found on the project site. Potential habitat was found for one state and federal-listed species: Layne's butterweed. Additionally, two species of special concern were found: Oak titmouse and Wrentit. Further, potential habitat was found for fifty-one other species of concern including two insects, one reptile, sixteen birds, six mammals, and thirty-two plants. However, none of these fifty-one species were observed on site. Each proposed parcel would be allowed to develop up to one primary residence, one secondary residence, accessory residential structures, and/or agricultural structure(s). Each proposed parcel is current undeveloped. Further, no residential development is proposed at this time. The property is located in the Important Biological Corridor; however, there were no recorded occurrences of special-status plants or wildlife species within the project area. The adjacent-neighboring parcels to the east are zoned as Agriculture – 40-acres (AG-40); to the south and north are zoned as Rural Lands – 10-acres (RL-10); and to the west are Residential Estate – Five-Acres (RE-5) and RL-10 properties. These surrounding properties are primarily developed for residential uses, but also include undeveloped parcels and agricultural uses. The Biological Resources Report determined that enhanced 60-foot setbacks from waters and wetlands, pre-construction bird surveys, and pre-construction plant surveys would be the only required mitigations to finalize this Parcel Map.

Project Location and Surrounding Land Uses

The project site is located on the south side of Thompson Hill Road, approximately 200-feet west of the intersection with Lotus Road in the Gold Hill area. The adjacent-neighboring parcels to the east are zoned as Agriculture – 40-acres (AG-40); to the south and north are zoned as Rural Lands – 10-acres (RL-10); and to the west are Residential Estate – Five-Acres (RE-5) and RL-10 properties. These surrounding properties are primarily developed for residential uses, but also include undeveloped parcels and agricultural uses.

Project Characteristics

1. Transportation/Circulation/Parking

The project was reviewed by the El Dorado County Transportation Division and it was verified that all resultant parcels will have frontage on Thompson Hill Road. There are currently no driveways on site.. As such, no additional comments or conditions have been submitted by the Transportation Division. El Dorado County Fire Protection District reviewed the project and provided no additional comments.

2. Utilities and Infrastructure

The El Dorado County Environmental Management Department (EMD) reviewed the project. The site has adequate well water access. Each parcel is proposed to develop private septic systems. Prior to issuance of building permits, septic percolation tests will be required for each parcel. Upon EMD approval of septic percolation tests, building permits may be issued. For electricity the parcels would have to connect to service provided by Pacific Gas & Electric (PG&E).

3. Construction Considerations

No construction is proposed as a part of the project. The proposed parcels would maintain the current Rural Residential Ten-Acre (RR-10) zoning designation, which allows for single-family residential development. Any future construction activities, such as single-family dwelling units and accessory structures, would be completed in conformance with applicable agency requirements, and subject to a building permit from the El Dorado County Building Services.

Project Schedule and Approvals

This Initial Study is being circulated for public and agency review for a minimum 20-day period. Written comments on the Initial Study should be submitted to the project planner indicated in the Summary section, above. Following the close of the written comment period, the Initial Study will be considered by the Lead Agency in a public meeting and will be certified if it is determined to be in compliance with California Environmental Quality Act (CEQA). The Lead Agency will also determine whether to approve the project.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. If the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of Mitigation Measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the Mitigation Measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

ENVIRONMENTAL IMPACTS

I. AESTHETICS. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal regulations are applicable to aesthetics in relation to the proposed project.

State Laws, Regulations, and Policies

In 1963, the California State Legislature established the California Scenic Highway Program, a provision of the Streets and Highways Code, to preserve and enhance the natural beauty of California (Caltrans, 2015). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways.

There are no officially designated state scenic corridors in the vicinity of the project site.

Local Laws, Regulations, and Policies

The County has several standards and ordinances that address issues relating to visual resources. Many of these can be found in the County Zoning Ordinance (Title 130 of the County Code). The Zoning Ordinance consists of descriptions of the zoning districts, including identification of uses allowed by right or requiring a special-use permit and specific development standards that apply in particular districts based on parcel size and land use density. These development standards often involve limits on the allowable size of structures, required setbacks, and design guidelines. Included are requirements for setbacks and allowable exceptions, the location of public utility distribution and transmission lines, architectural supervision of structures facing a state highway, height limitations on structures and fences, outdoor lighting, and wireless communication facilities.

Visual resources are classified as 1) scenic resources or 2) scenic views. Scenic resources include specific features of a viewing area (or viewshed) such as trees, rock outcroppings, and historic buildings. They are specific features that act as the focal point of a viewshed and are usually foreground elements. Scenic views are elements of the broader viewshed such as mountain ranges, valleys, and ridgelines. They are usually middle ground or background elements of a viewshed that can be seen from a range of viewpoints, often along a roadway or other corridor.

A list of the county's scenic views and resources is presented in Table 5.3-1 of the El Dorado County General Plan EIR (p. 5.3-3). This list includes areas along highways where viewers can see large water bodies (e.g., Lake Tahoe and Folsom Reservoir), river canyons, rolling hills, forests, or historic structures or districts that are reminiscent of El Dorado County's heritage.

Several highways in El Dorado County have been designated by the California Department of Transportation (Caltrans) as scenic highways or are eligible for such designation. These include U.S. 50 from the eastern limits of the Government Center interchange (Placerville Drive/Forni Road) in Placerville to South Lake Tahoe, all of SR 89 within the county, and those portions of SR 88 along the southern border of the county.

Rivers in El Dorado County include the American, Cosumnes, Rubicon, and Upper Truckee rivers. A large portion of El Dorado County is under the jurisdiction of the USFS, which under the Wild and Scenic Rivers Act may designate rivers or river sections to be Wild and Scenic Rivers. To date, no river sections in El Dorado County have been nominated for or granted Wild and Scenic River status.

Discussion: A substantial adverse effect to Visual Resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

- a. **Scenic Vista or Resource:** The project site is located in a rural area surrounded by large lot single-family residences and other large undeveloped rural lots. No scenic vistas, as designated by the county General Plan, are located in the vicinity of the site (El Dorado County, 2003, p. 5.3-3 through 5.3-5). The project site is not adjacent to or visible from a State Scenic Highway. Each parcel would be allowed to develop up to one primary residence, one secondary residence, accessory residential structures and/or agricultural structure(s). These potential developments are allowed on all lots zoned for single-family residential/agricultural uses. Any new structures would require permits for construction and would comply with the General Plan and Zoning code. There would be no impact.
- b. **Scenic Resources:** The project site is not visible from an officially designated State Scenic Highway or county-designated scenic highway, or any roadway that is part of a corridor protection program (Caltrans, 2013). There are no views of the site from public parks or scenic vistas. Though there are trees on site and within the project vicinity, there are no trees or historic buildings that have been identified by the County as contributing to exceptional aesthetic value at the project site, and no trees are proposed for removal. There would be no impact.
- c. **Visual Character:** Each proposed lot would have the capability for single-family residential development, such as a primary dwelling, secondary dwelling, accessory residential structures, and/or agricultural structure(s). The site is surrounded by other single-family homes on large rural lots and other large undeveloped rural lots. The proposed project would not affect the visual character of the surrounding area. Impacts would be less than significant.
- d. **Light and Glare:** The proposed project does not include any substantial new light sources, however, the project would allow for new dwelling units, such as a primary or secondary dwelling, to be developed in the future, which could produce minimal new light and glare. The property is currently undeveloped. However, future development would be required to comply with the County lighting ordinance requirements, including the shielding of lights to avoid potential glare, during the building permit process, and therefore any impacts would be less than significant.

FINDING: With adherence to El Dorado County Code of Ordinances (County Code), for this Aesthetics category, impacts would be anticipated to be less than significant.

II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?			X	
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal regulations are applicable to agricultural and forestry resources in relation to the proposed project.

State Laws, Regulations, and Policies

Farmland Mapping and Monitoring Program

The Farmland Mapping and Monitoring Program (FMMP), administered by the California Department of Conservation (CDC), produces maps and statistical data for use in analyzing impacts on California's agricultural resources (CDC 2008). FMMP rates and classifies agricultural land according to soil quality, irrigation status, and other criteria. Important Farmland categories are as follows (CDC 2013a):

Prime Farmland: Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields. Prime Farmland must have been used for irrigated agricultural production at some time during the four-years before the FMMP's mapping date.

Farmland of Statewide Importance: Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Farmland of Statewide Importance must have been used for irrigated agricultural production at some time during the four-years before the FMMP's mapping date.

Unique Farmland: Farmland of lesser quality soils used for the production of the state's leading agricultural crops. These lands are usually irrigated but might include non-irrigated orchards or vineyards, as found in some climatic zones. Unique Farmland must have been cropped at some time during the four-years before the FMMP's mapping date.

Farmland of Local Importance: Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) allows local governments to enter into contracts with private landowners for the purpose of preventing conversion of agricultural land to non-agricultural uses (CDC 2013b). In exchange for restricting their property to agricultural or related open space use, landowners who enroll in Williamson Act contracts receive property tax assessments that are substantially lower than the market rate.

Z'berg-Nejedly Forest Practice Act

Logging on private and corporate land in California is regulated by the 1973 Z'berg-Nejedly Forest Practice Act. This Act established the Forest Practice Rules (FPRs) and a politically-appointed Board of Forestry to oversee their implementation. The California Department of Forestry (CALFIRE) works under the direction of the Board of Forestry and is the lead government agency responsible for approving logging plans and for enforcing the FPRs.

Discussion: A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
- The amount of agricultural land in the County is substantially reduced; or
- Agricultural uses are subjected to impacts from adjacent incompatible land uses.

- a. **Farmland Mapping and Monitoring Program:** The site is zoned as Rural Lands – 10-acres, which allows for agricultural uses. However, the project site is located adjacent, but not within an Agricultural District. The site is not designated as farm land of local importance. There would be no impact.
- b. **Agricultural Uses:** The Agriculture Department reviewed this proposal and found that the property is not located within a Williamson Act Contract; however proposed parcels three and four are adjacent to Ag Preserves #331 and #329 to the east. Both Agricultural Preserve parcels are zoned Agricultural – 40-acres (AG-40) and in the Gold Hill Agricultural District. Both parcels three and four are proposed to be larger than 10-acres and therefore meet the requirements of General Plan Policy 8.1.3.1 which requires agriculturally zoned lands including Williamson Act Contract properties to be buffered from increase in density on adjacent lands by requiring a minimum of 10-acres for any parcel created adjacent to such lands. Any non-agricultural uses will be subject to the standard 200-foot agricultural setback standard. Given the lot size proposals, the project will result in less than significant impacts.

- c-d. **Loss of Forest land or Conversion of Forest land:** The site is not designated as Timberland Preserve Zone (TPZ) or other forestland according to the General Plan and Zoning Ordinance. No trees are proposed for removal as part of the project. There would be no impact.
- e. **Conversion of Prime Farmland or Forest Land:** The project is not within an agricultural district or located on forest land and would not convert farmland or forest land to non-agriculture use. There would be no impact.

FINDING: For this Agriculture category, the thresholds of significance have not been exceeded and no impacts would be anticipated as a result of the project.

III. AIR QUALITY. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?			X	
e. Create objectionable odors affecting a substantial number of people?				X

Regulatory Setting:

Federal Laws, Regulations, and Policies

The Clean Air Act is implemented by the U.S. Environmental Protection Agency (USEPA) and sets ambient air limits, the National Ambient Air Quality Standards (NAAQS), for six criteria pollutants: particulate matter of aerodynamic radius of ten-micrometers or less (PM10), particulate matter of aerodynamic radius of 2.5-micrometers or less (PM2.5), carbon monoxide (CO), nitrogen dioxide (NO₂), ground-level ozone, and lead. Of these criteria pollutants, particulate matter and ground-level ozone pose the greatest threats to human health.

State Laws, Regulations, and Policies

The California Air Resources Board (CARB) sets standards for criteria pollutants in California that are more stringent than the U.S. National Ambient Air Quality Standards (NAAQS) and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. The proposed project is located within the Mountain Counties Air Basin, which is comprised of seven air districts: the Northern Sierra Air Quality Management District (AQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County

APCD, the Tuolumne County APCD, the Mariposa County APCD, and a portion of the El Dorado County AQMD, which consists of the western portion of El Dorado County. The El Dorado County Air Quality Management District (AQMD) manages air quality for attainment and permitting purposes within the west slope portion of El Dorado County.

USEPA and CARB regulate various stationary sources, area sources, and mobile sources. USEPA has regulations involving performance standards for specific sources that may release toxic air contaminants (TACs), known as hazardous air pollutants (HAPs) at the federal level. In addition, USEPA has regulations involving emission criteria for off-road sources such as emergency generators, construction equipment, and vehicles. CARB is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB also establishes passenger vehicle fuel specifications.

Air quality in the project area is regulated by the El Dorado County Air Quality Management District. California Air Resources Board and local air districts are responsible for overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of environmental documents required to comply with CEQA. The AQMD regulates air quality through the federal and state Clean Air Acts, district rules, and its permit authority. National and state ambient air quality standards (AAQS) have been adopted by the Environmental Protection Agency and State of California, respectively, for each criteria pollutant: ozone, particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide.

The Environmental Protection Agency and State also designate regions as “attainment” (within standards) or “nonattainment” (exceeds standards) based on the ambient air quality. The County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard, and is in attainment or unclassified status for other pollutants (California Air Resources Board 2013). County thresholds are included in the chart below.

Criteria Pollutant	El Dorado County Threshold	
Reactive Organic Gasses (ROG)	82-lbs/day	
Nitrogen Oxides (NOx)	82-lbs/day	
Carbon Monoxide (CO)	Eight-hour average: Six parts per million (ppm)	One-hour average: 20-ppm
Particulate Matter (PM10):	Annual geometric mean: 30- $\mu\text{g}/\text{m}^3$	24-hour average: 50- $\mu\text{g}/\text{m}^3$
Particulate Matter (PM2.5):	Annual arithmetic mean: 15- $\mu\text{g}/\text{m}^3$	24-hour average: 65- $\mu\text{g}/\text{m}^3$
Ozone	Eight-hour average: 0.12-ppm	One-hour average: .09

The guide includes a Table (Table 5.2) listing project types with potentially significant emissions. ROG and NOx Emissions may be assumed to not be significant if:

- The project encompasses 12-acres or less of ground that is being worked at one time during construction;
- At least one of the recommended mitigation measures related to such pollutants is incorporated into the construction of the project;
- The project proponent commits to pay mitigation fees in accordance with the provisions of an established mitigation fee program in the district (or such program in another air pollution control district that is acceptable to District); or
- Daily average fuel use is less than 337-gallons per day for equipment from 1995 or earlier, or 402-gallons per day for equipment from 1996 or later

If the project meets one of the conditions above, AQMD assumed that exhaust emissions of other air pollutants from the operation of equipment and vehicles are also not significant.

For Fugitive dust (PM10), if dust suppression measures will prevent visible emissions beyond the boundaries of the project, further calculations to determine PM emissions are not necessary. For the other criteria pollutants, including

CO, PM10, SO₂, NO₂, sulfates, lead, and H₂S, a project is considered to have a significant impact on air quality if it will cause or contribute significantly to a violation of the applicable national or state ambient air quality standard(s).

Naturally occurring asbestos (NOA) is also a concern in El Dorado County because it is known to be present in certain soils and can pose a health risk if released into the air. The AQMD has adopted an El Dorado County Naturally Occurring Asbestos Review Area Map that identifies those areas more likely to contain NOA (El Dorado County 2005).

Discussion: The El Dorado County Air Quality Management District (AQMD) has developed a Guide to Air Quality Assessment (2002) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. A substantial adverse effect on air quality would occur if:

- Emissions of ROG and NO_x will result in construction or operation emissions greater than 82-lbs/day (Table 3.2);
- Emissions of PM₁₀, CO, SO₂ and NO_x, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
- Emissions of toxic air contaminants cause cancer risk greater than one in one million (ten in one million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than one. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.

- a. **Air Quality Plan:** El Dorado County has adopted the Rules and Regulations of the El Dorado County Air Quality Management District (2000) establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO_x, and O₃). The EDC/State Clean Air Act Plan has set a schedule for implementing and funding transportation contract measures to limit mobile source emissions. The project would not conflict with or obstruct implementation of either plan. Any activities associated with future plans for grading and construction would require a Fugitive Dust Mitigation Plan (FDMP) for grading and construction activities. Such a plan would address grading measures and operation of equipment to minimize and reduce the level of defined particulate matter exposure and/or emissions to a less than significant level. The potential impacts of the project would be less than significant.
- b-c. **Air Quality Standards and Cumulative Impacts:** No construction is proposed as part of the project. There is the potential for future development on the lots for construction of additional residential structures as well as accessory structures. Although this would contribute air pollutants due to construction and possible additional vehicle trips to and from the site, these impacts would be minimal. Existing regulations implemented at issuance of building and grading permits would ensure that any construction related PM10 dust emissions would be reduced to acceptable levels. The El Dorado County Air Quality Management District (AQMD) reviewed the project and determined that the project is not expected to cause a significant air quality impact. As such, AQMD waived the requirement of an Air Quality Impact Analysis. With full review for consistency with General Plan Policies, any impacts would be less than significant.
- d. **Sensitive Receptors:** The CEQA Guidelines (14 CCR 15000) identify sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors. No sources of substantial pollutant concentrations would be emitted by any future single family residences, during construction or following construction. The impact would be less than significant.
- e. **Objectionable Odors:** Table 3-1 of the Guide to Air Quality Assessment (AQMD, 2002) does not list the proposed use of the parcels for residential uses as a use known to create objectionable odors. The request to subdivide a 55-acre parcel into four parcels would not be a source of objectionable odors. There would be no impact.

FINDING: The proposed project would not affect the implementation of regional air quality regulations or management plans. The proposed project would not be anticipated to cause substantial adverse effects to air quality, nor exceed established significance thresholds for air quality impacts.

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

Endangered Species Act

The Endangered Species Act (ESA) (16 U.S. Code [USC] Section 1531 *et seq.*; 50 Code of Federal Regulations [CFR] Parts 17 and 222) provides for conservation of species that are endangered or threatened throughout all or a substantial portion of their range, as well as protection of the habitats on which they depend. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) share responsibility for implementing the ESA. In general, USFWS manages terrestrial and freshwater species, whereas NMFS manages marine and anadromous species.

Section 9 of the ESA and its implementing regulations prohibit the “take” of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term “take” to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 USC Section 1532). Section 7 of the ESA (16 USC Section 1531 *et seq.*) outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats. Section 10(a)(1)(B) of the ESA provides a process by which nonfederal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in “take” of endangered or threatened species, subject to specific conditions. A habitat conservation plan (HCP) must accompany an application for an incidental take permit.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC, Chapter 7, Subchapter II) protects migratory birds. Most actions that result in take, or the permanent or temporary possession of, a migratory bird constitute violations of the MBTA. The MBTA also prohibits destruction of occupied nests. USFWS is responsible for overseeing compliance with the MBTA.

Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), first enacted in 1940, prohibits "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The definition for "Disturb" includes injury to an eagle, a decrease in its productivity, or nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present.

Clean Water Act

Clean Water Act (CWA) section 404 regulates the discharge of dredged and fill materials into waters of the U.S., which include all navigable waters, their tributaries, and some isolated waters, as well as some wetlands adjacent to the aforementioned waters (33 CFR Section 328.3). Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial waterbodies such as swimming pools, vernal pools, and water-filled depressions (33 CFR Part 328). Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of U.S. Army Corps of Engineers (USACE) under the provisions of CWA Section 404. Construction activities involving placement of fill into jurisdictional waters of the U.S. are regulated by USACE through permit requirements. No USACE permit is effective in the absence of state water quality certification pursuant to Section 401 of CWA.

Section 401 of the CWA requires an evaluation of water quality when a proposed activity requiring a federal license or permit could result in a discharge to waters of the U.S. In California, the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs) issue water quality certifications. Each RWQCB is responsible for implementing Section 401 in compliance with the CWA and its water quality control plan (also known as a Basin Plan). Applicants for a federal license or permit to conduct activities that may result in the discharge to waters of the U.S. (including wetlands or vernal pools) must also obtain a Section 401 water quality certification to ensure that any such discharge will comply with the applicable provisions of the CWA.

State Laws, Regulations, and Policies

California Fish and Game Code

The California Fish and Game Code includes various statutes that protect biological resources, including the Native Plant Protection Act of 1977 (NPPA) and the California Endangered Species Act (CESA). The NPPA (California Fish and Game Code Section 1900-1913) authorizes the Fish and Game Commission to designate plants as endangered or rare and prohibits take of any such plants, except as authorized in limited circumstances.

CESA (California Fish and Game Code Section 2050–2098) prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under CESA as endangered or threatened. Section 2080 of the California Fish and Game Code prohibits the take of any species that is state listed as endangered or threatened, or designated as a candidate for such listing. California Department of Fish and Wildlife (CDFW) may issue an incidental take permit authorizing the take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions.

California Fish and Game Code Section 3503, 3513, and 3800 protect native and migratory birds, including their active or inactive nests and eggs, from all forms of take. In addition, Section 3511, 4700, 5050, and 5515 identify species that are fully protected from all forms of take. Section 3511 lists fully protected birds, Section 5515 lists fully protected fish, Section 4700 lists fully protected mammals, and Section 5050 lists fully protected amphibians.

Streambed Alteration Agreement

Sections 1601 to 1606 of the California Fish and Game Code require that a Streambed Alteration Application be submitted to CDFW for any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake. As a general rule, this requirement applies to any work undertaken within the 100-year floodplain of a stream or river containing fish or wildlife resources.

California Native Plant Protection Act

The California Native Plant Protection Act (California Fish and Game Code Section 1900–1913) prohibits the taking, possessing, or sale of any plants with a state designation of rare, threatened, or endangered (as defined by CDFW). The California Native Plant Society (CNPS) maintains a list of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Plants of California (CNPS 2001). Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

Forest Practice Act

Logging on private and corporate land in California is regulated by the Z'berg-Nejedly Forest Practices Act (FPA), which took effect January 1, 1974. The act established the Forest Practice Rules (FPRs) and a politically-appointed Board of Forestry to oversee their implementation. CALFIRE works under the direction of the Board of Forestry and is the lead government agency responsible for approving logging plans and for enforcing the FPRs. A Timber Harvest Plan (THP) must be prepared by a Registered Professional Forester (RPF) for timber harvest on virtually all non-federal land. The FPA also established the requirement that all non-federal forests cut in the State be regenerated with at least three hundred stems per acre on high site lands, and one hundred fifty trees per acre on low site lands.

Local Laws, Regulations, and Policies

The County General Plan also include policies that contain specific, enforceable requirements and/or restrictions and corresponding performance standards that address potential impacts on special-status plant species or create opportunities for habitat improvement. The El Dorado County General Plan designates the Important Biological Corridor (IBC) (Exhibits 5.12-14, 5.12-5 and 5.12-7, El Dorado County, 2003). Lands located within the overlay district are subject to the following provisions, given that they do not interfere with agricultural practices:

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- Increased riparian corridor and wetland setbacks;
- Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Wildlife);
- Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;
- Building permits discretionary or some other type of “site review” to ensure that canopy is retained;
- More stringent standards for lot coverage, floor area ratio (FAR), and building height; and
- No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

Discussion: A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
 - Cause a fish or wildlife population to drop below self-sustaining levels;
 - Threaten to eliminate a native plant or animal community;
 - Reduce the number or restrict the range of a rare or endangered plant or animal;
 - Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
 - Interfere substantially with the movement of any resident or migratory fish or wildlife species.
- a. **Special Status Species:** The project site is located within the County of El Dorado Important Biological Corridor and Rare Plant Mitigation Area One, but no other sensitive natural community of the County, state or federal agency, including but not limited to an Ecological Preserve, or U.S. Fish and Wildlife Service (USFWS) Recovery Plan boundaries. A biological resources report was prepared in August of 2017 and updated in December of 2020, by Ruth A. Willson of Site Consulting, Inc. **Fauna (animal life):** The Biological Resources Report states that no species listed under either the United States or California Environmental Protection Acts were found on the project site. However, potential habitat was found for one state and federal-listed species: Layne’s butterwood. Two species of concern were found: Oak titmouse and Wrentit. The Biological Resources Report also details potential habitat for fifty-one other species of concern including two insects, one reptile, sixteen birds, six mammals, and thirty-two plants. Species of special concern are species that are at risk. The proposed project is for a Tentative Parcel Map to subdivide an approximately 55-acre parcel into four parcels as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), and 20.29-acres (Parcel Four). The biological resources report suggests the inclusion of pre-construction surveys for nesting birds on all resultant parcels as well as preconstruction plant surveys on resultant Parcels One and Two. These measures have been incorporated into the project a mitigation measures. **Flora (plant life):** The vegetation communities on the project site are classified as Interior Live Oak Woodland, Foothill Pine Woodland, Mixed Serpentine Chaparral, Blue Oak Woodland, and California Annual Grassland. Interior Live Oak Woodland covers approximately nine-acres in two areas of the property: five-acres at the western corner of the project site, and four-acres in the center of the parcel. Foothill Pine Woodland covers approximately four and one-half-acres of the project site. Mixed serpentine chaparral vegetation, covering approximately nine-acres, is the dominant vegetation community on the Serpentine soils between the two intermittent creeks in the project site. Blue oak woodland covers about thirty-two-acres on the ridge in the eastern portion of the property. California annual grassland covers about seven-acres, found in two locations: about one-half-acre west of the intermittent creek on proposed Parcel One and about 6.5-acres on Parcels Two and Three. The forest overstory includes a mixture of oaks and pines. The shrub layer contains no protected species. The ground layer is mostly absent where the forest is dense, but in openings, it consists of various non-protected grasses and forbs. No removal of fauna and/or flora is proposed as a result of the Tentative Parcel Map project. Although future development could occur on each of the proposed parcels, future property owners would be required to comply with all applicable County requirements at time of building permit issuance for a new residential dwelling unit. Planning

Services would review future building permits to ensure consistency with this requirement. With adherence to the mitigation measures MM BIO-1through MM BIO-2 as well as standard county development requirements and policies, potential impacts to biological resources from future development would be de minimis.

MM BIO-1 Pre-Construction Breeding Bird Surveys:

To comply with the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, and to avoid and reduce direct and indirect on-site and off-site development impacts on migratory, non-game breeding birds and their nests, young, and eggs to less than significant levels, the following measures would be implemented:

- a) If construction is scheduled during the normal nesting season (February 1 – August 31), then pre-construction surveys for nesting birds, including raptors, must be conducted no more than 30-days prior to these construction activities.
- b) A 30-foot setback from trees with active nests is recommended for most species. However, if raptor nests are found on or immediately adjacent to the site, then consultation with the California Department of Fish and Wildlife (CDFW) must be initiated to determine appropriate avoidance measures.
- c) No mitigation will be required if tree removal and grading activities are not scheduled during the normal nesting season.

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to issuance of grading and building permits in coordination with the applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

MM BIO-2 Rare Plant Protection:

Although no state or federal-listed plant species were found on the project site, pre-construction plant surveys on Parcels One and Two are required at the grading permit phase to protect any potential species which may have grown on the serpentine soils present on those two parcels.

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to issuance of grading permits.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

- b. c. **Riparian Habitat and Wetlands:** Based on review of the Wetland Delineation Report prepared for the project by Site Consulting, Inc. in June of 2020, which was based on field reviews conducted between March 20, 2020 and May 15, 2020, indicates that the project site consists of three northerly-sloping ridges separated by two unnamed intermittent creeks (described as Channel One and Channel Two). In addition, the easternmost ridge is cut by an ephemeral drainage (described as Channel Three). Further, five small wetlands and one small pond were found on the project site. The total area of waters on the project site is approximately 5776-square-feet. The total area of wetlands on the project site is approximately 3295-square-feet. No special-status plants or threatened/endangered wildlife species were identified in the project vicinity during the biological field reviews. With adherence to increased setbacks from riparian features and wetlands as stated in MM BIO-3, potential impacts from residential uses allowed on each parcel will have a de minimis impact.

MM BIO-3 Riparian Habitat and Wetland Protection:

Per the recommendations as listed within Attachment C, a 60-foot setback from the ephemeral channels, intermittent channels, wetland areas, and ponds shall be shown prior to recordation of the final map.

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to recordation of the Final Parcel Map.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

- d. **Migration Corridors:** Review of the Department of Fish and Wildlife Migratory Deer Herd Maps and General Plan DEIR Exhibit 5.12-7 indicate that the Outside deer herd migration corridor does not extend over the project site. The El Dorado County General Plan does identify the project site as an Important Biological Corridor (IBC). The Biological Resources Report prepared by Ruth Wilson, states that mammals found on the project site during the site surveys includes Coyote, Black-tailed deer, Gray fox, Striped skunk, and Western gray squirrel. Species not observed on site, but with suitable habitat on-site includes California ground squirrel, North American deer mouse, California vole, Broad-footed mole, Raccoon, Ringtail, Virginia opossum, Long-tailed weasel, Dusky-footed woodrat, Big-eared woodrat, Cottontail rabbit, Black bear, and Mountain lion, among others not mentioned. With adherence to Important Biological Corridor mitigation requirements, the project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. The impacts would be less than significant.
- e. **Local Policies:** Local protection of biological resources includes the Important Biological Corridor (IBC) overlay with the goal to preserve and protect sensitive natural resources within the County. Review of the Biological Survey Area (BSA) shows that the property is located within the El Dorado County Important Biological Corridors (IBC) overlay area. Oak woodlands, individual native oak trees, or heritage trees, as defined in Section 130.39.030, have not been nor will be impacted or removed as a result of the proposed project. Any future tree removal as a result of potential future residential development would be required to be in compliance with the Oak Resources Conservation Ordinance of Section 130.39.070.C (Oak Tree and Oak Woodland Removal Permits), which would be reviewed at time of future building permit issuance. Future development would be required to comply with all applicable County ordinances and policies regarding oak woodland conservation and conditioned to require a pre-construction survey to detect and protect if any nests exist on site. Therefore, any potential impacts would be less than significant.
- f. **Adopted Plans:** No significant impacts to protected species, habitat, wetlands or oak trees were identified for the proposed project. The project will not conflict with the provisions of an adopted Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The impacts would be less than significant.

Finding: As discussed within the biological resources report drafted by Ruth Wilson of Site Consulting, Inc., potential impacts to biological resources from any future residential development would be de minimis with adherence to standard county development standards and proposed mitigation measures. Future residential development is required to comply with applicable County codes and policies which would be reviewed at time of submittal of the grading and building permits. Therefore, potential impacts to Biological Resources as mitigated would be less than significant.

V. CULTURAL RESOURCES. Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?			X	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

The National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's master inventory of known historic resources. The NRHP is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. The criteria for listing in the NRHP include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history (events);
- B. Are associated with the lives of persons significant in our past (persons);
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (architecture); or
- D. Have yielded or may likely yield information important in prehistory or history (information potential).

State Laws, Regulations, and Policies

California Register of Historical Resources

Public Resources Code Section 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR includes all properties listed as or determined to be eligible for listing in the National Register of Historic Places (NRHP), including properties evaluated under Section 106 of the National Historic Preservation Act. The criteria for listing are similar to those of the NRHP. Criteria for listing in the CRHR include resources that:

1. Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Are associated with the lives of persons important in our past;
3. Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

The California Register of Historic Places

The California Register of Historic Places (CRHP) program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act. The criteria for listing in the CRHP include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- B. Are associated with the lives of persons important to local, California or national history.
- C. Embody the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- D. Have yielded, or have the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The State Office of Historic Preservation sponsors the California Historical Resources Information System (CHRIS), a statewide system for managing information on the full range of historical resources identified in California. CHRIS provides an integrated database of site-specific archaeological and historical resources information. The State Office of Historic Preservation also maintains the California Register of Historical Resources (CRHR), which identifies the State's architectural, historical, archeological and cultural resources. The CRHR includes properties listed in or formally determined eligible for the National Register and lists selected California Registered Historical Landmarks.

Public Resources Code (Section 5024.1[B]) states that any agency proposing a project that could potentially impact a resource listed on the CRHR must first notify the State Historic Preservation Officer, and must work with the officer to ensure that the project incorporates "prudent and feasible measures that will eliminate or mitigate the adverse effects."

California Health and Safety Code Section 7050.5 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death. 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, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24-hours, the Native American Heritage Commission.

Section 5097.98 of the California Public Resources Code stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24-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.

CEQA and CEQA Guidelines

Section 21083.2 of CEQA requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined in CEQA as an archaeological artifact, object, or site about which it can be clearly demonstrated that there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or

- Is directly associated with a scientifically recognized important prehistoric or historic event or person.
- Although not specifically inclusive of paleontological resources, these criteria may also help to define “a unique paleontological resource or site.”

Measures to avoid, conserve, preserve, or mitigate significant effects on these resources are also provided under CEQA Section 21083.2.

Section 15064.5 of the CEQA Guidelines notes that “a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Substantial adverse changes include physical changes to the historic resource or to its immediate surroundings, such that the significance of the historic resource would be materially impaired. Lead agencies are expected to identify potentially feasible measures to mitigate significant adverse changes in the significance of a historic resource before they approve such projects. Historic resources are those that are:

- listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (Public Resources Code Section 5024.1[k]);
- included in a local register of historic resources (Public Resources Code Section 5020.1) or identified as significant in an historic resource survey meeting the requirements of Public Resources Code Section 5024.1(g); or
- determined by a lead agency to be historically significant.

CEQA Guidelines Section 15064.5 also prescribes the processes and procedures found under Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.95 for addressing the existence of, or probable likelihood of, Native American human remains, as well as the unexpected discovery of any human remains within the project site. This includes consultation with the appropriate Native American tribes.

CEQA Guidelines Section 15126.4 provides further guidance about minimizing effects to historical resources through the application of mitigation measures. Mitigation measures must be legally binding and fully enforceable.

The lead agency having jurisdiction over a project is also responsible to ensure that paleontological resources are protected in compliance with CEQA and other applicable statutes. Paleontological and historical resource management is also addressed in Public Resources Code Section 5097.5, “Archaeological, Paleontological, and Historical Sites.” This statute defines as a misdemeanor any unauthorized disturbance or removal of a fossil site or remains on public land and specifies that state agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. This statute would apply to any construction or other related project impacts that would occur on state-owned or state-managed lands. The County General Plan contains policies describing specific, enforceable measures to protect cultural resources and the treatment of resources when found.

Discussion: In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on Cultural Resources would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or property that is historically or culturally significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;
- Conflict with established recreational, educational, religious or scientific uses of the area; or
- Conflict with adopted environmental plans and goals of the community where it is located.

a-c. **Historic or Archeological Resources.** Cultural resource analysis includes low potential for discovery and disturbance of paleontological resources. A Records Search was conducted through the North Central Information Center (NCIC) dated January 7, 2020. According to the NCIC, the proposed project site contains no pre-historic period cultural resource sites, features, or artifacts, nor were there any historic buildings, structures, or objects discovered. Therefore, no significant cultural resources were identified and the project will have no effect to historic properties. Impacts would be less than significant.

- d. **Human Remains.** A records search was conducted at the North Central Information Center on January 7, 2020. There were no Tribal Cultural Resources (TCRs) identified in the project footprint and the project site is not known to contain any TCRs. In the event of human remains discovery during any future construction if additional structures are built, standard conditions of approval to address accidental discovery of human remains would apply during any grading activities. In accordance with the laws of AB 52, the County notified seven Tribes: Colfax-Todds Valley Consolidated Tribe, Ione Band of Miwok Indians, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, Shingle Springs Band of Miwok Indians, T'si-Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, Washoe Tribe of California and Nevada, had requested to be notified of proposed projects for consultation in the project area. Consultation notices were sent on May 2, 2021. Staff had not received a response within a 30-day period from the date of staff's consultation initiation response. As such, AB52 consultation has been closed. Impacts would be less than significant.

FINDING: Standard conditions of approval would apply in the event of discovery of any Tribal Cultural Resources (TCRs) during any future construction, that construction would stop immediately and the Tribes would be notified. Therefore, the proposed project as conditioned would have a less than significant impact on Cultural Resources.

VI. GEOLOGY AND SOILS. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?				X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) and creation of the National Earthquake Hazards Reduction Program (NEHRP) established a long-term earthquake risk-reduction program to better understand, predict, and mitigate risks associated with seismic events. The following four federal agencies are responsible for coordinating activities under NEHRP: USGS, National Science Foundation (NSF), Federal Emergency Management Agency (FEMA), and National Institute of Standards and Technology (NIST). Since its inception, NEHRP has shifted its focus from earthquake prediction to hazard reduction. The current program objectives (NEHRP 2009) are to:

1. Develop effective measures to reduce earthquake hazards;
2. Promote the adoption of earthquake hazard reduction activities by federal, state, and local governments; national building standards and model building code organizations; engineers; architects; building owners; and others who play a role in planning and constructing buildings, bridges, structures, and critical infrastructure or “lifelines”;
3. Improve the basic understanding of earthquakes and their effects on people and infrastructure through interdisciplinary research involving engineering; natural sciences; and social, economic, and decision sciences; and
4. Develop and maintain the USGS seismic monitoring system (Advanced National Seismic System); the NSF-funded project aimed at improving materials, designs, and construction techniques (George E. Brown Jr. Network for Earthquake Engineering Simulation); and the global earthquake monitoring network (Global Seismic Network).

Implementation of NEHRP objectives is accomplished primarily through original research, publications, and recommendations and guidelines for state, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

State Laws, Regulations, and Policies

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 *et seq.*) was passed to reduce the risk to life and property from surface faulting in California. The Alquist-Priolo Act prohibits construction of most types of structures intended for human occupancy on the surface traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones). It also defines criteria for identifying active faults, giving legal weight to terms such as “active,” and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” Before a project can be permitted, cities and counties are required to have a geologic investigation conducted to demonstrate that the proposed buildings would not be constructed across active faults.

Historical seismic activity and fault and seismic hazards mapping in the project vicinity indicate that the area has relatively low potential for seismic activity (El Dorado County 2003). No active faults have been mapped in the project area, and none of the known faults have been designated as an Alquist-Priolo Earthquake Fault Zone.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690–2699.6) establishes statewide minimum public safety standards for mitigation of earthquake hazards. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-

Priolo Act. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other seismic hazards, and cities and counties are required to regulate development within mapped seismic hazard zones. In addition, the act addresses not only seismically induced hazards but also expansive soils, settlement, and slope stability.

Mapping and other information generated pursuant to the SHMA is to be made available to local governments for planning and development purposes. The State requires: (1) local governments to incorporate site-specific geotechnical hazard investigations and associated hazard mitigation, as part of the local construction permit approval process; and (2) the agent for a property seller or the seller if acting without an agent, must disclose to any prospective buyer if the property is located within a Seismic Hazard Zone. Under the Seismic Hazards Mapping Act, cities and counties may withhold the development permits for a site within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans.

California Building Standards Code

Title 24 CCR, also known as the California Building Standards Code (CBC), specifies standards for geologic and seismic hazards other than surface faulting. These codes are administered and updated by the California Building Standards Commission. CBC specifies criteria for open excavation, seismic design, and load-bearing capacity directly related to construction in California.

Discussion: A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
- Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
- Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.

a. **Seismic Hazards:**

- i) According to the California Department of Conservation Division of Mines and Geology, there are no Alquist-Priolo fault zones within the west slope of El Dorado County. However, a fault zone has been located in the Tahoe Basin and Echo Lakes area. The West Tahoe Fault runs along the base of the range front at the west side of the Tahoe Basin. The West Tahoe Fault has a mapped length of 45-km. South of Emerald Bay, the West Tahoe Fault extends onshore as two parallel strands. In the lake, the fault has clearly defined scarps that offset submarine fans, lake-bottom sediments, and the McKinney Bay slide deposits (DOC, 2016). There is clear evidence that the discussed onshore portion of the West Tahoe Fault is active with multiple events in the Holocene and poses a surface rupture hazard. However, because of the distance between the project site and these faults, there would be no impact.
- ii) The potential for seismic ground shaking in the project area would be considered remote for the reason stated in Section i) above. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code (UBC). All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone. There would be no impact.

- iii) El Dorado County is considered an area with low potential for seismic activity. There are no landslide, liquefaction, or fault zones (DOC, 2007). There would be no impact.
 - iv) All grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. There would be no impact.
- b. **Soil Erosion:** The project site includes the following soil types (from southwest to northeast), Auburn very rocky silt loam (AxE), Serpentine rock land (SaF), Auburn very rocky silt loam, Boomer very rocky loam (BkD and BkE). Auburn soils comprise approximately 30-percent of the parcel; Boomer soils, 40-percent; and serpentine soils, 30-percent. Auburn Series soils are well-drained soils underlain by hard metamorphic rocks from 12 to 26-inches deep, and are found on undulating to very steep foothills (two to 70-percent slopes). Soils on Serpentine Rock Land are derived from highly resistant serpentine and other ultrabasic rock formations. Rock outcrops and stones make up between 50 to 90-percent of the surface, and there is thin mantle of soil. The Boomer Series consists of well-drained soils underlain by basic shists at a depth of 24 to 52-inches. Slopes are from three to 70-percent. These soils are prominent in the foothills. There could be the potential for erosion, changes in topography during future construction of any primary or accessory structures however these concerns would be addressed during the grading permit process. Any development activities would need to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance, including the implementation of pre- and post-construction Best Management Practices (BMPs). Implemented BMPs are required to be consistent with the County's California Stormwater Pollution Prevention Plan (SWPPP) issued by the State Water Resources Control Board to eliminate run-off and erosion and sediment controls. Any grading activities exceeding 250-cubic-yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado Grading, Erosion, and Sediment Control Ordinance. Any future construction would require similar review for compliance with the County SWPPP. Impacts would be less than significant. Potential degradation of water quality and soil erosion impacts. If construction will disturb one-acre or more of soil, the project proponent must obtain a General Permit for discharges of storm water associated with activity from SWRCB. As part of this permit, a SWPPP must be prepared and implemented. The SWPPP must include erosion control measures and construction waste containment measures to ensure that waters of the State are protected during and after project construction. The impacts would be less than significant.
- c. **Geologic Hazards:** Based on the Seismic Hazards Mapping Program administered by the California Geological Survey, no portion of El Dorado County is located in a Seismic Hazard Zone or those areas prone to liquefaction and earthquake-induced landslides (DOC, 2013). Therefore, El Dorado County is not considered to be at risk from liquefaction hazards. Lateral spreading is typically associated with areas experiencing liquefaction. Because liquefaction hazards are not present in El Dorado County, the county is not at risk for lateral spreading. All grading activities would comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. There would be no impact.
- d. **Expansive Soils:** Expansive soils are those that greatly increase in volume when they absorb water and shrink when they dry out. When buildings are placed on expansive soils, foundations may rise each wet season and fall each dry season. This movement may result in cracking foundations, distortion of structures, and warping of doors and windows. The western portions of the county, including the Auburn soil types, have a low expansiveness rating. Any development of the site would be required to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance and the development plans for any homes or other structures would be required to implement the Seismic construction standards. There would be no impact.
- e. **Septic Capability:** The El Dorado County Environmental Management Department (EMD) reviewed the project and determined that each proposed parcel meets the requirements for land divisions of parcels to be served by an onsite wastewater treatment system. As verified by (EMD), each proposed parcel meets the minimum parcel size for septic system eligibility. However, percolation tests for the site were not on file with EMD. Percolation tests for each proposed parcel are required to be submitted to and approved by EMD prior to final map recordation. Impacts would be less than significant.

FINDING: A review of the soils and geologic conditions on the project site determined that the project would not result in a substantial adverse effect. All grading activities would be required to comply with the El Dorado County

Grading, Erosion Control and Sediment Ordinance which would address potential impacts related to soil erosion, landslides and other geologic impacts. Future development would be required to comply with the UBC which would address potential seismic related impacts. Impacts would be less than significant.

VII. GREENHOUSE GAS EMISSIONS. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Background/Science

Cumulative greenhouse gases (GHG) emissions are believed to contribute to an increased greenhouse effect and global climate change, which may result in sea level rise, changes in precipitation, habitat, temperature, wildfires, air pollution levels, and changes in the frequency and intensity of weather-related events. While criteria pollutants and toxic air contaminants are pollutants of regional and local concern (see Section III. Air Quality above); GHG are global pollutants. The primary land-use related GHG are carbon dioxide (CO₂), methane (CH₄) and nitrous oxides (N₂O). The individual pollutant's ability to retain infrared radiation represents its "global warming potential" and is expressed in terms of CO₂ equivalents; therefore CO₂ is the benchmark having a global warming potential of one. Methane has a global warming potential of 21 and thus has a 21 times greater global warming effect per metric ton of CH₄ than CO₂. Nitrous Oxide has a global warming potential of 310. Emissions are expressed in annual metric tons of CO₂ equivalent units of measure (i.e., MTCO₂e/yr). The three other main GHG are Hydrofluorocarbons, Perfluorocarbons, and Sulfur Hexafluoride. While these compounds have significantly higher global warming potentials (ranging in the thousands), all three typically are not a concern in land-use development projects and are usually only used in specific industrial processes.

GHG Sources

The primary man-made source of CO₂ is the burning of fossil fuels; the two largest sources being coal burning to produce electricity and petroleum burning in combustion engines. The primary sources of man-made CH₄ are natural gas systems losses (during production, processing, storage, transmission and distribution), enteric fermentation (digestion from livestock) and landfill off-gassing. The primary source of man-made N₂O is agricultural soil management (fertilizers), with fossil fuel combustion a very distant second. In El Dorado County, the primary source of GHG is fossil fuel combustion mainly in the transportation sector (estimated at 70% of countywide GHG emissions). A distant second are residential sources (approximately 20%), and commercial/industrial sources are third (approximately seven-percent). The remaining sources are waste/landfill (approximately three-percent) and agricultural (less than one-percent).

Regulatory Setting:

Federal Laws, Regulations, and Policies

At the federal level, USEPA has developed regulations to reduce GHG emissions from motor vehicles and has developed permitting requirements for large stationary emitters of GHGs. On April 1, 2010, USEPA and the National

Highway Traffic Safety Administration (NHTSA) established a program to reduce GHG emissions and improve fuel economy standards for new model year 2012-2016 cars and light trucks. On August 9, 2011, USEPA and the NHTSA announced standards to reduce GHG emissions and improve fuel efficiency for heavy-duty trucks and buses.

Federal Laws, Regulations, and Policies

In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the *California Climate Solutions Act of 2006* (Stats. 2006, ch. 488) (Health & Safety Code, Section 38500 et seq.). AB 32 requires a statewide GHG emissions reduction to 1990 levels by the year 2020. AB 32 requires the California Air Resources Board (CARB) to implement and enforce the statewide cap. When AB 32 was signed, California's annual GHG emissions were estimated at 600 million metric tons of CO₂ equivalent (MMTCO₂e) while 1990 levels were estimated at 427 MMTCO₂e. Setting 427 MMTCO₂e as the emissions target for 2020, current (2006) GHG emissions levels must be reduced by 29%. CARB adopted the AB 32 Scoping Plan in December 2008 establishing various actions the state would implement to achieve this reduction (CARB, 2008). The Scoping Plan recommends a community-wide GHG reduction goal for local governments of 15%.

In June 2008, the California Governor's Office of Planning and Research's (OPR) issued a Technical Advisory (OPR, 2008) providing interim guidance regarding a proposed project's GHG emissions and contribution to global climate change. In the absence of adopted local or statewide thresholds, OPR recommends the following approach for analyzing GHG emissions: Identify and quantify the project's GHG emissions, assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or Mitigation Measures that would reduce the impact to less than significant levels (CEC, 2006).

Discussion

CEQA does not provide clear direction on addressing climate change. It requires lead agencies identify project GHG emissions impacts and their "significance," but is not clear what constitutes a "significant" impact. As stated above, GHG impacts are inherently cumulative, and since no single project could cause global climate change, the CEQA test is if impacts are "cumulatively considerable." Not all projects emitting GHG contribute significantly to climate change. CEQA authorizes reliance on previously approved plans (i.e., a Climate Action Plan (CAP), etc.) and mitigation programs adequately analyzing and mitigating GHG emissions to a less than significant level. "Tiering" from such a programmatic-level document is the preferred method to address GHG emissions. El Dorado County does not have an adopted CAP or similar program-level document; therefore, the project's GHG emissions must be addressed at the project-level.

Unlike thresholds of significance established for criteria air pollutants in EDCAQMD's *Guide to Air Quality Assessment* (February 2002) ("CEQA Guide"), the District has not adopted GHG emissions thresholds for land use development projects. In the absence of County adopted thresholds, EDCAQMD recommends using the adopted thresholds of other lead agencies which are based on consistency with the goals of AB 32. Since climate change is a global problem and the location of the individual source of GHG emissions is somewhat irrelevant, it's appropriate to use thresholds established by other jurisdictions as a basis for impact significance determinations. Projects exceeding these thresholds would have a potentially significant impact and be required to mitigate those impacts to a less than significant level. Until the County adopts a CAP consistent with CEQA Guidelines Section 15183.5, and/or establishes GHG thresholds, the County will follow an interim approach to evaluating GHG emissions utilizing significance criteria adopted by the San Luis Obispo Air Pollution Control District (SLOAPCD) to determine the significance of GHG emissions.

SLOAPCD developed a screening table using CalEEMod which allows quick assessment of projects to "screen out" those below the thresholds as their impacts would be less than significant.

These thresholds are summarized below:

Significance Determination Thresholds	
GHG Emission Source Category	Operational Emissions
Non-stationary Sources	1,150 MT CO ₂ /yr

	OR
	4.9 MT CO ₂ e/SP/yr
Stationary Sources	10,000 MTCO ₂ e/yr

SP = service population, which is resident population plus employee population of the project

Projects below screening levels identified in Table 1-1 of SLOAPCD's CEQA Air Quality Handbook (pp. 1-3, SLOAPCD, 2012) are estimated to emit less than the applicable threshold. For projects below the threshold, no further GHG analysis is required.

- a. The proposed project would create four new parcels from an approximately 55-acre parcel. The new parcel sizes would be as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), 20.29-acres (Parcel Four). Each parcel would be allowed to have a primary residence and secondary dwelling by right, for a total of eight residences possible. The site is currently undeveloped. The potential for future construction may involve a small increase in household GHG production. However, any future construction would be required to incorporate modern construction and design features that reduce energy consumption to the extent feasible. Implementation of these features would help reduce potential GHG emissions resulting from the development. The proposed project would have a negligible contribution towards statewide GHG inventories and would have a less than significant impact.
- b. Because any future construction-related emissions would be temporary and below the minimum standard for reporting requirements under AB 32, and because any ongoing GHG emissions would be a result of a maximum potential of eight households (four primary residences/four secondary dwellings possible), the proposed project's GHG emissions would have a negligible cumulative contribution towards statewide and global GHG emissions. The proposed project would not conflict with the objectives of AB 32 or any other applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. According to the SLOAPCD Screening Table, the GHG emissions from this project are estimated at less than 1,150-metric-tonnes/year. Cumulative GHG emissions impacts are considered to be less than significant. Therefore, the proposed project would have a less than significant impact.

FINDING: For the Greenhouse Gas Emissions category, there would be no significant adverse environmental effect as a result of the project. Impacts would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		X	
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		X	

Regulatory Setting:

Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations to protect public health and the environment. These regulations provide definitions of hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. The major federal, state, and regional agencies enforcing these regulations are USEPA and the Occupational Safety and Health Administration (OSHA); California Department of Toxic Substances Control (DTSC); California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); California Governor's Office of Emergency Services (Cal OES); and EDCAPCD.

Federal Laws, Regulations, and Policies

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act; 42 USC Section 9601 *et seq.*) is intended to protect the public and the environment from the effects of past hazardous waste disposal activities and new hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the "Superfund") for the remediation of hazardous materials contamination. The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) amends some provisions of CERCLA and provides for a Community Right-to-Know program.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act of 1976 (RCRA; 42 USC Section 6901 *et seq.*), as amended by the Hazardous and Solid Waste Amendments of 1984, is the primary federal law for the regulation of solid waste and hazardous waste in the United States. These laws provide for the “cradle-to-grave” regulation of hazardous wastes, including generation, transportation, treatment, storage, and disposal. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of.

USEPA has primary responsibility for implementing RCRA, but individual states are encouraged to seek authorization to implement some or all RCRA provisions. California received authority to implement the RCRA program in August 1992. DTSC is responsible for implementing the RCRA program in addition to California’s own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law.

Energy Policy Act of 2005

Title XV, Subtitle B of the Energy Policy Act of 2005 (the Underground Storage Tank Compliance Act of 2005) contains amendments to Subtitle I of the Solid Waste Disposal Act, the original legislation that created the Underground Storage Tank (UST) Program. As defined by law, a UST is "any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground." In cooperation with USEPA, SWRCB oversees the UST Program. The intent is to protect public health and safety and the environment from releases of petroleum and other hazardous substances from tanks. The four primary program elements include leak prevention (implemented by Certified Unified Program Agencies [CUPAs], described in more detail below), cleanup of leaking tanks, enforcement of UST requirements, and tank integrity testing.

Spill Prevention, Control, and Countermeasure Rule

USEPA's Spill Prevention, Control, and Countermeasure (SPCC) Rule (40 CFR, Part 112) apply to facilities with a single above-ground storage tank (AST) with a storage capacity greater than 660-gallons, or multiple tanks with a combined capacity greater than 1,320-gallons. The rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans.

Occupational Safety and Health Administration

OSHA is responsible at the federal level for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

Federal Communications Commission Requirements

There is no federally mandated radio frequency (RF) exposure standard; however, pursuant to the Telecommunications Act of 1996 (47 USC Section 224), the Federal Communications Commission (FCC) established guidelines for dealing with RF exposure, as presented below. The exposure limits are specified in 47 CFR Section 1.1310 in terms of frequency, field strength, power density, and averaging time. Facilities and transmitters licensed and authorized by FCC must either comply with these limits or an applicant must file an environmental assessment (EA) with FCC to evaluate whether the proposed facilities could result in a significant environmental effect.

FCC has established two sets of RF radiation exposure limits—Occupational/Controlled and General Population/Uncontrolled. The less-restrictive Occupational/Controlled limit applies only when a person (worker) is exposed as a consequence of his or her employment and is “fully aware of the potential exposure and can exercise control over his or her exposure,” otherwise the General Population limit applies (47 CFR Section 1.1310).

The FCC exposure limits generally apply to all FCC-licensed facilities (47 CFR Section 1.1307[b][1]). Unless exemptions apply, as a condition of obtaining a license to transmit, applicants must certify that they comply with FCC environmental rules, including those that are designed to prevent exposing persons to radiation above FCC RF limits (47 CFR Section 1.1307[b]). Licensees at co-located sites (e.g., towers supporting multiple antennas, including antennas under separate ownerships) must take the necessary actions to bring the accessible areas that exceed the FCC exposure limits into compliance. This is a shared responsibility of all licensees whose transmission power density levels account for five or more percent of the applicable FCC exposure limits (47 CFR 1.1307[b][3]).

Code of Federal Regulations (14 CFR) Part 77

14 CFR Part 77.9 is designed to promote air safety and the efficient use of navigable airspace. Implementation of the code is administered by the Federal Aviation Administration (FAA). If an organization plans to sponsor any construction or alterations that might affect navigable airspace, a Notice of Proposed Construction or Alteration (FAA Form 7460-1) must be filed. The code provides specific guidance regarding FAA notification requirements.

State Laws, Regulations, and Policies

Safe Drinking Water and Toxic Enforcement Act of 1986 – Proposition 65

The Safe Drinking Water and Toxic Enforcement Act of 1986, more commonly known as Proposition 65, protects the state's drinking water sources from contamination with chemicals known to cause cancer, birth defects, or other reproductive harm. Proposition 65 also requires businesses to inform the public of exposure to such chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. In accordance with Proposition 65, the California Governor's Office publishes, at least annually, a list of such chemicals. OEHHA, an agency under the California Environmental Protection Agency (CalEPA), is the lead agency for implementation of the Proposition 65 program. Proposition 65 is enforced through the California Attorney General's Office; however, district and city attorneys and any individual acting in the public interest may also file a lawsuit against a business alleged to be in violation of Proposition 65 regulations.

The Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. CalEPA and other state agencies set the standards for their programs, while local governments (CUPAs) implement the standards. For each county, the CUPA regulates/oversees the following:

- Hazardous materials business plans;
- California accidental release prevention plans or federal risk management plans;
- The operation of USTs and ASTs;
- Universal waste and hazardous waste generators and handlers;
- On-site hazardous waste treatment;
- Inspections, permitting, and enforcement;
- Proposition 65 reporting; and
- Emergency response.

Hazardous Materials Business Plans

Hazardous materials business plans are required for businesses that handle hazardous materials in quantities greater than or equal to 55-gallons of a liquid, 500-pounds of a solid, or 200-cubic-feet (cf) of compressed gas, or extremely hazardous substances above the threshold planning quantity (40 CFR, Part 355, Appendix A) (Cal OES, 2015). Business plans are required to include an inventory of the hazardous materials used/stored by the business, a site map, an emergency plan, and a training program for employees (Cal OES, 2015). In addition, business plan information is provided electronically to a statewide information management system, verified by the applicable CUPA, and transmitted to agencies responsible for the protection of public health and safety (i.e., local fire department, hazardous material response team, and local environmental regulatory groups) (Cal OES, 2015).

California Occupational Safety and Health Administration

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations pertaining to the use of hazardous materials in the workplace (CCR Title 8) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about exposure to hazardous substances, and preparation of emergency action and fire prevention plans.

Hazard communication program regulations that are enforced by Cal/OSHA require workplaces to maintain procedures for identifying and labeling hazardous substances, inform workers about the hazards associated with hazardous substances and their handling, and prepare health and safety plans to protect workers at hazardous waste sites. Employers must also make material safety data sheets available to employees and document employee information and training programs. In addition, Cal/OSHA has established maximum permissible RF radiation exposure limits for workers (Title 8 CCR Section 5085[b]), and requires warning signs where RF radiation might exceed the specified limits (Title 8 CCR Section 5085 [c]).

California Accidental Release Prevention

The purpose of the California Accidental Release Prevention (CalARP) program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. In accordance with this program, businesses that handle more than a threshold quantity of regulated substance are required to develop a risk management plan (RMP). This RMP must provide a detailed analysis of potential risk factors and associated mitigation measures that can be implemented to reduce accident potential. CUPAs implement the CalARP program through review of RMPs, facility inspections, and public access to information that is not confidential or a trade secret.

California Department of Forestry and Fire Protection Wildland Fire Management

The Office of the State Fire Marshal and the CALFIRE administer state policies regarding wildland fire safety. Construction contractors must comply with the following requirements in the Public Resources Code during construction activities at any sites with forest-, brush-, or grass-covered land:

- Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442).
- Appropriate fire-suppression equipment must be maintained from April 1 to December 1, the highest-danger period for fires (Public Resources Code Section 4428).
- On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor must maintain the appropriate fire suppression equipment (Public Resources Code Section 4427).
- On days when a burning permit is required, portable tools powered by gasoline fueled internal combustion engines must not be used within 25-feet of any flammable materials (Public Resources Code Section 4431).

California Highway Patrol

CHP, along with Caltrans, enforce and monitor hazardous materials and waste transportation laws and regulations in California. These agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roads. All motor carriers and drivers involved in transportation of hazardous materials must apply for and obtain a hazardous materials transportation license from CHP.

Local Laws, Regulations, and Policies

A map of the fuel loading in the County (General Plan Figure HS-1) shows the fire hazard severity classifications of the SRAs in El Dorado County, as established by CDF. The classification system provides three classes of fire hazards: Moderate, High, and Very High. Fire Hazard Ordinance (Chapter 8.08) requires defensible space as described by the State Public Resources Code, including the incorporation and maintenance of a 30-foot fire break or vegetation fuel clearance around structures in fire hazard zones. The County's requirements on emergency access, signing and

numbering, and emergency water are more stringent than those required by state law (Patton 2002). The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

Discussion: A substantial adverse effect due to Hazards or Hazardous Materials would occur if implementation of the project would:

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
- Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
- Expose people to safety hazards as a result of former on-site mining operations.

- a-c. **Hazardous Materials:** The Tentative Parcel Map project would not involve the routine transportation, use, or disposal of hazardous materials such as construction materials, paints, fuels, landscaping materials, and household cleaning supplies. The project site is located within a quarter mile of Sutter's Mill School. Any future construction may involve some hazardous materials temporarily but this is considered to be small scale. Impacts would be less than significant.
- d. **Hazardous Sites:** The project site is not included on a list of or near any hazardous materials sites pursuant to Government Code section 65962.5 (DTSC, 2015). There would be no impact.
- e-f. **Aircraft Hazards, Private Airstrips:** As shown on the El Dorado County Zoning Map, the project is not located within an Airport Safety District combining zone or near a public airport or private airstrip. There would be no impact.
- g. **Emergency Plan:** The project was reviewed by the County Transportation Department for traffic and circulation. The Traffic Impact Study (TIS) - Initial Determination were both waived and no further transportation studies are required. All proposed lots have frontage on Thompson Hill Road, and no access road is proposed. The proposed project would not impair implementation of any emergency response plan or emergency evacuation plan. Impacts would be less than significant.
- h. **Wildfire Hazards:** The project site is in an area of high fire hazard for wildland fire pursuant to Figure 5.8-4 of the 2004 General Plan Draft Environmental Impact Report (EIR). The project site is not currently within a Fire Protection District for structural fire protection and emergency medical services. The El Dorado Local Agency Formation Commission (LAFCO) has recommended that the project site be annexed into the El Dorado County Fire Protection District as a condition of final project approval. Additionally, a wildfire safe plan and any additional documentation – as required by EDCFPD – must be approved prior recordation of the parcel map. With implementation of standard county fire safe requirements and any additional requirements per EDCFPD's review, impacts would be less than significant.

FINDING: For the Hazards and Hazardous Materials category, with the incorporation of standard county requirements, any potential impacts would be less than significant.

IX. HYDROLOGY AND WATER QUALITY. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

a. Violate any water quality standards or waste discharge requirements?		X	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?		X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or -off-site?		X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X	
f. Otherwise substantially degrade water quality?		X	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?		X	
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?		X	
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		X	
j. Inundation by seiche, tsunami, or mudflow?		X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

Clean Water Act

The Clean Water Act (CWA) is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The key sections pertaining to water quality regulation for the Proposed Project are CWA Section 303 and Section 402.

Section 303(d) — Listing of Impaired Water Bodies

Under CWA Section 303(d), states are required to identify “impaired water bodies” (those not meeting established water quality standards), identify the pollutants causing the impairment, establish priority rankings for waters on the list, and develop a schedule for the development of control plans to improve water quality. USEPA then approves the State’s recommended list of impaired waters or adds and/or removes waterbodies.

Section 402—NPDES Permits for Stormwater Discharge

CWA Section 402 regulates construction-related stormwater discharges to surface waters through the NPDES, which is officially administered by USEPA. In California, USEPA has delegated its authority to the State Water Resources Control Board (SWRCB), which, in turn, delegates implementation responsibility to the nine RWQCBs, as discussed below in reference to the Porter-Cologne Water Quality Control Act.

The NPDES program provides for both general (those that cover a number of similar or related activities) and individual (activity- or project-specific) permits. General Permit for Construction Activities: Most construction projects that disturb one or more acre of land are required to obtain coverage under SWRCB’s General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). The general permit requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). SWPPP must include a site map and a description of the proposed construction activities, demonstrate compliance with relevant local ordinances and regulations, and present a list of Best Management Practices (BMPs) that will be implemented to prevent soil erosion and protect against discharge of sediment and other construction-related pollutants to surface waters. Permittees are further required to monitor construction activities and report compliance to ensure that BMPs are correctly implemented and are effective in controlling the discharge of construction-related pollutants.

Municipal Stormwater Permitting Program

SWRCB regulates stormwater discharges from municipal separate storm sewer systems (MS4s) through its Municipal Storm Water Permitting Program (SWRCB, 2013). Permits are issued under two phases depending on the size of the urbanized area/municipality. Phase I MS4 permits are issued for medium (population between 100,000 and 250,000 people) and large (population of 250,000 or more people) municipalities, and are often issued to a group of co-permittees within a metropolitan area. Phase I permits have been issued since 1990. Beginning in 2003, SWRCB began issuing Phase II MS4 permits for smaller municipalities (population less than 100,000).

El Dorado County is covered under two SWRCB Regional Boards. The West Slope Phase II Municipal Separate Storm Sewer Systems (MS4) NPDES Permit is administered by the Central Valley Regional Water Quality Control Board (RWQCB) (Region Five). The Lake Tahoe Phase I MS4 NPDES Permit is administered by the Lahontan RWQCB (Region Six). The current West Slope MS4 NPDES Permit was adopted by the SWRCB on February 5, 2013. The Permit became effective on July 1, 2013 for a term of five years and focuses on the enhancement of surface water quality within high priority urbanized areas. The current Lake Tahoe MS4 NPDES Permit was adopted and took effect on December 6, 2011 for a term of five years. The Permit incorporated the Lake Tahoe Total Maximum Daily Load (TMDL) and the Lake Clarity Crediting Program (LCCP) to account for the reduction of fine sediment particles and nutrients discharged to Lake Tahoe.

On May 19, 2015 the El Dorado County Board of Supervisors formally adopted revisions to the Storm Water Quality Ordinance (Ordinance 4992). Previously applicable only to the Lake Tahoe Basin, the ordinance establishes legal authority for the entire unincorporated portion of the County. The purpose of the ordinance is to 1) protect health, safety, and general welfare, 2) enhance and protect the quality of Waters of the State by reducing pollutants in storm water discharges to the maximum extent practicable and controlling non-storm water discharges to the storm drain system, and 3) cause the use of Best Management Practices to reduce the adverse effects of polluted runoff discharges on Waters of the State.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities complying with FEMA regulations that limit development in

floodplains. The NFIP regulations permit development within special flood hazard zones provided that residential structures are raised above the base flood elevation of a 100-year flood event. Non-residential structures are required either to provide flood proofing construction techniques for that portion of structures below the 100-year flood elevation or to elevate above the 100-year flood elevation. The regulations also apply to substantial improvements of existing structures.

State Laws, Regulations, and Policies

Porter–Cologne Water Quality Control Act

The Porter–Cologne Water Quality Control Act (known as the Porter–Cologne Act), passed in 1969, dovetails with the CWA (see discussion of the CWA above). It established the SWRCB and divided the state into nine regions, each overseen by an RWQCB. SWRCB is the primary State agency responsible for protecting the quality of the state's surface water and groundwater supplies; however, much of the SWRCB's daily implementation authority is delegated to the nine RWQCBs, which are responsible for implementing CWA Sections 401, 402, and 303(d). In general, SWRCB manages water rights and regulates statewide water quality, whereas RWQCBs focus on water quality within their respective regions.

The Porter–Cologne Act requires RWQCBs to develop water quality control plans (also known as basin plans) that designate beneficial uses of California's major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter–Cologne Act, basin plans must be updated every three-years.

Discussion: A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

- Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
 - Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
 - Substantially interfere with groundwater recharge;
 - Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or
 - Cause degradation of groundwater quality in the vicinity of the project site.
- a. **Water Quality Standards:** No waste discharge will occur as part of the Tentative Parcel Map project. Erosion control would be required as part of any future building or grading permit. Stormwater runoff from potential development would contain water quality protection features in accordance with a potential National Pollutant Discharge Elimination System (NPDES) stormwater permit, as deemed applicable. The project would not be anticipated to violate water quality standards. Impacts would be less than significant.
- b. **Groundwater Supplies:** The geology of the Western Slope portion of El Dorado County is principally hard, crystalline, igneous, or metamorphic rock overlain with a thin mantle of sediment or soil. Groundwater in this region is found in fractures, joints, cracks, and fault zones within the bedrock mass. These discrete fracture areas are typically vertical in orientation rather than horizontal as in sedimentary or alluvial aquifers. Recharge is predominantly through rainfall infiltrating into the fractures. Movement of this groundwater is very limited due to the lack of porosity in the bedrock. Wells are typically drilled to depths ranging from 80 to 300-feet in depth. There is no evidence that the project will substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. For the final map, the applicant would need to prove that all parcels have a safe and reliable water source that meets the minimum criteria of EDC policy 800-02. The project is not anticipated to affect potential groundwater supplies above pre-project levels. Impacts would be less than significant.

- c-f. **Drainage Patterns:** A grading permit would be required to address grading, erosion and sediment control for any future construction. Construction activities would be required to adhere to the El Dorado County Grading, Erosion Control and Sediment Ordinance. This includes the use of Best Management Practices (BMPs) to minimize degradation of water quality during construction. With the application of these standard requirements, impacts would be less than significant.
- g-j. **Flood-related Hazards:** The project site is not located within any mapped 100-year flood areas and would not result in the construction of any structures that would impede or redirect flood flows (FEMA, 2008). The risk of exposure to seiche, tsunami, or mudflows would be remote. Impacts would be less than significant.

FINDING: The project would be required to address any potential changes to the drainage pattern on site during the building permit review process for future construction of single-family residences, secondary dwellings, or accessory structures. No significant hydrological impacts are expected as a result of such development, and impacts would be less than significant.

X. LAND USE PLANNING. Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Regulatory Setting:

California State law requires that each City and County adopt a general plan "for the physical development of the City and any land outside its boundaries which bears relation to its planning." Typically, a general plan is designed to address the issues facing the City or County for the next 15-20 years. The general plan expresses the community's development goals and incorporates public policies relative to the distribution of future public and private land uses. The El Dorado County General Plan was adopted in 2004. The 2013-2021 Housing Element was adopted in 2013.

Discussion: A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
 - Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
 - Result in conversion of undeveloped open space to more intensive land uses;
 - Result in a use substantially incompatible with the existing surrounding land uses; or
 - Conflict with adopted environmental plans, policies, and goals of the community.
- a. **Established Community:** The project is located near, but not within, the Gold Hill area. The project is surrounded by similar large lots currently which are either developed for single family residential uses or undeveloped. The Tentative Parcel Map project would not conflict with the existing land use pattern in the area or physically divide an established community. Therefore, there will be no impacts.
- b. **Land Use Consistency:** The parcel has a General Plan Land Use Designation of Rural Residential (RR) and a zoning designation of Rural Lands – Ten-Acres (RL-10). The RR land use designation establishes areas for single-family residential development in a rural setting. The maximum allowable density shall be one dwelling unit per ten-acres. Parcel size will be as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), 20.29-acres (Parcel Four). The proposed project is compatible with the General Plan land use designation and the zone district. There would be no impacts.
- c. **Habitat Conservation Plan:** The project site is not within the boundaries of an adopted Natural Community Conservation Plan or any other conservation plan. As such, the proposed project would not conflict with an adopted conservation plan. Therefore, there will be no impacts.

FINDING: The proposed use of the land would be consistent with the Zoning Ordinance and General Plan. There would be no impact to land use goals or standards resulting from the project. Impacts would be less than significant.

XI. MINERAL RESOURCES. Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies apply to mineral resources and the Proposed Project.

State Laws, Regulations, and Policies

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Mining and Geology Board identify, map, and classify aggregate resources throughout California that contain regionally significant mineral resources. Designations of land areas are assigned by CDC and California Geological Survey following analysis of

geologic reports and maps, field investigations, and using information about the locations of active sand and gravel mining operations. Local jurisdictions are required to enact planning procedures to guide mineral conservation and extraction at particular sites and to incorporate mineral resource management policies into their general plans.

The California Mineral Land Classification System represents the relationship between knowledge of mineral deposits and their economic characteristics (grade and size). The nomenclature used with the California Mineral Land Classification System is important in communicating mineral potential information in activities such as mineral land classification, and usage of these terms are incorporated into the criteria developed for assigning mineral resource zones. Lands classified MRZ-2 are areas that contain identified mineral resources. Areas classified as MRZ-2a or MRZ-2b (referred to hereafter as MRZ-2) are considered important mineral resource areas.

Local Laws, Regulations, and Policies

El Dorado County in general is considered a mining region capable of producing a wide variety of mineral resources. Metallic mineral deposits, including gold, are considered the most significant extractive mineral resources. Exhibit 5.9-6 shows the MRZ-2 areas within the county based on designated Mineral Resource (-MR) overlay areas. The -MR overlay areas are based on mineral resource mapping published in the mineral land classification reports referenced above. The majority of the county's important mineral resource deposits are concentrated in the western third of the county.

According to General Plan Policy 2.2.2.7, before authorizing any land uses within the -MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses. Where the affected minerals are of regional significance, the County shall consider the importance of these minerals to their market region as a whole and not just their importance to the County.

Where the affected minerals are of Statewide significance, the County shall consider the importance of these minerals to the State and Nation as a whole. The County may approve the alternative land use if it determines that the benefits of such uses outweigh the potential or certain loss of the affected mineral resources in the affected regional, Statewide, or national market.

Discussion: A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.
- a-b. **Mineral Resources.** The project site has not been delineated in the El Dorado County General Plan as a locally important mineral resource recovery site (2003, Exhibits 5.9-6 and 5.9-7). Review of the California Department of Conservation Geologic Map data showed that the project site is not within a mineral resource zone district. There would be no impact.

FINDING: No impacts to mineral resources are expected either directly or indirectly. For this mineral resources category, there would be no impacts.

XII. NOISE. Would the project result in:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise level?			X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X

Regulatory Setting:

No federal or state laws, regulations, or policies for construction-related noise and vibration that apply to the Proposed Project. However, the Federal Transit Administration (FTA) Guidelines for Construction Vibration in Transit Noise and Vibration Impact Assessment state that for evaluating daytime construction noise impacts in outdoor areas, a noise threshold of 90 dBA Leq and 100 dBA Leq should be used for residential and commercial/industrial areas, respectively (FTA 2006).

For construction vibration impacts, the FTA guidelines use an annoyance threshold of 80 VdB for infrequent events (fewer than 30 vibration events per day) and a damage threshold of 0.12-inches per second (in/sec) PPV for buildings susceptible to vibration damage (FTA 2006).

Discussion: A substantial adverse effect due to Noise would occur if the implementation of the project would:

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60 dBA CNEL;
- Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3 dBA, or more; or
- Results in noise levels inconsistent with the performance standards contained in Table 130.37.060.1 and Table 130.37.060.2 of the El Dorado County Zoning Ordinance.

TABLE 6-2
NOISE LEVEL PERFORMANCE PROTECTION STANDARDS
FOR NOISE SENSITIVE LAND USES
AFFECTED BY NON-TRANSPORTATION* SOURCES

Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community/ Rural Centers	Rural Regions	Community/ Rural Centers	Rural Regions	Community/ Rural Centers	Rural Regions
	Hourly L _{eq} , dB	55	50	50	45	45
Maximum level, dB	70	60	60	55	55	50

- a. **Noise Exposures:** The proposed project will not expose people to noise levels in excess of standards established in the General Plan or Zoning Ordinance. Future construction may require the use of trucks and other equipment, which may result in short-term noise impacts to surrounding neighbors. These activities would require grading and building permits and would be restricted to construction hours pursuant to the General Plan. There could be additional noise associated with potential future residential development. However, the project is not expected to generate noise levels exceeding the performance standards contained within the Zoning Ordinance. The noise associated with the project would be less than significant.
- b. **Groundborne Shaking:** The site is currently undeveloped. Any future construction may generate short-term ground borne vibration or shaking events during project construction. Impacts would be considered less than significant.
- c. **Permanent Noise Increases:** The project does not propose new development; however each parcel by right would have the potential for future residential development (i.e. primary and secondary dwelling, accessory structures). The long term noise associated with an additional home would not be expected to exceed the noise standards contained in the General Plan. Impacts would be considered less than significant.
- d. **Short Term Noise:** The construction noise resulting from any future development may result in short-term noise impacts. These activities would require grading and building permits and would be restricted to construction hours. All construction and grading operations would be required to comply with the noise performance standards contained in the General Plan. Impacts would be less than significant.
- e-f. **Aircraft Noise:** The project site is not located within an airport land use plan or within two-miles of a public airport or public use airport. There would be no impact.

FINDING: As conditioned and with adherence to County Code, no significant direct or indirect impacts to noise levels are expected. Impacts would be less than significant.

XIII. POPULATION AND HOUSING. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

a. Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure)?			X	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Regulatory Setting:

No federal or state laws, regulations, or policies apply to population and housing and the proposed project.

Discussion: A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- Create substantial growth or concentration in population;
 - Create a more substantial imbalance in the County's current jobs to housing ratio; or
 - Conflict with adopted goals and policies set forth in applicable planning documents.
- a. **Population Growth:** The approximately 55-acre parcel is currently undeveloped. The proposed project would result in the creation of four parcels, each of which would be allowed a primary residence and a secondary dwelling by right. This potential additional housing and population would not be considered a significant population growth. Impacts would be less than significant.
- b. **Housing Displacement:** The 55-acre parcel is currently undeveloped. The proposed project would result in the creation of four parcels. No existing housing would be displaced by the project. There would be no impact.
- c. **Replacement Housing:** The proposed project could provide up to a total of eight residences possible (four primary dwellings/four secondary dwellings). No persons would be displaced by the proposed project necessitating for the construction of housing elsewhere. There would be no impact.

FINDING: The project would not displace housing and there would be no potential for a significant impact due to substantial growth, either directly or indirectly. The impacts would be less than significant.

XIV. PUBLIC SERVICES. <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Fire protection?			X	
b. Police protection?			X	

c. Schools?			X	
d. Parks?			X	
e. Other government services?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

California Fire Code

The California Fire Code (Title 24 CCR, Part 9) establishes minimum requirements to safeguard public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings. Chapter 33 of CCR contains requirements for fire safety during construction and demolition.

Discussion: A substantial adverse effect on Public Services would occur if the implementation of the project would:

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department's/District's goal of 1.5 firefighters per 1,000 residents and two firefighters per 1,000 residents, respectively;
 - Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff's Department goal of one sworn officer per 1,000 residents;
 - Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
 - Place a demand for library services in excess of available resources;
 - Substantially increase the local population without dedicating a minimum of five-acres of developed parklands for every 1,000 residents; or
 - Be inconsistent with County adopted goals, objectives or policies.
- a. **Fire Protection:** The El Dorado County Fire Protection District (EDCFPD) provides fire protection to the surrounding vicinity of the site. However, this site is not currently within the EDCFPD's jurisdictional boundaries. The project site is located within a High Fire Hazard zone, which does require a Wildland Fire Safe Plan. Per the recommendation of the El Dorado Local Agency Formation Commission (LAFCO), the project site will be required to be annexed into the EDCFPD prior to issuance of residential final occupancy permits. The annexation of this site into the EDCFPD will result in additional properties under EDCFPD protection. The addition of more properties could result in reduced response time; however this project does not include a large number of parcels. As such, fire service impacts are expected to be de minimis. An approved wildfire safe plan will be required prior to issuance of any future residential final occupancy permits. The project must adhere to applicable requirements for emergency vehicle access including 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. If any additional dwelling units are proposed in the future, the Fire District would review the building permit application and include any fire protection measures at that time. Impacts would be less than significant with adherence to EDCFPD annexation and wildfire safe plan approval.
- b. **Police Protection:** Police services would continue to be provided by the El Dorado County Sheriff's Department (EDSO). Any future residential construction would not significantly increase demand for law enforcement protection. Impacts would be less than significant.
- c. **Schools:** As a result of project approval, eight potential new dwelling units constructed in the future could add a small number of additional students. The impact would be less than significant.

- d. **Parks.** Any additional residents from future construction would not substantially increase the local population and therefore not substantially increase the use of parks and recreational facilities. The dedication of land, the payment of fees in lieu thereof or a combination of both for park and recreational purposes would be required, pursuant to the provisions of Sections 120.12.090 through 120.12.110, as a condition of approval for any parcel map which creates parcels less than 20-acres in size. With the payment of park in-lieu fees, impacts would be less than significant.
- e. **Government Services.** There are no government services that would be significantly impacted as a result of the project. Impacts would be less than significant.

FINDING: The project would not result in a significant increase of public services to the project. Increased demand to services would be addressed through the payment of established impact fees. For this Public Services category, impacts would be less than significant.

XV. RECREATION.				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Regulatory Setting:

National Trails System

The National Trails System Act of 1968 authorized The National Trails System (NTS) in order to provide additional outdoor recreation opportunities and to promote the preservation of access to the outdoor areas and historic resources of the nation. The Appalachian and Pacific Crest National Scenic Trails were the first two components, and the System has grown to include 20 national trails.

The National Trails System includes four classes of trails:

1. National Scenic Trails (NST) provide outdoor recreation and the conservation and enjoyment of significant scenic, historic, natural, or cultural qualities. The Pacific Coast Trail falls under this category. The PCT passes through the Desolation Wilderness area along the western plan area boundary.
2. National Historic Trails (NHT) follow travel routes of national historic significance. The National Park Service has designated two National Historic Trail (NHT) alignments that pass through El Dorado County, the California National Historic Trail and the Pony Express National Historic Trail. The California Historic Trail is a route of approximately 5,700-miles including multiple routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon. The Pony Express NHT commemorates the route used to relay mail via horseback from Missouri to California before the advent of the telegraph.
3. National Recreation Trails (NRT) are in, or reasonably accessible to, urban areas on federal, state, or private lands. In El Dorado County there are five NRTs.

State Laws, Regulations, and Policies

The California Parklands Act

The California Parklands Act of 1980 (Public Resources Code Section 5096.141-5096.143) recognizes the public interest for the state to acquire, develop, and restore areas for recreation and to aid local governments to do the same. The California Parklands Act also identifies the necessity of local agencies to exercise vigilance to see that the parks, recreation areas, and recreational facilities they now have are not lost to other uses.

The California state legislature approved the California Recreational Trail Act of 1974 (Public Resources Code Section 2070-5077.8) requiring that the Department of Parks and Recreation prepare a comprehensive plan for California trails. The California Recreational Trails Plan is produced for all California agencies and recreation providers that manage trails. The Plan includes information on the benefits of trails, how to acquire funding, effective stewardship, and how to encourage cooperation among different trail users.

The 1975 Quimby Act (California Government Code Section 66477) requires residential subdivision developers to help mitigate the impacts of property improvements by requiring them to set aside land, donate conservation easements, or pay fees for park improvements. The Quimby Act gave authority for passage of land dedication ordinances to cities and counties for parkland dedication or in-lieu fees paid to the local jurisdiction. Quimby exactions must be roughly proportional and closely tied (nexus) to a project's impacts as identified through traffic studies required by CEQA. The exactions only apply to the acquisition of new parkland; they do not apply to the physical development of new park facilities or associated operations and maintenance costs.

The County implements the Quimby Act through §16.12.090 of the County Code. The County Code sets standards for the acquisition of land for parks and recreational purposes, or payments of fees in lieu thereof, on any land subdivision. Other projects, such as ministerial residential or commercial development, could contribute to the demand for park and recreation facilities without providing land or funding for such facilities.

Local Laws, Regulations, and Policies

The 2004 El Dorado County General Plan Parks and Recreation Element establishes goals and policies that address needs for the provision and maintenance of parks and recreation facilities in the county, with a focus on providing recreational opportunities and facilities on a regional scale, securing adequate funding sources, and increasing tourism and recreation-based businesses. The Recreation Element describes the need for 1.5-acres of regional parkland, 1.5-acres of community parkland, and two-acres of neighborhood parkland per 1,000 residents. Another 95-acres of park land are needed to meet the General Plan guidelines.

Discussion: A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

- Substantially increase the local population without dedicating a minimum of five-acres of developed parklands for every 1,000 residents; or
 - Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.
- a. **Parks.** Any potential additional units from future construction would not increase the local population substantially, and therefore would not substantially increase the use of parks and recreational facilities. The dedication of land, the payment of fees in lieu thereof or a combination of both for park and recreational purposes would be required, pursuant to the provisions of Sections 120.12.090 through 120.12.110, as a condition of approval for any parcel map which creates parcels less than 20-acres in size. With the payment of park in-lieu fees, impacts would be less than significant.
- b. **Recreational Services.** The project would not include additional recreation services or sites as part of the project. Impacts would be less than significant.

FINDING: No significant impacts to open space or park facilities would result as part of the project. Impacts would be less than significant.

XVI. TRANSPORTATION/TRAFFIC. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) (Vehicle Miles Traveled)?			X	
c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d. Result in inadequate emergency access?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies apply to transportation/traffic and the Proposed Project.

State Laws, Regulations, and Policies

Caltrans manages the state highway system and ramp interchange intersections. This state agency is also responsible for highway, bridge, and rail transportation planning, construction, and maintenance.

Local Laws, Regulations, and Policies

Starting on July 1, 2020, automobile delay and level of service (LOS) may no longer be used as the performance measure to determine the transportation impacts of land development under CEQA. Instead, an alternative metric that supports the goals of SB 743 legislation will be required. The use of vehicle miles traveled (VMT) has been recommended by the Governor's Office of Planning and Research (OPR) and is cited in the CEQA Guidelines as the most appropriate measure of transportation impacts (Section 15064.3(a)).

The intent of SB743 is to bring CEQA transportation analysis into closer alignment with other statewide policies regarding greenhouse gases, complete streets, and smart growth. Using VMT as a performance measure, instead of LOS, is intended to discourage suburban sprawl, reduce greenhouse gas emissions, and encourage the development of smart growth, complete streets, and multimodal transportation networks.

El Dorado County Department of Transportation (DOT) adopted VMT screening thresholds through Resolution 141-2020 on October 6, 2020. The County significance threshold is 15%, as recommended by OPR's Technical Advisory, below baseline for residential projects. There is a presumption of less than significant impact for projects that generate or attract less than 100 trips per day, consistent with OPR's determination of projects that generate or attract fewer than 110 trips per day, and further reduced to 100 to remain consistent with the existing thresholds in General Plan Policy TC-Xe. Access to the project site would be provided by existing driveways for each resulting parcel.

Discussion: A substantial adverse effect on Transportation would occur if the implementation of the project would:

- Conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
 - Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) (Vehicle Miles Traveled); or
 - Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
 - Result in inadequate emergency access.
- a. **Conflicts with a Transportation Plan, Policy or Ordinance:** No substantial traffic increases would result from the proposed project. Access to the new parcels would be from individual private driveways encroaching onto Thompson Hill Road. The project area is in an area of similar rural large-lot parcels. The El Dorado County Department of Transportation reviewed the project and determined that a Transportation Impact Study (TIS) and On-Site Transportation Review were not required, and both the TIS and OSTR were waived. Trip generation from the properties (four primary residences and four secondary residences) using the ITE Trip Generation Manual, 10th Edition is less than 100 trips daily. This is presumed to have less than significant transportation impacts, per El Dorado County Resolution 141-2020. The proposed project site is not on a main roadway and there are very low traffic volumes. The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant.
- b. **Vehicle Miles Travelled (VMT):** The proposed project would create four parcels for a total of four primary single-family dwellings. Trip generation from the properties (four primary residences) using the ITE Trip Generation Manual, 10th Edition is less than 100 trips daily. This is presumed to have less than significant transportation impacts, per El Dorado County Resolution 141-2020. Impacts would be less than significant.
- c. **Design Hazards:** The design and location of the project is not anticipated to create any significant hazards. The existing project site is undeveloped. Any future road or driveway improvements for access to the newly created parcels would require a grading permit. The El Dorado County Department of Transportation reviewed the project and provided no comments or concerns. The impact for design hazards would be less than significant.
- d. **Emergency Access:** The existing project site is undeveloped. LAFCO has reviewed the project and recommends the project be annexed into the EDCFPD for fire protection and emergency medical services. The EDCFPD must review and approve a wildfire safe plan prior to issuance of residential final occupancy permits. Impacts would be less than significant.

FINDING: The project would not conflict with applicable General Plan policies regarding effective operation of the County circulation system. Further, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) (Vehicle Miles Traveled). The project would not create any road hazards or affect road safety and would not result in inadequate emergency access. For this Transportation category, the threshold of significance would not be exceeded and impacts would be less than significant.

XVII. TRIBAL CULTURAL RESOURCES. Would the project: Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or		X	
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies apply to Tribal Cultural Resources (TCRs) and the Proposed Project.

State Laws, Regulations, and Policies

Assembly Bill (AB) 52

AB 52, which was approved in September 2014 and effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. The bill, chaptered in CEQA Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

1. Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

- a. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- b. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TCRs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

Discussion:

In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a TCR significant or important. To be considered a TCR, a resource must be either: (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or: (2) a resource that the lead agency chooses, in its discretion, to treat as a TCR and meets the criteria for listing in the state register of historic resources pursuant to the criteria set forth in Public Resources Code Section 5024.1(c). A substantial adverse change to a TCR would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a TCR such that the significance of the resource would be materially impaired
- a-b. **Tribal Cultural Resources.** At the time of the application request, seven Tribes: Colfax-Todds Valley Consolidated Tribe, Ione Band of Miwok Indians, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, Shingle Springs Band of Miwok Indians, T'si-Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, Washoe Tribe of California and Nevada, had requested to be notified of proposed projects for consultation in the project area. Consultation notices were sent on May 2, 2021. Staff had not received a response within a 30-day period from the date of staff's consultation initiation response. As such, AB52 consultation has been closed. Pursuant to the records search conducted at the North Central Information Center on January 7, 2020, the proposed project area contains zero prehistoric-period resources and zero historic-period cultural resources. Additionally, zero cultural resources study reports covering any portion of the site are on file. Outside of the project area, but within the ¼ mile radius of the geographic area, a broader search area contains zero prehistoric-period resources and two historic-period cultural resources. Additionally, two cultural resource study reports are on file which covers a portion of the broader search area. There is low potential for locating prehistoric-period cultural resources in the immediate vicinity. There is low potential for locating historic-period cultural resources in the immediate vicinity. The project site is not known to contain neither Tribal Cultural Resources (TCRs) nor historic-period resources. The impacts would be less than significant.

FINDING: No Tribal Cultural Resources (TCRs) are known to exist on the project site and conditions of approval have been included to ensure protection of TCRs if discovered during future construction activities. As a result, the proposed project would not cause a substantial adverse change to any known TCRs. The impacts would be less than significant.

XVIII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements			X	

and resources, or are new or expanded entitlements needed?				
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

Energy Policy Act of 2005

The Energy Policy Act of 2005, intended to reduce reliance on fossil fuels, provides loan guarantees or tax credits for entities that develop or use fuel-efficient and/or energy efficient technologies (USEPA, 2014). The act also increases the amount of biofuel that must be mixed with gasoline sold in the United States (USEPA, 2014).

State Laws, Regulations, and Policies

California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act of 1989 (Public Resources Code, Division 30) requires all California cities and counties to implement programs to reduce, recycle, and compost wastes by at least 50-percent by 2000 (Public Resources Code Section 41780). The state, acting through the California Integrated Waste Management Board (CIWMB), determines compliance with this mandate. Per-capita disposal rates are used to determine whether a jurisdiction's efforts are meeting the intent of the act.

California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act of 1991 (Public Resources Code Sections 42900-42911) requires that all development projects applying for building permits include adequate, accessible areas for collecting and loading recyclable materials.

California Integrated Energy Policy

Senate Bill 1389, passed in 2002, requires the California Energy Commission (CEC) to prepare an Integrated Energy Policy Report for the governor and legislature every two-years (CEC 2015a). The report analyzes data and provides policy recommendations on trends and issues concerning electricity and natural gas, transportation, energy efficiency, renewable energy, and public interest energy research (CEC 2015a). The 2014 Draft Integrated Energy Policy Report Update includes policy recommendations, such as increasing investments in electric vehicle charging infrastructure at workplaces, multi-unit dwellings, and public sites (CEC 2015b).

Title 24—Building Energy Efficiency Standards

Title 24 Building Energy Efficiency Standards of the California Building Code are intended to ensure that building construction, system design, and installation achieve energy efficiency and preserve outdoor and indoor environmental quality (CEC 2012). The standards are updated on an approximately three-year cycle. The 2013 standards went into effect on July 1, 2014.

Urban Water Management Planning Act

California Water Code Sections 10610 *et seq.* requires that all public water systems providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000-acre-feet per year (AFY), prepare an urban water management plan (UWMP).

Other Standards and Guidelines

Leadership in Energy & Environmental Design

Leadership in Energy & Environmental Design (LEED) is a green building certification program, operated by the U.S. Green Building Council (USGBC) that recognizes energy efficient and/or environmentally friendly (green) components of building design (USGBC, 2015). To receive LEED certification, a building project must satisfy prerequisites and earn points related to different aspects of green building and environmental design (USGBC, 2015). The four levels of LEED certification are related to the number of points a project earns: (1) certified (40–49 points), (2) silver (50–59 points), (3) gold (60–79 points), and (4) platinum (80+ points) (USGBC, 2015). Points or credits may be obtained for various criteria, such as indoor and outdoor water use reduction, and construction and demolition (C&D) waste management planning. Indoor water use reduction entails reducing consumption of building fixtures and fittings by at least 20% from the calculated baseline and requires all newly installed toilets, urinals, private lavatory faucets, and showerheads that are eligible for labeling to be WaterSense labeled (USGBC, 2014). Outdoor water use reduction may be achieved by showing that the landscape does not require a permanent irrigation system beyond a maximum two-year establishment period, or by reducing the project's landscape water requirement by at least 30% from the calculated baseline for the site's peak watering month (USGBC, 2014). C&D waste management points may be obtained by diverting at least 50% of C&D material and three material streams, or generating less than 2.5-pounds of construction waste per square foot of the building's floor area (USGBC, 2014).

Discussion: A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

- Breach published national, state, or local standards relating to solid waste or litter control;
 - Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
 - Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or
 - Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.
- a. **Wastewater Requirements:** The El Dorado County Environmental Management Department reviewed the project and has required additional septic percolation tests be completed and reviewed by EMD. Prior to installation of any septic system, the site must receive EMD approval of percolation tests. Once each parcel has confirmed adequate soil depth, a soil percolation rate below 120 minutes per inch, and a dispersal area identified, then the site will be eligible for septic system developments. Impacts would be less than significant.
- b. **Construction of New Facilities:** No development is proposed as a part of the Tentative Parcel Map project and no construction of new facilities is required. Each parcel is required to provide its own wastewater treatment system, connection to public water service or private well, and utilities/electricity services by Pacific Gas & Electric (PG&E). The impact would be less than significant.

- c. **New Stormwater Facilities:** Any possible drainage facilities needed for any future construction would be built in conformance with the County of El Dorado Drainage Manual, as determined by Development Services standards, during the grading and building permit processes. The impacts would be less than significant.
- d. **Sufficient Water Supply:** Water for each parcel would be provided by connection to a private well. The El Dorado County Environmental Management Department reviewed the project and concluded that each parcel meets the requirements for private wells on site, including adequate water supply. The impact would be less than significant.
- e. **Adequate Wastewater Capacity:** The project would require each parcel to provide its own onsite wastewater treatment system. As discussed in (a.), the Environmental Management Department will review the project to ensure that the parcels can be served by onsite wastewater treatment systems. Once each parcel has confirmed adequate soil depth, a soil percolation rate below 120 minutes per inch, and a dispersal area identified, then the site will be eligible for septic system developments. Impacts would be less than significant.
- f-g. **Solid Waste Disposal and Requirements:** El Dorado Disposal distributes municipal solid waste to Forward Landfill in Stockton and Kiefer Landfill in Sacramento. Pursuant to El Dorado County Environmental Management Solid Waste Division staff, both facilities have sufficient capacity to serve the County. Recyclable materials are distributed to a facility in Benicia and green wastes are sent to a processing facility in Sacramento. County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting and loading of solid waste and recyclables. This project does not propose to add any activities that would generate substantial additional solid waste, as future additional housing units would generate minimal amounts of solid waste for disposal. Project impacts would be less than significant.

FINDING: No significant utility and service system impacts would be expected with the project, either directly or indirectly. Impacts would be less than significant.

XIV. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	

c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
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Discussion

- a. No substantial evidence contained in the project record has been found that would indicate that this project would have the potential to significantly degrade the quality of the environment. There are no project impacts which will result in significant impacts. With adherence to County permit requirements and mitigation measures as applied, this project would not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of California history or pre-history. Any impacts from the project would be less than significant due to the design of the project and required standards that would be implemented prior to recording the final Parcel Map or with the building permit processes and/or any required project specific improvements on the property.
- b. Cumulative impacts are defined in Section 15355 of the California Environmental Quality Act (CEQA) Guidelines as *two or more individual effects, which when considered together, would be considerable or which would compound or increase other environmental impacts.*

The project would not involve development or changes in land use that would result in an excessive increase in population growth. Impacts due to increased demand for public services associated with the project would be offset by the payment of fees as required by service providers to extend the necessary infrastructure services. The project would not be anticipated to contribute substantially to increased traffic in the area and the project would not require an increase in the wastewater treatment capacity of the County. Due to the small size of the proposed project and types of activities proposed, which have been disclosed in the Project Description and analyzed in Items I through XVIII, there would be no significant impacts anticipated related to agriculture resources, air quality, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, traffic/transportation, or utilities/service systems that would combine with similar effects such that the project's contribution would be cumulatively considerable. For these issue areas, either no impacts, or less than significant impacts would be anticipated.

As outlined and discussed in this document, as conditioned and with compliance to County Codes, this project would be anticipated to have a less than significant project-related environmental effect which would cause substantial adverse effects on human beings, either directly or indirectly. Based on the analysis in this study, it has been determined that the project would have less than significant cumulative impacts.

- c. Based on the discussion contained in this document, no potentially significant impacts to human beings are anticipated to occur with respect to potential project impacts. The project would not include any physical changes to the site, and any future development or physical changes would require review and permitting through the County. Adherence to these standard conditions would be expected to reduce potential impacts to a less than significant level.

FINDINGS: It has been determined that the proposed project would not result in significant environmental impacts. The project would not exceed applicable environmental standards, nor significantly contribute to cumulative environmental impacts.

SUPPORTING INFORMATION SOURCE LIST

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