

# MITIGATED NEGATIVE DECLARATION

**FILE:** A15-0001/Z12-0010/PD12-0002/TM12-1510

**PROJECT NAME:** Piedmont Oak Estates

**NAME OF APPLICANT:** Jim Davies and Terri Chang

**ASSESSOR'S PARCEL NOs.:** 051-550-40, -48, -51, -58 **SECTION:** ½ of 19 **T:10 N R: 11 E**

**LOCATION:** The project site is located at the northeast corner area of State Highway 49 (Diamond Road) and Black Rice Road, approximately 0.75 miles along State Highway 49 (Diamond Road) from its northerly intersection with Pleasant Valley Road in Diamond Springs

**GENERAL PLAN AMENDMENT:** Portion of APN 051-550-58 **FROM:** Commercial **TO:** High Density Residential

**REZONING:** APN 051-550-58 (Portions): A) Approximately 4.86 acres of Single Unit Residential - Planned Development District (R1-PD) to Open Space-Planned Development (OS-PD) and B) Approximately 0.44 acres of Commercial-Planned Development (CC-PD) to Open Space-Planned Development (OS-PD); APN 051-550-40: Approximately 1.35 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD); APN 051-550-48: Approximately 0.57 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD); APN 051-550-51: Approximately 1.04 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD)

**TENTATIVE PARCEL MAP**  **SUBDIVISION TO SPLIT 25.89 ACRES** into 107 residential lots, five open space lot and one commercial lot, **SUBDIVISION (NAME):** Piedmont Oak Estates

**OTHER:** Development Plan for Piedmont Oak Estates Tentative Subdivision Map to include 8.21 acres of open space areas (minimum 30% of the project site) and modifications to Single-Unit Residential Zone (R1) District standards including minimum lot size, lot widths, yard setbacks, and maximum building coverage. This Development Plan shall apply to the entire subdivision. Ten percent of the proposed residential units shall be reserved as affordable housing. Design waiver of the following Design and Improvement Standards Manual (DISM) standards: A) Reduce the standard sidewalk width from 6 feet minimum to 4 feet minimum. B) Remove approximately 900 feet of sidewalk from one side of "A" Street Tentative Map point, through the open space parcel (shown on tentative map as between point A-3 to point A-4);

## **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 thirty (30) 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**

*(hearing body) on (date).*

\_\_\_\_\_  
Executive Secretary

**EXHIBIT L**



**EL DORADO COUNTY PLANNING SERVICES  
2850 FAIRLANE COURT  
PLACERVILLE, CA 95667**

**SECOND REVISED INITIAL STUDY  
ENVIRONMENTAL CHECKLIST**

**Project Title:** A15-0001/Z12-0010/PD12-0002/TM12-1510/Piedmont Oak Estates

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

**Contact Person:** Rommel (Mel) Pabalinas

**Phone Number:** (530) 621-5355

**Applicant's Name and Address:** Jim Davies and Terri Chang, 854 Diablo Road, Danville, CA 94526

**Project Agent's Name and Address:** Same as Above

**Project Engineer's Name and Address:** Lebeck Young Engineering 3430 Robin Ln, Cameron Park, CA 95682

**Project Location:** The project site is located at the northeast corner area of State Highway 49 (Diamond Road) and Black Rice Road, approximately 0.75 miles along State Highway 49 (Diamond Road) from its northerly intersection with Pleasant Valley Road, in the Diamond Springs area. (Attachment 1)

**Assessor's Parcel Numbers:** 051-550-40, -48, -51, -58

**Acres:** 25.89 acres (Attachment 2)

**Section:** 19    **T:** 10N    **R:** 11 E

**Coordinates:** 38°42'11.9"N 120° 48'31.2"

**General Plan Designation:** High Density Residential (HDR)/Commercial (C) (Attachment 3)

**Zoning:** Professional Office-Commercial (CPO)/Single Unit Residential (R1)-Planned Development Districts (Attachment 4)

**Description of Project:**

1) General Plan Amendment of the land use map amending the land use designation of 0.64-acre portion of APN 051-550-58 from Commercial (C) to High Density Residential;

2) Rezone portions of zoning designations of the affected project parcels:

APN 051-550-58:

- A) Approximately 4.86 acres of Single Unit Residential -Planned Development District (R1-PD) to Open Space-Planned Development (OS-PD); and
- B) Approximately 0.44 acres of Commercial-Planned Development (CC-PD) to Open Space-Planned Development (OS-PD);

APN 051-550-40: Approximately 1.35 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD).

APN 051-550-48: Approximately 0.57 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD).

APN 051-550-51: Approximately 1.04 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD)

3) Tentative Subdivision Map of a 25.89-acre project site creating a phased Class I residential subdivision for Piedmont Oak Estates consisting of 107 residential lots (64 clustered and 43 single-family detached), 12 private driveway access lots, five open space lots totaling 8.20 acres, one lift station lot, and one public road lot. Phase 1 development of the subdivision would be the only phase authorized under this Tentative Map consisting of 85 lots (64 clustered and 21 custom residential), one lift station lot, one public road lot, 12 private access lots serving the clustered residential units, and five open space lots. Phase 2, which would be subject to a separate tentative map application, would compose the balance of the 22 custom residential lots and one commercial lot. The Tentative Map includes the following two Design Waivers:

- A) Reduce the standard sidewalk width from 6 feet minimum to 4 feet minimum; and
- B) Remove approximately 900 feet of sidewalk from one side of "A" Street Tentative Map point, through the open space parcel (shown on the tentative map as between point A-3 to point A-4); and

4) Development Plan for Piedmont Oak Estates Tentative Subdivision Map to include 8.21 acres of open space areas (minimum 30% of the project site) and modifications to Single-Unit Residential Zone (R1) District standards including minimum lot size, lot widths, yard setbacks, and maximum building coverage. This Development Plan shall apply to the entire subdivision. Ten percent of the proposed residential units shall be reserved as affordable housing.

**Surrounding Land Uses and Setting**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	Community Commercial-Planned Development (CC-PD)/ Single-Unit Residential -Planned Development (R1-PD)	High Density Residential (HDR)/Commercial (C)	Vacant
<b>North</b>	Estate Residential 5-Acre (RE-5) District	Low Density Residential (LDR)	Existing Residences
<b>South</b>	Single-Unit Residential- Planned Development (R1-PD)/Estate Residential 5-Acre (RE-5) District/One-Acre Residential (R1A) District	High Density Residential (HDR)/Medium Density Residential (MDR)	Vacant Properties and Existing Residences
<b>East</b>	One-Acre Residential (R1A) District	High Density Residential (HDR)/ Low Density Residential (LDR)	Existing Residences
<b>West</b>	Industrial, Low (IL)/ Estate Residential 5-Acre (RE-5) District/ General Commercial (CG)	Low Density Residential (LDR)//Industrial (I)	Existing Industrial and Residential Uses

**Environmental Setting**

The project vacant site is located in the western foothills of the Sierra Nevada north of the community of Diamond Springs in El Dorado County, CA. Elevation of the site ranges from 1,735 to 1,835 ft above sea level. The topography of the site consists of gentle to moderately steep slopes of varying aspect with approximately 24.27 acres (94 percent) of the site are situated below 30% slope gradient. Natural drainage flows from the south through the property to the north into Weber Creek. The site soil composition consists of Diamond Springs Very Fine Sandy Loam, 3-9% slopes (DfB) (0.6% of the site), Diamond Springs Very Fine Sandy Loam, 9-15% slopes (DfC) (47.5% of the site) Diamond Springs Very Rocky Very Fine Sandy Loam, 3-50% slopes (DgE) (10.3% of site) and Placer Diggings (PrD) (41.5% of the site).

The biological community, which occurs in the west central, northwest, northeast, and southern portions of the project site, includes annual grassland, Manzanita chaparral, and ephemeral channels. Tree species present include interior live oak (*Quercus wislizenii* var *wislizenii*), blue oak (*Quercus douglasii*), Valley oak (*Quercus lobata*), California black oak (*Quercus kelloggii*), Pacific ponderosa pine (*Pinus ponderosa*), and foothill pine (*Pinussabiniana*). Canopy cover in this community is generally open. Native shrubs present include coyote brush (*Baccharis pilularis*), buck brush (*Ceanothus cuneatus* var. *cuneatus*), western poison oak (*Toxicodendron diversilobum*), manzanita (*Arctostaphylos* sp.), and toyon (*Heteromeles arbutifolia*). Species present in the herb layer include hedgehog dogtail (*Cynosurus echinatus*), blue wildrye (*Elymus glaucus*), *Torilis arvensis*, wall bedstraw (*Galium parisiense*), and silver European hairgrass (*Aira caryophyllea*). A total of 0.016 acres of waters of the U.S. (ephemeral channel) exists. Table 1 below summarizes the size, State Rarity ranking of each biological community on the site, and areas anticipated to be impacted by the project.

<b>Table 1. Biological Community within Piedmont Oak Estates</b>				
<b>Biological Community</b>	<b>State Rarity Rank</b>	<b>Acreage</b>	<b>Phase 1 Impacts</b>	<b>Phase 2 Impacts</b>
Mixed Oak	S4	13.96	3.803	4.908
Ponderosa Pine Forest	S4	8.56	6.95	0.537
Annual Brome	--	2.99	2.204	0.076
White Leaf Manzanita Chaparral	S4	1.23	0.89	--
Tree-of-Heaven Woodland	--	0.57	0.49	--
Ephemeral Channels	--	0.08	0.008	0.008
<b>Total:</b>		<b>27.39</b>	<b>14.35</b>	<b>5.53</b>

Though vacant the subject parcels contain previously disturbed areas as a result of vegetation clearing. Two ditches, likely associated with previous mining activities, also occurs within the project site. Spoils associated with previous mining activities are stored at various locations in the project site. The project would also improve and utilize an existing dirt path through an adjacent property (APN 051-461-54) to the south as its secondary road access.

The project site is within the Diamond Springs Community Region of the county, outside of a County designated Important Biological Corridor (IBC) or Ecological Preserves overlay. The project site is in County Rare Plant Mitigation Area 2, which is defined as the El Dorado Irrigation District (EID) service area in Chapter 130.71 of the El Dorado County Zoning Ordinance.

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

1. El Dorado County- Community Development Agency-Transportation Department
2. El Dorado County- Community Development Agency- Planning Services Division
3. El Dorado County Air Quality Management District
4. El Dorado County Resource Conservation District
5. Diamond Springs-El Dorado Fire Protection District
6. California Fish and Wildlife Department
7. El Dorado Irrigation District

**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	X	Air Quality
X	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
X	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.

Signature:  Date: 1/31/07

Printed Name: Rommel (Mel) Pabalinas, Project Planner For: El Dorado County

Signature:  Date: 1/31/07

Printed Name: Rommel (Mel) Pabalinas, Acting Principal Planner For: El Dorado County

**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. As detailed below, the project is a 107-residential lot subdivision in the Community Region area of Diamond Springs. The subdivision is surrounded by existing residential and non-residential development uses in an area served by existing public services including water, sewer, park and recreation, fire and police. Primary access to the site would be off State Route 49.

This Initial Study analyzes the potential environmental effects of the entire development project; however, only Phase 1 would be entitled under these applications.

### Project Request Summary

1. **General Plan Amendment:** The application includes a minor amendment to the land use designations of APNs 051-550-58. As illustrated in Attachment 5, approximately 0.64 acres of Commercial (C) designation would be changed to High Density Residential (HDR). Establishing these proposed land use designations accommodate the proposed development.
2. **Rezone:** Consistent with the General Plan Amendment request, the project includes changes to the existing zones of the subject properties (Attachment 6). Within APN 051-550-58, approximately 4.86 acres of Single Unit Residential-Planned Development District (R1-PD) to Open Space-Planned Development (OS-PD) and 0.44 acres of Commercial-Planned Development (CC-PD) to Open Space-Planned Development (OS-PD). Within APN 051-550-40, approximately 1.35 acres of Single Unit Residential -Planned Development (R1-PD) to Open Space-Planned Development (OS-PD). Within APN 051-550-48, approximately 0.57 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD). Within APN 051-550-51 approximately 1.04 acres of Single Unit Residential-Planned Development (R1-PD) to Open Space-Planned Development (OS-PD).
3. **Tentative Subdivision Map:** The proposed map would subdivide the 25.89 acres of property creating a two-phased Class I subdivision for Piedmont Oak Estates consisting of 107 residential (64 clustered detached and 43 detached single-family) lots, 12 private access lots, five open space lots totaling 8.20 acres, one lift station lot, one and public road lot (Attachment 7). Phase 1 development of the subdivision would be authorized under this Tentative Map, which consists of 85 (64 clustered and 21 custom residential) lots, a lift station lot, a public road lot, 12 private access lots serving the clustered residential units, and five open space lots. Phase 2, which would be processed and analyzed under a separate Tentative Map and Planned Development, would compose the balance of the 22 custom residential lots and Commercial Lot 1. No development is proposed on Commercial Lot 1 with this project; however, for traffic analysis purposes, a total of 10,000 square feet of office commercial use was assumed.

Consistent with underlying High Density Residential and Commercial land use designations, the residential lots would be zoned as Single-Unit Residential-Planned Development (R1-PD), the commercial lot as Community Commercial-Planned Development (C-PD), and the five open space lots as Open Space-Planned Development (OS-PD).

Development of Piedmont Oak Estates Tentative Subdivision would follow the Preliminary Phasing Plan for the financing or phasing of the development, which is proposed to occur in two phases (Attachment 8). Phase 1 encompasses a total of 21.24 acres while Phase 2 covers the balance of 4.62 acres. As discussed below, Phase 1 is the only phase that would be entitled under this tentative map and planned development permit applications in order to maintain consistency with the provisions of General Plan Policy 7.4.4.4 Option A (Oak Canopy Retention and Replacement).

4. **Development Plan:** In accordance with General Plan Policy 2.2.3.1 (Planned Development) and Sections 130.02 (General Provisions-Planned Development) and 130.04 (Procedures-Planned Development) of the Zoning Ordinance, Attachment 7 illustrates the Development Plan for Piedmont Oak Estates Tentative Subdivision Map. Thirty-two percent of the entire subdivision (or 39% of Phase 1 area) is designated as open space, which meets the minimum required 30 percent for planned residential development. To accommodate the design of the clustered residential area, the Development Plan include modifications to the Single-Unit Residential (R1) District development standards including lot size, lot width, yard setbacks, and maximum building coverage. A separate Planned Development Permit would be required for any office commercial development on Lot 1.

The Development Plan being authorized by this request would establish the Development Plan for the entire Piedmont Oak Estates Tentative Map, which has been designed in conformance with the provisions of General Plan Policy 7.4.4.4 Option A (Oak Canopy Retention and Replacement). Additional discussion is provided below.

5. **Design Waivers:** In accordance with the Subdivision Ordinance, Design Waivers are requested for the tentative map involving modified sidewalk standards of the El Dorado County Design and Improvement Standards Manual (DISM). The requested modification consists of a reduction of the standard sidewalk width from 6 feet to 4 feet to be constructed on one side of a portion of the on-site roads. These modifications would provide flexibility from the typical design and construction standards in order to reduce earthwork associated with the improvements and minimize anticipated impacts to resources. Attachments 7 and 10 depict the road sections subject to the modifications.

#### Project Characteristics

The following details the proposed Piedmont Oak Estates Tentative Subdivision Map.

Subdivision Design: Attachment 7 illustrates the site design of the proposed development of Piedmont Oak Estates subdivision. Phase 1 consists of 21 custom detached single family residential lots, which range from 4,746 square feet to 12,565 square feet in gross lot size, a group of 64 small clustered lots (total of 12 groups identified as Lot R-1 through R-12) and one group of six small non-clustered lots ranging in size from 2,108 to 4,480 square feet in gross lot size. The detached residential lots are anticipated to be built as standard production residential lots while the grouped clustered lots would have a typical pad to accommodate a fixed clustered configuration. Construction of the clustered units and some of the detached lots, would require modified R1 development standards including minimum lot size (6,000 square feet interior and 7,500 square feet corner lots), minimum lot width (60 feet interior and 75 feet corner lots), and minimum yard setbacks (20 feet front, 15 feet secondary front, five feet interior side, and 15 feet rear yards). The residential density of the entire development is 4.13 dwelling units/acre, which is within the identified range of one to five dwelling units/acre under the High Density Residential Land Use Designation.

The subdivision also includes five open space lots (designated as Lots A and E) totaling 8.20 acres, which equates to 39 percent of the project area, which exceeds the required 30% required open space for residential planned development. The open space lots, which would be created as part of Phase 1, would provide a natural buffer for the subdivision from the surrounding uses, preserve ephemeral drainage channels, contain areas for oak tree replanting, and reserve an area for a detention pond. Open space lots within the clustered subdivision would provide areas for landscape and playground.

Commercial Lot 1, which measures 1.14 acres, would be created as part of Phase 2 but would have no specific development as a part of this project. Future development of this lot would be evaluated under a separate Planned Development Permit.

Access/Circulation: Attachment 7 illustrates the circulation plan for the proposed development. Road A, which matches the future Diamond Springs Parkway across the Highway 49 to the west, originates from its westerly connection with the highway. Road A proceeds easterly through the subdivision separating into Roads B and C. Except for a portion of Road A adjoining Commercial Lot 1, these internal roads would be privately owned and maintained by the future Homeowner's Association of the development. The portion of Road A adjoining Commercial Lot 1 would be a public roadway maintained by the Homeowner's Association. Road access into the residential subdivision beginning at the easterly end of Commercial Lot 1 may be gated, subject to applicable regulatory design and construction standards.

All proposed lots have been designed to either have direct or indirect access off these interior roads, which will be constructed according to County road standards subject to modifications under the requested Design Waiver. Both the commercial and single-family detached lots would have direct driveway connection off the internal roads while most of the clustered lots would be indirectly accessed via a private driveway lot into the cluster. Reduced four-foot wide sidewalks would be constructed along one side of the internal roads. The standard six-foot wide sidewalk along project frontage on Highway 49 would be required as part of the future Planned Development permit for the commercial lots.

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The project would improve and construct an existing dirt path located at the end of the cul-de-sac at the terminus of Road A (Section A) serving Lots 29-33. This off-site road, which would be improved to a minimum 20-foot wide pavement with 1-foot wide shoulders, is within a property identified as APN 051-461-54 and would provide the

required secondary road access for the subdivision. This secondary road access would intersect with Black Rice Road to the south which connects to State Highway 49 to the west.

As analyzed and discussed in *Transportation/Traffic* section, the project contributes to the worsening of Level of Service (LOS) operation at two intersections in the vicinity of the project. To reduce the effect of these impacts application of Condition of Approval Nos. 13 and 14 imposed on the project would require the coordinated construction of a traffic signal at Missouri Flat Road/China Garden Road and Pleasant Valley Road/Racquet Way intersections. Payment of standard Traffic Impact Mitigation (TIM) fees, which contributes to the funding of the County's capital improvement and traffic impact programs, shall be required prior to issuance of residential building permit.

Utilities: Attachment 9 illustrates the preliminary Water and Sewer Plan for the development. According to the revised Facility Improvement Letter (FIL) issued in May 2016 by El Dorado Irrigation District (EID), the subdivision would require connection to existing public water and sewer service provided, maintained, and operated by the district.

The subdivision proposes to connect to an existing 6-inch water line located on State Highway 49 from which an 8-inch water line would be constructed along Road A. The new waterline, which would connect to the existing 8-inch waterline in Black Rice Road to the south, would be extended throughout the subdivision. The new waterline would provide for both potable water and fire hydrant services. The FIL identified a minimum total 108 equivalent dwelling units (EDU) of water service would be required for the project. Based on the FIL, a total of 5,094 EDUs of water supply is currently available in EID's Western/Region Water Supply Region.

The subdivision would be served by a sewer system that would connect to and be supported by an existing off-site lift station currently serving a residential development (Courtside Manor) located south of the project site along Black Rice Road. A construction of 4-inch forced main sewer line would originate from the lift station along the secondary access northerly into the subdivision. Given the varying topography of the site, the on-site sewer system would be supported by a new on-site lift station for the conveyance of sewage flow. This station is located within Open Space Lot C adjacent to residential lot 12.

The existing Courtside Manor lift station was originally constructed as a temporary lift station and currently have limited operational capacity to serve the proposed development. EID has future plans to replace this lift station with a new regional lift station. Detailed design of the sewer system will be required and further analyzed in the Facility Plan Report (FPR), which would determine if upgrades need to be made to Courtside Manor lift station, or a new regional lift station will be required to serve the project and the surrounding development. The potential location of this off-site lift station is a property to the east identified as APN 051-55-53. As part of development phasing and prior to approval of Improvement Plans for the development, the applicant shall be required to obtain approval of the FPR from EID. If EID determines that an off-site lift station is needed, the potential environmental impacts associated the construction and operation of this facility shall be analyzed in a separate environmental analysis.

Verification of acquisition of meter award letter for these services would occur prior to Final Map recordation.

Site Improvements: Attachment 10 illustrates the Preliminary Grading and Drainage Plan for the design and construction of the subdivision. Prior to recordation of the Phase 1 subdivision, all approved Class I improvements and utilities shall be installed. The construction would include cut and fill to establish necessary residential pads, construction of encroachment and road network, and installation of underground wet and dry utility lines (e.g., power, phone/cable, water, sewer, storm drains and fire hydrant system). Earthwork activity, which is estimated to encompass around 48,000 cubic yards of groundwork, is anticipated to be balanced for both development phases.

As analyzed in the Initial Study/Environmental Checklist for the project and detailed in Table 1 above, though no wetlands exist on the project site, the project may fill up to 0.016 acres (472 linear feet) of ephemeral channels. The fill could be avoided with the use of bottomless culverts. Fill of the channels, which is anticipated entirely to occur within Phase 1, would require permitting under Sections 404 and 401 of the federal Clean Water Act if the channels meet criteria for Waters of the U.S. Fill of the channels would require permitting under section 1600 of state Fish and Game Code and the state Porter-Cologne Water Quality Control Act regardless of federal jurisdiction.



Oak canopy impacts have been designed consistent with the oak tree canopy retention and replacement standards under General Plan Policy 7.4.4.4 Option A (Oak Canopy Retention and Replacement). As discussed in the *Piedmont Oak Estates Oak Canopy Analysis, Preservation and Replacement Plan* in Attachment 13, the combined oak canopy impacts in both Phases 1 and 2 would exceed and be inconsistent with the required retention standards under the General Plan Policy 7.4.4.4 Option A. Specifically, of the existing 8.21-acre oak canopy Phase 1 would result in the removal of 1.15 acres and while Phase 2 would affect 2.51 acres. In order to meet the policy standards, implementation Phase 1 would be the only portion considered for entitlement -with this tentative map and planned development permit applications. The removed Phase 1 canopy would be commensurately replaced through on-site replanting within designated areas of the Open Space and along the secondary road access, in accordance with the policy replacement standards. Retained canopy in close proximity to construction activities shall be protected in accordance with the Oak Tree Protection Measures in *Oak Canopy Analysis, Preservation, and Replacement Plan* prepared for the project.

To implement Phase 2 development, a separate Planned Development Permit and a revised Tentative Map submittal would be required in accordance with the County Zoning and Subdivision Ordinance standards. Phase 2 would be evaluated for substantial consistency with the overall design and improvements and environmental impact analysis in this environmental study, and verified for consistency with the Oak Canopy Retention and Replacement Standards under General Plan Policy 7.4.4.4 Option A. If it is determined that Phase 2 oak canopy impacts cannot meet the policy retention standards, then the application cannot be considered for approval due to inconsistency with the General Plan. Alternatively, if available, the Phase 2 development may be reviewed for consistency with the future in-lieu fee mechanism under Option B of the policy, which is currently under review as part of the Oak Resources Management Plan. Information on the Oak Resources Management Plan can be accessed via this web link:

[http://www.edcgov.us/Government/LongRangePlanning/Environmental/Draft\\_EIR\\_for\\_General\\_Plan\\_Biological\\_Resources\\_Policy\\_Update\\_and\\_Oak\\_Resources\\_Management\\_Plan\\_Released\\_June\\_30,\\_2016\\_for\\_45-day\\_public\\_review\\_period.aspx](http://www.edcgov.us/Government/LongRangePlanning/Environmental/Draft_EIR_for_General_Plan_Biological_Resources_Policy_Update_and_Oak_Resources_Management_Plan_Released_June_30,_2016_for_45-day_public_review_period.aspx).

No park land would be dedicated as part of the project; however, in accordance with the Subdivision Ordinance Section 120.12.090, the project shall be conditioned to pay the required park in lieu fee based on the required parkland area estimated at 0.87 acres. Payment of the fees shall be remitted prior to the filing of the Final Map.

Prior to commencement of any construction, the project proponent shall be required to obtain various construction approvals including environmental permits, Grading Permit, Improvement Plan, Encroachment Permit, Facility Plan Report and Building Permit, subject to conformance verification with the applicable conditions of approval and mitigation measures.

#### Construction Considerations

Construction of the project would primarily consist of on-site improvements including grading and improvements discussed above. Development of the site would occur in two phases, in accordance with the proposed Phasing Plan (Attachment 8). As discussed above, Phase 1 includes the construction of on-site road network, 64 clustered residential lots, and 21 detached single residential lots. Phase 2 would consist of the remaining 22 detached single residential lots and a commercial lot. Given the constraints with oak canopy impacts, only Phase 1 of the development would be approved and Phase 2 of the development would require a separate Planned Development Permit and a revised and/or new Tentative Map that would be subject to review for conformance with the overall project and the general plan policy.

Off-site improvements, which would occur in the previously disturbed area, include the construction of 0.2-mile long secondary road access, construction of a traffic signal along Missouri Flat Road, and extension of the water line across the State Highway 49.

#### Project Schedule and Approvals

This Initial Study is being circulated for public and agency review for a 30-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 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**

<b>I. AESTHETICS. <i>Would the project:</i></b>				
	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. Scenic views and resources of significance in El Dorado County include Highway 50 east of Placerville (state-designated scenic highway) including Sierra Nevada ridgelines and peaks, Horsetail falls, and Christmas Valley and Lake Tahoe from Echo Summit.

**Discussion:** A substantial adverse effect on 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 is located in the historic Diamond Springs area; however, the project site has no significant scenic vista or resource, is surrounded by existing residential and non-residential (commercial and industrial) uses, and is not within areas designated as Scenic Vista or Scenic Resources. The residential portion of the project would not be immediately visible along Hwy 49 given its distance (approximate minimum setback distance of 200 feet west of the frontage road) and potential partial screening from the future development on Commercial Lot 1. Future development of Commercial Lot 1 would require a separate Planned Development Permit subject to review by the local advisory committee in verification of consistency with local design and architecture standards. This impact would be considered less than significant.

b. **Scenic Resources:**

The scenic resource on the site is limited to the existing tree canopy of which 8.21 acres consist of oak tree species. As a result of the development, a total of 1.15 acres of oak canopy could be removed (as part of Phase 1) in accordance with the General Plan Policy 7.4.4.4. This amount of oak removed shall be replaced through replanting in accordance with the policy. Oak canopy impact Phase 2 development would be evaluated under separate development applications. Impact is anticipated to be less than significant.

c. **Visual Character:**

The proposed residential project would not substantially degrade the visual character or quality of the site and its surroundings. The project would conform to existing residential and non-residential development in the surrounding area. This impact would be considered less than significant.

d. **Light and Glare:**

Typical residential lighting and glare effects would be anticipated at a less than significant level. Lighting, including patio and garage entrance lighting, would be required to meet the County lighting ordinance including provisions for adequate shielding to avoid potential glare affecting day or nighttime views for those that live or travel through the area. Potential lighting effects from the future commercial development on Lots 1 would be evaluated against the ordinance through a separate Planned Development Permit. However, these anticipated lighting effects would be compatible to the existing lighting from the residential development to the north, east, and south, and non-residential development to the west. Impacts would be considered less than significant.

**FINDING:** Impacts to aesthetics are expected with the project either directly or indirectly. For this “Aesthetics” category, impacts would 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 4 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 4 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 4 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 the 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 not identified to be within any mapping associated with farmland or lands containing prime farmland. No impact.

b. **Agricultural Uses:**

The property is not subject to a Williamson Act Contract nor is agriculturally zoned. No impact.

c-d. **Loss of Forest land or Conversion of Forest land:**

No forest land exists on the site. No impact.

e. **Conversion of Prime Farmland or Forest Land:**

No prime farmland exists on the site. No impact.

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

<b>III. AIR QUALITY. Would the project:</b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

<b>III. AIR QUALITY. <i>Would the project:</i></b>				
	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 10 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 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 Pollution Control District 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 the 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)	8-hour average: 6 parts per million (ppm)	1-hour average: 20 ppm
Particulate Matter (PM10):	Annual geometric mean: 30 µg/m3	24-hour average: 50 µg/m3
Particulate Matter (PM2.5):	Annual arithmetic mean: 15 µg/m3	24-hour average: 65 µg/m3
Ozone	8-hour average: 0.12 ppm	1-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, APCD 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).

**Project Analysis**

An Air Quality Analysis has been prepared by Sycamore Environmental Consultants evaluating the potential project effects to air quality (Attachment 11). The analysis has been reviewed by the El Dorado County Air Quality Management District (EDCAQMD), which is responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws. EDCAQMD has adopted various rules and regulations pertaining to the control of emissions from the area and stationary sources and a Guide to Air Quality Assessment. All projects are subject to EDCAQMD rules and regulations in effect at the time of construction. Specific rules applicable to the proposed project may include, but are not limited to, Rule 101 (General Provisions), Rule 205 (Nuisances), Rule 207 (Particulate Matter), Rule 223 (Fugitive Dust General Requirements), Rule 223-1 (Fugitive Dust Construction Requirements), and Rule 224 (Cutback

Asphalt Paving Material). The district has recommended the application of these rules and regulations. The responses below include a summary of the analysis and its results.

**Discussion:** The El Dorado County Air Pollution Control District (APCD) 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<sub>x</sub> will result in construction or operation emissions greater than 82lbs/day (Table 3.2);
- Emissions of PM<sub>10</sub>, CO, SO<sub>2</sub> and No<sub>x</sub>, 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 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. 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:** As discussed in the analysis the western portion of El Dorado County is designated as nonattainment for the state and federal ozone standards. The Sacramento Regional 8-Hour Ozone 2011 Reasonable Further Progress Plan (OAP) was developed by the air districts in the Sacramento region to bring the region into attainment. The region addressed in the OAP includes the Mountain Counties Air Basin portion of El Dorado County, and thus the project site. The OAP is the regional component of the State Implementation Plan (SIP), which is the state's plan for attaining the federal 8-hour ozone standard as required by the California Clean Air Act and the federal Clean Air Act. The SIP has been prepared to identify a detailed comprehensive strategy for reducing emissions to the level needed for attainment and show how the region would make expeditious progress toward meeting this goal. The SIP assumes annual increases in air pollutant emissions resulting from regional growth (including construction-generated emissions) anticipated according to local land use plans (e.g., general plans, regional transportation plans). The SIP also assumes the incremental increase in emissions will be partially offset through the implementation of stationary, area, and indirect source control measures contained in the plan. In addition to not attaining the federal or state ozone standards, the region does not attain the federal PM<sub>2.5</sub> standards or state PM<sub>10</sub> standards. Reduction of particulate matter by all feasible means is necessary to attain these PM standards. The purpose of the Sacramento Area Regional PM<sub>10</sub> Attainment Plan (PM<sub>10</sub> Plan) is to fulfill the requirements for the EPA to redesignate the region from nonattainment to attainment of the PM<sub>10</sub> ambient air quality standards by preparing the plan elements as described previously. Particulate matter directly emitted from a project is generally regarded as having regional and localized impacts; however, PM<sub>10</sub> and PM<sub>2.5</sub> are of greatest concern during construction (e.g., the site preparation phase) of a proposed project.

According to the EDCAQMD's Guide to Air Quality Assessment (2002), a project is conforming to the air quality plan if: 1) The project does not require a change in the existing land use designation (e.g., a general plan amendment or rezone), or projected emissions of ROG and NO<sub>x</sub> from the proposed project are equal to or less than the emissions anticipated for the site if developed under the existing land use designation; 2) The project does not exceed the "project alone" significance criteria; 3) The lead agency for the project requires the project to implement any applicable emission reduction measures contained in and/or derived from the air quality plans; 4) The project complies with all applicable district rules and regulations.

The proposed project will not conflict with implementation of the applicable air quality plans. As discussed in Table 3 of the study and summarized below, emissions generated from proposed project construction and operation would not exceed EDCAQMD thresholds of 82 pounds per day of ROG or 82 pounds per day of NO<sub>x</sub>. As conditioned, the project will be required to comply with all applicable EDCAQMD rules and regulations. The project includes a General Plan Amendment and Rezone; however, these amendments are minor changes to the map that substantially conforms to the existing land use designation that would facilitate the development, which would not materially affect the emission analysis subject to the applicable measures. Therefore, a less than significant impact would occur.

**b. Air Quality Standards**

El Dorado County has adopted the Guide to Air Quality Assessment establishing rules and standards for the reduction of air pollutants (ROG/VOC, NO<sub>x</sub>, and O<sub>3</sub>). The analysis evaluated the project impacts from construction and operational emissions.

Construction Emissions

Construction-generated emissions are temporary and short term but have the potential to represent a significant air quality impact. Common construction activities include site preparation, earthmoving and general construction. Site preparation includes activities such as general land clearing and grubbing. Earthmoving activities include cut and fill operations, trenching, soil compaction, and grading. General construction includes adding improvements such as roadway surfaces, utilities, structures, and facilities.

Emissions generated from these common construction activities include:

- combustion emissions (ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>) from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips;
- combustion emissions from heavy-duty diesel-fueled equipment containing diesel particulate matter (Diesel PM), which has been identified as a potential health risk;
- fugitive dust (PM<sub>10</sub>) from soil disturbance or demolition; and
- evaporative emissions (ROG) from asphalt paving and architectural coating applications.

Demolition and earth disturbance may also result in airborne entrainment of asbestos, a toxic air contaminant, in areas where there are naturally occurring surface deposits of ultramafic rock. Potential impacts from pollutants CO, PM<sub>10</sub>, SO<sub>2</sub>, and NO<sub>2</sub> and from soil disturbance of NOA are discussed below.

The El Dorado County AQMD evaluates the significance of ROG and NO<sub>x</sub> emissions during construction based on the maximum amount of fuel that would be used on the peak equipment use day. Table 4.1 in the CEQA Guide lists the range of maximum daily fuel usage for the sum of all equipment, off-road vehicles and auxiliary handheld equipment that can be used to ensure less than significant impacts resulting from ROG and NO<sub>x</sub> emissions.

If all of the equipment used (vehicles and handheld) are the model year 1995 or older, the maximum daily fuel usage for a less than significant impact is 337 gallons per day (diesel and gasoline). The maximum daily fuel usage for all equipment model year 1996 or newer (vehicles and handheld) for a less than significant impact is 402 gallons per day (diesel and gasoline). A linear interpolation is used between 337 and 402 gallons per day, in proportion to the distribution of equipment into the two age categories, to determine the maximum daily fuel use allowed for a specific fleet mix. For example, a 50/50 age distribution yields allowable fuel use of 370 gallons per day.

The equation to determine the maximum daily fuel usage is expressed as:

Daily maximum fuel usage (diesel and regular gasoline) =  $X(65) + 337$ , where X equals the number of 1996 and newer equipment divided by the total number of equipment used (off- road vehicles and auxiliary handheld equipment) and 65 is the difference of the maximum gallons permitted for 1996 and newer equipment and the maximum gallons permitted for 1995 and older equipment. For example, if 10 pieces of equipment are used and 3 are 1995 and older and 7 are 1996 and newer, then the ratio of newer equipment to all equipment used is 0.7 (7/10 = 0.7). Using the formula  $0.7(65) + 337$ , the project is allowed to use a maximum of 383 gallons of fuel on that day.

To ensure that construction of the development would result in less than significant air quality impacts during construction, the bid specifications and construction contract shall implement the following:

**Mitigation Measure AQ-1:** On any given day during construction, the contractor shall ensure that all equipment used during that day (off-road vehicles and auxiliary handheld equipment) does not exceed the fuel usage limit (diesel and regular gasoline) established in the El Dorado County Air Pollution Control District CEQA Guide. The maximum amount of fuel that can be used is based on the year that the equipment was built.

The maximum amount of fuel that can be used in one day if all equipment used is 1995 model year or older is 337 gallons.

The maximum amount of fuel that can be used in one day if all equipment used is 1996 model year or newer is 402 gallons.

If a combination of 1995 and older and 1996 and newer equipment is used, then divide the number of 1996 and newer equipment by the total number of equipment used. Multiply that number by 65. Add that number to 337. The sum is the maximum number of gallons of fuel permitted for use on that day.

**Monitoring Responsibility:** El Dorado County AQMD

**Monitoring Requirement:** AQ-1 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented during project construction.

With the implementation of Mitigation Measure 1, ROG and NOx emissions during construction would be less than significant. The El Dorado County AQMD determined that if ROG and NOx emissions are less than significant than exhaust emissions of CO is also less than significant. With adherence to Rule 223 and implementation of the Fugitive Dust Control Plan required by Rule 223-1, PM10 emissions would have a less than significant impact on air quality during construction.

Diesel PM has been identified as a potential health risk. Limiting the amount of diesel fuel used during the entire course of a project reduces the potential health risks to a less than significant level. Table 4.2 in the CEQA Guide provides the maximum amount of fuel that can be used that will ensure less than significant health risks. As with the daily fuel limit described above, the maximum amount of diesel fuel allowed over the entire course of project construction is based on the year that the equipment was built. For equipment that is the model year 1996 or newer, the maximum amount of diesel fuel allowed is 37,000 gallons. For equipment that is the model year 1995 or older, the maximum amount of diesel fuel allowed is 3,700.

The equation to determine the maximum project diesel fuel usage is expressed as:

Maximum project diesel fuel usage =  $X(33,300) + 3,700$ , where X equals the number of 1996 and newer equipment divided by the total number of equipment in the fleet and 33,300 is the difference of the maximum gallons permitted for 1996 and newer equipment and the maximum gallons permitted for 1995 and older equipment. For example, if 10 pieces of equipment are used and 3 are 1995 and older and 7 are 1996 and newer, then the ratio of newer equipment to all equipment used is 0.7 ( $7/10 = 0.7$ ). Using the formula  $0.7(33,300) + 3,700$  the project is allowed to use a maximum of 27,010 gallons of diesel fuel over the course of construction.

To ensure that the potential health risk posed by Diesel PM is reduced to less than significant, the bid specifications and construction contract shall implement the following:

**Mitigation Measure AQ-2:** The contractor shall ensure that all diesel-powered equipment used does not exceed the diesel fuel usage limit established in the El Dorado County Air Pollution Control District CEQA Guide. The maximum amount of diesel fuel that can be used is based on the year that the equipment was built.

The maximum amount of diesel fuel that can be used during the project if all equipment used is 1995 model year or older is 3,700 gallons.

The maximum amount of diesel fuel that can be used during the project if all equipment used is 1996 model year or newer is 37,000 gallons.

If a combination of 1995 and older and 1996 and newer equipment is used, then divide the number of 1996 and newer equipment in the fleet by the total number of equipment in the fleet. Multiply that number by 33,300. Add that number to 3,700. The sum is the maximum number of gallons of diesel fuel use permitted.

**Monitoring Responsibility:** El Dorado County AQMD

**Monitoring Requirement:** Mitigation Measure AQ-2 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented during project construction.

With the implementation of Mitigation Measure 2, Diesel PM emissions during construction would be less than significant.

### **Operational Emissions**

As detailed in the analysis, the significance of CO, NO<sub>2</sub>, PM<sub>10</sub>, and SO<sub>2</sub> concentrations are evaluated by comparison against the applicable national and state ambient air quality standards (AAQS). The El Dorado County AQMD considers emissions of CO, PM<sub>10</sub>, and other pollutants from project operation, which are subject to the AAQS significance criteria, significant if:

- the project's contribution by itself would cause a violation of the AAQS; or
- the project's contribution plus the background level would result in a violation of the AAQS, and either
- a sensitive receptor is located within a quarter-mile of the project, or
- the project's contribution exceeds five percent of the AAQS.

In accordance with Section 6.3.1 (Project Screening) of the AQMD's CEQA Guide, development projects of the type and size that fall below the significance cut-points in for ROG and NO<sub>x</sub> are also considered to be insignificant for CO, NO<sub>2</sub>, PM<sub>10</sub>, and SO<sub>2</sub>. As determined in subsection a) above, the project is below the threshold values for ROG and NO<sub>x</sub> (Table 3), therefore, the operational emissions concentrations of CO, NO, SO<sub>2</sub> and PM<sub>10</sub> from the operational development are not considered significant and no mitigation is required.

### **Other Criteria Pollutant Emissions**

The PM<sub>2.5</sub> AAQS were not in effect when the AQMD's CEQA Guide was published. Therefore, the CEQA Guide gives no guidance on the analysis of PM<sub>2.5</sub>. PM<sub>2.5</sub> is primarily generated by vehicle trips on unpaved roads. Thus, emissions of PM<sub>2.5</sub> are likely to be associated with the construction phase of a project. The proposed Project includes paving all roads constructed. Emissions of PM<sub>2.5</sub> during the operational phase will be less than significant.

The El Dorado County AQMD considers lead, sulfates, and H<sub>2</sub>S less than significant except for industrial sources such as foundries, acid plants, and paper mills (CEQA Guide, page 6-2). The proposed project is a residential/commercial development. Therefore, no impact will occur from lead, sulfates, and H<sub>2</sub>S.

The El Dorado County AQMD assumes that visibility impacts from development projects in the Mountain Counties Air Basin portion of the county are not significant (CEQA Guide, page 6-3). Visibility impacts are controlled through state and national regulatory programs governing vehicle emissions and through mitigation required for ozone precursors and particulate matter for other development projects throughout the County. Therefore, the development will not result in any significant visibility impacts.

Toxic air contaminants (TAC) are pollutants that pose a present or potential hazard to human health. TACs are classified as either carcinogenic or noncarcinogenic. The state and federal governments regulate TACs through statutes and regulations that require maximum or best available technologies be incorporated into the source of the pollutants in order to limit emissions. For example, dry cleaning businesses are regulated in their handling and use of perchloroethylene. The California Air Resources Board (CARB) identified asbestos, including naturally occurring asbestiforms, as a carcinogenic TAC in 1986. The mapped soil units within the project area are Diamond Springs very fine sandy loam, 3–9% slopes, Diamond Springs very fine sandy loam, 9–15% slopes, Diamond Springs very rocky very fine sandy loam, 3–50% slopes, and placer diggings (Soil Survey of El Dorado Area, Soil Conservation Service 1974). The property is not located in an area known to have naturally occurring asbestos (NOA), within a quarter mile of a known location of NOA, in an area more likely to contain NOA, or within a quarter mile of an area more likely to contain NOA (El Dorado County Asbestos Review Areas, Western Slope, County of El Dorado, State of California, July 2005). Therefore, an Asbestos Hazard Dust Mitigation Plan is not required.

- c. **Cumulative Impacts:** El Dorado County AQMD’s primary criterion for determining whether a project has significant cumulative impacts is based on the project’s consistency with an approved plan or mitigation program of District-wide or regional application for pollutants emitted by the project (CEQA Guide, page 8-1). As concluded in subsection a) above, given that the project’s NOx and ROG emissions were insignificant and that the project substantially is consistent with AQMD Air Quality Plan, cumulative impacts would be considered 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 will be emitted by the construction of single family residential units.

The project is not located in close proximity to a congested intersection or roadway with high levels of emissions from motor vehicles. The project would not generate appreciable amounts of toxic air contaminants nor involve hazardous materials. The project would not result in odorous emissions. The project could result in dust emissions during construction. However, the El Dorado AQMD rules and regulations do not allow dust to leave the project site during construction. In addition, AQMD Rule 223-1 requires the applicant to complete a Fugitive Dust Control Plan and submit the plan for approval prior to any ground-disturbing activities. Implementation of AQMD rules and regulations will protect sensitive receptors from construction-related dust emissions.

The property is located within the Diamond Springs General Plan Community Region, which is designated for high-density urban and suburban build-out. Project compliance with the El Dorado County AQMD rules and regulations and implementation of the recommended mitigation measures AQ-1 and AQ-2 will ensure the project have less than significant impact on any sensitive receptors.

- e. **Objectionable Odors:** Residential developments are typically not considered to be an emission source that would result in objectionable odors. Future residential construction activities, however, could produce odorous emissions from diesel exhaust associated with construction equipment. These emissions are temporary in nature and would be regulated by AQMD standards. In addition, the EDCAQMD has adopted a nuisance rule that addresses the exposure of nuisance discharges such as unpleasant odors. Rule 205 states that no person shall discharge from any source whatsoever such quantities of odors or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public. Future commercial development on Lot 1 would require a Planned Development permit, subject to review of environmental impacts, including an analysis of potential construction and operational odors.

The project is approximately located 0.3 miles east of the El Dorado Disposal Materials Removal Facility. Any on-site operational odor from the facility is required to be regulated and mitigated within the facility ensuring that no odor effects on the adjacent properties. Odor impacts are anticipated to be less than significant.

**FINDING:** The proposed project would not affect the implementation of regional air quality regulations or management plans. The proposed project would be less than significant effects to air quality and not exceed established significance thresholds for air quality impacts with the application of Mitigation Measure AQ-1 and AQ-2.

<b>IV. BIOLOGICAL RESOURCES. <i>Would the project:</i></b>				
	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, 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 on. 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 taking 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 taking. In addition, Section 3511, 4700, 5050, and 5515 identify species that are fully protected from all forms of taking. 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 is 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. 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. 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) (Section 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).

## **Project Analysis**

Attachments 12 and 13 detail the technical studies, including the original and updated Biological Resource Evaluations and an Oak Canopy Analysis, Preservation, and Replacement Plan, evaluating the biological resources on site and the projects' potential impacts. Impact discussions are summarized in the appropriate sections below.

**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 2007 report, which was based on the version of a larger project area, identified four special-status plants for which potential habitat occurred including Nissenan manzanita, Pleasant Valley mariposa lily, Brandegee's clarkia, and oval-leaved viburnum. The current project site continues to provide habitat for these species. A subsequent botanical survey was conducted in 2009 during the identifiable period of the plants and none were found. Brandegee's clarkia has since been down-listed from CNPS List 1B to List 4. The 2009 botanical survey met the protocol of the CDFW (2009), although it was released several months after the survey.

The current project site provides potential nesting habitat for birds listed under the federal Migratory Bird Treaty Act (MBTA) and CA Fish and Game Code §3503 and §3503.5. Fish and Game Code §3503 protects the nest or eggs of any bird and §3503.5 protects birds-of-prey (orders Falconiformes and Strigiformes). Construction activities could impact nesting birds listed by the MBTA and CA Fish and Game Code.

Implementation of Mitigation Measure BIO-1 below is proposed for birds listed under the MBTA and CA Fish and Game Code.

**Mitigation Measure BIO-1:** The applicant shall implement the following provisions:

- If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active nests.
- If construction begins between 1 February and 31 August then a qualified biologist shall conduct a preconstruction survey for active nests. The survey will include a 250-foot radius from the work area for nesting birds-of-prey and a 50-foot radius from the work area for other nesting MBTA birds. The survey will be conducted from publicly accessible areas within two weeks prior to construction. If no active nest of a bird-of-prey or MBTA bird is found, then no further the action is necessary.
- If an active nest of a bird-of-prey or MBTA bird is found, then the biologist shall recommend a buffer suitable to protect the nest until fledging. The County shall approve the final buffer. The size and shape of suitable buffers depend on the species of bird, the location of the nest relative to the Project, Project activities during the time the nest is active, and other Project specific conditions.
- No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest. The buffer may be reduced, with the County's concurrence, if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Mitigation Measure BIO-1 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented prior to and during project construction.

Application Mitigation Measure BIO-1 would minimize the potential impacts to the resource.

**b-c. Riparian Habitat and Wetlands:**

The table of Waters in Piedmont Oaks Estates below details the waters existing on site. Though no wetlands on the current project site, the project may fill up to 0.016 acres (472 linear feet) of ephemeral channels according to the proposed development phasing. The fill could be avoided with the use of bottomless culverts. Fill of the channels, which is anticipated entirely to occur within Phase 1, would require permitting under Sections 404 and 401 of the federal Clean Water Act if the channels meet criteria for Waters of the U.S. Fill of the channels would require permitting under section 1600 of state Fish and Game Code and the state Porter-Cologne Water Quality Control Act regardless of federal jurisdiction. The existing federal and/or state permitting processes require mitigation for the loss or degradation of channels, including replacement or restoration based on the extent of the impact.

**Waters in Piedmont Oaks Estates**

Feature	Hydrology	Length (ft)/ Avg. Width (ft)	Total Acreage	Phase 1 Impacts	Phase 2 Impacts
Channel 1	Ephemeral	977 ft / 2.5 ft	0.056	123 ft / 0.007 ac	--
Channel 1b	Ephemeral	537 ft / 1.0 ft	0.012	--	74 ft / 0.002 ac
Channel 2	Ephemeral	301 ft / 1.5 ft	0.010	--	165 ft / 0.006 ac
Channel 2a	Ephemeral	68 ft / 0.5 ft	0.001	68 ft / 0.001 ac	--
<b>Total:</b>		<b>1,883 ft / --</b>	<b>0.079</b>	<b>191 ft / 0.008 ac</b>	<b>239 ft / 0.008 ac</b>

**MM BIO-2: Wetland Permit.** If identified waters are filled as part of subdivision construction, the applicant shall obtain approval and implement appropriate Section 404 and 401 permits from the U.S. Army Corp of Engineers in accordance with Clean Water Act and 1600 permit from the California Department of Fish and Wildlife.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Prior to issuance of Grading Permit, the applicant shall provide proof of acquisition and implementation of Section 401, 404, and 1600 permit approvals.

Application Mitigation Measure BIO-2 would minimize the potential impacts to the resource.

- d. **Migration Corridors:** The project site is not within an area as Important Biological Corridor in accordance with the General Plan and is not identified as a Deer Migration Area. However, as discussed above, the current project site could potentially have nesting habitat for birds listed under the federal Migratory Bird Treaty Act (MBTA) and CA Fish and Game Code §3503 and §3503.5. Construction activities could impact nesting birds listed by the MBTA and CA Fish and Game Code. Application and implementation of Mitigation Measure BIO-1 would reduce potential impacts to the identified species and habitat affected by the project.
- e. **Local Policies:** As discussed above, only Phase 1 portion of the project would be entitled under the application, resulting in soil disturbance and removal of existing oak canopy on the project site. The project has been designed to adhere to the oak tree canopy retention and replacement standards, in accordance with General Plan Policy 7.4.4.4 Option A. Specifically, a total of 8.21 acres of oak canopy occupies the site, which equates to 30% of the site. Of the

8.21 acres, a total of 7.06 acres would be preserved as part of the subdivision (86% of the existing canopy) while the maximum allowable removal is 1.15 acres (14% of the existing canopy). This Phase 1 oak impact is consistent with the policy retention standards under General Plan Policy 7.4.4.4 Option A which shall be replaced through on-site replanting as detailed in the *Oak Canopy Analysis, Preservation and Replacement* submitted for the project. Additionally, oak tree preservation measures shall be implemented to ensure that oaks identified to be preserved are protected during site construction. The project shall be conditioned to reflect the above information. Impacts would be less than significant.

To implement Phase 2 development, a separate Planned Development Permit and a revised Tentative Map application submittal would be required in accordance with the County Zoning and Subdivision Ordinance standards and procedures. Phase 2 would be evaluated for substantial consistency with the overall design and improvements and environmental impact analysis in this environmental study, and verified for consistency with the Oak Canopy Retention and Replacement Standards under General Plan Policy 7.4.4.4 Option A and the Interim Interpretive Guideline to the policy. Consistent with the policy, Phase 2 application shall include a Tree Survey, Preservation, Replacement Plan analyzing the oak canopy retained and impacted by the project. The analysis shall also identify the proposed replacement measures commensurate to the impacted oak canopy including, but not limited to, on-site or off-site replanting and off-site easement conservation of existing canopy, subject to an executed agreement with the County. If it is determined that Phase 2 oak canopy impacts cannot meet the required policy retention standards, the application cannot be considered for approval due to inconsistency with the General Plan. Alternatively, and if available, the Phase 2 development may be reviewed for consistency and applicability with the provisions of the proposed Oak Resource Management Plan (ORMP) currently under consideration by the County. The ORMP includes an option for payment of an in-lieu fee as means mitigating ~~of~~ oak canopy impacts. Information on the Oak Resources Management Plan can be accessed via this web link:

[http://www.edcgov.us/Government/LongRangePlanning/Environmental/Draft\\_EIR\\_for\\_General\\_Plan\\_Biological\\_Resources\\_Policy\\_Update\\_and\\_Oak\\_Resources\\_Management\\_Plan\\_Released\\_June\\_30,\\_2016\\_for\\_45-day\\_public\\_review\\_period.aspx](http://www.edcgov.us/Government/LongRangePlanning/Environmental/Draft_EIR_for_General_Plan_Biological_Resources_Policy_Update_and_Oak_Resources_Management_Plan_Released_June_30,_2016_for_45-day_public_review_period.aspx).

- f. **Adopted Plans:** El Dorado County does not have any adopted Habitat Conservation Plan or Community Conservation Plan. Therefore there would be no impact.

**FINDING:** The site contains sensitive species and riparian area that would be potentially affected by project implementation. Mitigation measures and project conditions of approval have been identified for implementation that would minimize the impacts to less than significant. For this 'Biological Resources' category, there would be less than significant impact with the implementation of mitigation measures.

<b>V. CULTURAL RESOURCES.</b> <i>Would the project:</i>				
	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 on 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 determines 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 a 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 a 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 for ensuring 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.

**Project Analysis:** Various cultural resource and archeological assessments have been performed involving the project site and surrounding areas. These studies include an *Updated Cultural Resources Study of Piedmont Oak Estates (February 2006)*, Archeological Survey Report Piedmont Estates: A Planned Development (December 1988), and Cultural Resource Assessment of the Courtside Manor Project, El Dorado County (January 1990).

- a-c. **Historic or Archeological Resources.** Based on the studies conducted on the site and surrounding properties, the site retains remaining historical features from the gold mining activities and artifacts from previous occupants of the site. As determined, some of these features and artifacts have lost considerable integrity and are not a significant resource for the California Register of Historic Resources. The study recommended that the drainage cut within the project area should be preserved as a remainder of the importance of Diamond Springs during the Gold Rush era and that an interpretive sign is installed commemorating the existence of Chinese gold miners in the area. The referenced drainage cut is preserved within Open Space Lot C and a condition of approval shall be applied to the project requiring the installation of a sign. Impacts would be less than significant.
- d. **Human Remains.** All grading activities would be subject to standard Conditions of Approval that requires that any address accidental discovery of human remains be subject to evaluation by County Coroner. Impacts would be less than significant.

**FINDING:** Artifacts identified on-site were deemed nonexistent and lack integrity due to years of disturbance. Standard conditions of approval would apply in the event of accidental discovery during any future construction. This project is anticipated to have a less than significant impact within the Cultural Resources category.

<b>VI. GEOLOGY AND SOILS. <i>Would the project:</i></b>				
	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:				
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 wastewater 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 the 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 are 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 El Dorado County (DOC, 2007). The nearest such faults are located in Alpine and Butte Counties. 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. All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone. Impacts would be less than significant.

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 on the site 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 Diamond Springs and Placer Diggins soil series of the property have high erosion rating and slow to hazard and permeability rate medium to rapid. For development proposals, all grading activities onsite would 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, which are applied as conditions of approval for the project, as well as applicable standards of the Building Code. 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 associated the development would comply with the El Dorado County Grading, Erosion Control, and Sediment Ordinance. Impacts would be less than significant.

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 central portion of the county has a moderate expansiveness rating while the eastern and western portions have a low rating. Linear extensibility is used to determine the shrink-swell potential of soils. Site construction shall require review of a geotechnical report analyzing the stability of the soil with respect to the proposed development prior to approval of grading and/or building permits. Impacts would be less than significant.

- e. **Septic Capability:** The project shall be served by EID for sewer services. All sewer infrastructures shall be constructed in accordance with EID’s Facility Plan Report (FPR). 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 Uniform Building Code which would address potential seismic related impacts. For this Geology and Soils category, impacts would be less than significant.

<b>VII. GREENHOUSE GAS EMISSIONS. <i>Would the project:</i></b>				
	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 gasses?			X	

**Background/Science**

Cumulative greenhouse gasses (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 (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxides (N<sub>2</sub>O). The individual pollutant’s ability to retain infrared radiation represents its “global warming potential” and is expressed in terms of CO<sub>2</sub> equivalents; therefore CO<sub>2</sub> is the benchmark having a global warming potential of 1. Methane has a global warming potential of 21 and thus has 21 times greater global warming effect per metric ton of CH<sub>4</sub> than CO<sub>2</sub>. Nitrous Oxide has a global warming potential of 310. Emissions are expressed in annual metric tons of CO<sub>2</sub> equivalent units of measure (i.e., MTCO<sub>2</sub>e/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 CO<sub>2</sub> 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 CH<sub>4</sub> 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 N<sub>2</sub>O 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 is residential sources (approximately 20%), and commercial/industrial sources are third (approximately 7%). The remaining sources are waste/landfill (approximately 3%) and agricultural (<1%).

**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 the 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 CO<sub>2</sub> equivalent (MMTCo<sub>2</sub>e) while 1990 levels were estimated at 427 MMTCo<sub>2</sub>e. Setting 427 MMTCo<sub>2</sub>e 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).

Senate Bill (SB) 375 allows for certain levels of streamlined GHG review and analysis of residential or mixed-use projects which are consistent with the Sustainable Communities Strategy (SCS) adopted by the Sacramento Area Council of Governments (SACOG). Determining a project’s consistency with the SCS requires that a jurisdiction finds it consistent with the general land use, density, intensity, and any applicable land use policies of the SCS. Projects eligible for this streamlining will “tier” of the Metropolitan Transportation Plan / Sustainable Communities Strategy Environmental Impact Report (MTP/SCS EIR) for CEQA purposes with respect to project GHG emissions. El Dorado County as the lead CEQA agency is responsible for making the final determination regarding the application of the appropriate CEQA streamlining.

SACOG has developed a Consistency Worksheet to determine project eligibility for this streamlined review (<http://www.sacog.org/2035/files/Determination-MTP-SCS-Consistency-Worksheet.pdf>). As detailed in Attachment 11, the project is determined to be consistent with the MTP/SCS as the project is located within an Established Community of the County (Diamond Springs), is found to be consistent with the general land use, density, and intensity for Community Type. Therefore, this Initial Study does not need to describe or discuss the impacts from greenhouse gas. Impacts would be less than significant.

**FINDING:** For this Greenhouse Gas Emissions category, the project would result in less than significant impacts to greenhouse gas emissions based on the project’s consistency the MTP/SCS.

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i></b>				
	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			X	

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
materials into the environment?				
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 5.0 or more percent of the applicable FCC exposure limits (47CFR 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 California Department of Forestry and Fire Protection (CAL FIRE) 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 forests, 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 licensed hazardous waste haulers for hazardous waste transportation on public roads. All motor carriers and drivers involved in the 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 is 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 the 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-b. **Hazardous Materials:**

The project may involve transportation, use, and disposal of hazardous materials such as construction materials, paints, fuels, landscaping materials, and household cleaning supplies. The use of these hazardous materials would only occur primarily during construction. Any uses of hazardous materials would be required to comply with all applicable federal, state, and local standards associated with the handling and storage of hazardous materials. Prior to any use of hazardous materials, the project would be required to obtain a Hazardous Materials Business Plan through the Environmental Health- Hazardous Waste Division of El Dorado County. Impact would be a less than significant level.

c. **Hazardous Materials near Schools:**

There are several schools nearby but are located beyond the ¼ mile distance. These schools include Independence High School (0.9 mi to the southwest), Diamond Springs Christian School (0.98 mi to the west-southwest), Herbert Green School (1.21 mi to the northwest), Sierra Boys Ranch (1.47 mi to the west-southwest), El Dorado Center for the Visually Impaired (1.82 mi to the southwest), and Charles F. Brown Elementary School (1.86 mi to the southwest). As discussed above, prior to any use of hazardous materials, the project would be required to obtain a Hazardous Materials Business Plan through the Environmental Health- Hazardous Waste Division of El Dorado County. Impacts would be a less than significant level.

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:**

The nearest airport (Placerville Airport) is located approximately 2½ miles east of the project site. It is located outside of any designated safety zones for the airport. No impact is anticipated.

g-h. **Emergency Plan and Wildfire Hazards:** The proposed project would not impair implementation of any emergency response plan or emergency evacuation plan. The road circulation for the project has been designed in accordance with County Design standards and Fire Code provisions to include appropriate road widths, road base, turnouts, and two points of access.

The project site is designated in an area with moderate fire hazard occurrence. Various measures from the Wild Fire Safe Plan, which has been approved by Diamond Springs/El Dorado Fire Protection District and CalFire, shall be enforced to ensure prevention of potential wildfire within the subdivision (Attachment 16). Impacts would be a less than significant level.

**FINDING:** The proposed project would not expose the area to hazards relating to the use, storage, transport, or disposal of hazardous materials. For this Hazards and Hazardous Materials category, impacts would be less than significant.

<b>IX. HYDROLOGY AND WATER QUALITY.</b> 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	
a. 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 1.0 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 has 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 stormwater 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 a 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 3 years.

**Project Analysis:** A Preliminary Drainage Report was performed for the project analyzing the potential for flooding due to development during any storm event at the project site (Attachment 14). The analysis and conclusions are discussed in the applicable sections below.

**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:**

The proposed development would be constructed in adherence to the El Dorado County Grading, Erosion and Sediment Control Ordinance, which would require implementation of Best Management Practices (BMP’s), Storm Water Management Plan and National Pollutant Discharge Elimination System (NPDES) stormwater permit in order to minimize degradation of water quality during construction. 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 overlay 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. The project would be served by public water from EID and would not need any groundwater source. Impacts would be less than significant.

**c-f. Drainage Patterns:**

The pre- and post-development conditions of the project were analyzed in the preliminary drainage report for consistency with County Design standards. Development of the site to include necessary improvements (ie. drainage inlets, piping, and detention pond) would achieve pre-development levels of on-site and off-site drainage runoffs. As required by standard conditions of approval, final drainage plan shall be prepared in accordance with County Drainage Manual and submitted with grading plan for further verification of drainage. Impacts would be less than significant.

**g-j. Flood-related Hazards:**

The site has a FIRM identification of 06017C0775E and is identified as Flood Zone X, which is identified as areas outside of the 500-year floodplain.

No dams which would result in potential hazards related to dam failures are located in the project area. The risk of exposure to seiche, tsunamis, or mudflows would be remote. There would be no impacts.

**FINDING:** For this project, no significant hydrological impacts are expected with the development of the project either directly or indirectly. For this hydrology category, impacts are anticipated to be less than significant.

<b>X. LAND USE PLANNING. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Physically divide an established community?				<b>X</b>
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?				<b>X</b>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>X</b>

**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 would not conflict with the existing land use pattern in the area or physically divide an established community of Diamond Springs but would expand the existing residential development in the area consistent with the General Plan. There would be no impact.
- b. **Land Use Consistency:** The project includes minor map changes to the underlying land use and zoning designations, which are necessary to facilitate the proposed development. Despite these changes, the project would maintain consistency with the applicable policies of the General Plan including development density and intensity, neighborhood compatibility, and Planned Development requirements, and the provisions of the Zoning Ordinance including Planned Development requirements uses and development standards. There would be no impact.
- 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. There would be no impact.

**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.

<b>XI. MINERAL RESOURCES. <i>Would the project:</i></b>				
	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 contains 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) is 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. El Dorado County General DEIR Sections 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.**

There are no known MRZ-2X classified mineral resources on the site according to the neither General Plan nor are there known mineral resources adjacent to the project site. 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.

<b>XII.NOISE. Would the project result in:</b>				
	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 ground-borne vibration or ground borne noise levels?			X	

<b>XII.NOISE.</b> <i>Would the project result in:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
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 60dBA 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 3dBA, or more; or
- Results in noise levels inconsistent with the performance standards contained in Table 6-1 and Table 6-2 in the El Dorado County General Plan.

<b>TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES</b>						
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	Community	Rural	Community	Rural
Hourly L <sub>eq</sub> , dB	55	50	50	45	45	40



Maximum level, dB	70	60	60	55	55	<b>50</b>
<p>Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).</p> <p>The County can impose noise level standards which are up to 5 dB less than those specified above based upon a determination of existing low ambient noise levels in the vicinity of the project site.</p> <p>In Community areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural Areas the exterior noise level standard shall be applied at a point 100' away from the residence. The above standards shall be measured only on property containing a noise sensitive land use as defined in Objective 6.5.1. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all affected property owners and approved by the County.</p> <p>*Note: For the purposes of the Noise Element, transportation noise sources are defined as traffic on public roadways, railroad line operations, and aircraft in flight. Control of noise from these sources is preempted by Federal and State regulations. Control of noise from facilities of regulated public facilities is preempted by California Public Utilities Commission (CPUC) regulations. All other noise sources are subject to local regulations. Non-transportation noise sources may include industrial operations, outdoor recreation facilities, HVAC units, schools, hospitals, commercial land uses, other outdoor land use, etc.</p>						

An Environmental Noise Assessment and supplemental study were prepared by J.C Brennan and Associates, Inc. evaluating the potential noise effects with project implementation (Attachment 15). The analysis, which was conducted in accordance with the applicable standards of the General Plan and Zoning Ordinance regulating noise, evaluated the short and long term noise effects from and to the project. Given its location, the primary transportation source of noise is from the vehicular traffic is along Highway 49. The analyses of these impacts are discussed in the sections below.

a. **Noise Exposures:** Table 6 of the analysis details the effects of traffic noise from the surrounding roads including Pleasant Valley Road, Highway 49 and Diamond Springs Parkway. The study concluded that, given the project’s sufficient distance to these roads, the residential portion of the project shall comply with the 60 dBA Ldn noise standards. Moreover, with the typical exterior noise level reduction of 25 dBA as a result of standard construction materials, the interior levels at the residential portion of the project site will comply with the 45 dBA interior noise level criteria.

No specific development would occur on Commercial Lot 1 along Highway 49; however, future uses of these lots are anticipated to be business office commercial in nature. A separate Planned Development Permit would be required for any development proposal of these lots which would be required to analyze of specific noise effects associated with vehicular traffic, parking lot, and common commercial operation, and identify measures to minimize its effects. Impacts are anticipated to be less than significant.

b. **Groundborne Shaking:** The project may generate short-term ground-borne vibration or shaking events during project construction. These potential impacts would be limited to project construction. Adherence to the time limitations of construction activities from 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on weekends and federally recognized holidays. Exceptions would be allowed if it could be shown that construction beyond these times would be necessary to alleviate traffic congestion and safety hazards. Adhering to these construction hours would limit the ground shaking effects in the immediate project area. Impacts would be less than significant.

c. **Permanent Noise Increases:** Post construction of the site and operation of residential development are not expected to add significant noise ambient levels of the surrounding area. The overall types and volumes of residential noise are not anticipated to be excessive and would be common to the surrounding residential uses in the area. Impacts are anticipated to be less than significant.

d. **Short-Term Noise:** The construction stage of the project, which includes construction of roads, utilities, and building pads, would result in an increase in noise levels in the immediate area. Given the adequate distance from the existing residences, the noise effects are not anticipated to be excessive and, with the application of standard

construction hours and phasing of the development would result in intermittent ambient noise increases at a less than significant level.

e-f. **Aircraft Noise:** The proposed project would not be located adjacent to or in the vicinity of a public airport or private airstrip. As such, the project would not be subjected to excessive noise from a public or private airport. There would be no impact.

**FINDING:** Less than significant direct or indirect impacts to noise levels are expected either directly or indirectly. For this Noise category, the thresholds of significance would not be exceeded.

<b>XIII. POPULATION AND HOUSING. <i>Would the project:</i></b>				
	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:** Based on the Person per Unit of 2.8 under the High Density Residential designation, the estimated amount of person that would be generated by the proposed development is 299.6 at build out of Phase 1 (299 at complete subdivision build out). Given that the project is anticipated to be phased, this quantity is anticipated to occur gradually as dictated by, among other things, new housing demand in the local area. This quantity of population is consistent with the anticipated growth in the General Plan and is not considered substantial. Impact on population would be less than significant impact.

b.-c. **Housing Displacement/ Replacement Housing:** The site is currently vacant; as such, implementation of the residential development would not displace any housing or persons that would require replacement housing. No impact.

**FINDING:** The project would not displace housing. There would be no potential for a significant impact due to substantial growth either directly or indirectly. For this Population and Housing category, the thresholds of significance would not be anticipated to be exceeded.

<b>XIV. PUBLIC SERVICES.</b> <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 2 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 5 acres of developed parklands for every 1,000 residents; or
- Be inconsistent with County adopted goals, objectives or policies.

a. **Fire Protection:** The project is within the Diamond Springs-El Dorado Fire Protection District Service area. The nearest fire station is located at 501 Main Street, approximately 0.8 mile southwest of the project site. The anticipated emergency response to the site is below the 8-minute standard response required for development within the Community Region.

The project shall be required to implement a Wildfire Safe Plan (Attachment 16), which has been approved by the District. Provision of the plan includes ensuring fuel modifications, minimum access and road standards, and maintenance of defensible space. Impacts would be less than significant.

- b. **Police Protection:** Police services would continue to be provided by the El Dorado County Sheriff’s Department. The demand for additional police protection is not anticipated to increase as a result of the project. Impacts would be less than significant.
- c-e. **Schools:** The project site is within the Mother Lode Union School District (MLUSD) and El Dorado Union High School District (EDUHSD). Indian Creek Elementary School (K-5) and Herbert Green Middle School (7-8) are under MLUSD and Union Mine High School is under EDHUSD. Based on MLUSD’s 0.4 students/lot ratio for K-5 and 0.1 student/lot ratio for 6-8, the proposed subdivision would generate a total of approximately 43 elementary students and 11 middle school students for a total of 54 students, which would be sufficiently accommodated by the District. Based on EDHUSD student generation factor of 0.177 student/lot, a total of 19 students would be generated by the subdivision which would be sufficiently accommodated by the District. Impacts would be less than significant.
- d. **Parks:** Section 120.12.090 of the County Code establishes the method to calculate the required amount of land for parkland dedication and in-lieu fee payment amount if parkland is not available. As discussed below, no park is proposed within the subdivision; therefore, the proposed project would be required to pay in-lieu fees for parkland per the County Code. Impacts would be less than significant.
- e. **Government Services:** Other governmental services involved in the review of project implementation would include the Department of Transportation, Development Services Department, and Environmental Management. Review of subsequent permit plans would require filing application and associated fees. No impacts are anticipated.

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

<b>XV. RECREATION.</b>				
	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 5 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 2 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 5 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.** Per Section 16.12.090 of the County Code, a total of 0.87 acres of parkland would be required for the project. No park is proposed within the subdivision; however, as an option, the applicant would pay in-lieu fees to County Parks and Recreation Department in accordance with the County Code. The fees would be used to acquire lands in the area for future recreational parks. The above requirement shall be applied as a condition of approval to be verified prior to Final Map recordation. Impacts would be less than significant.
- b. **Recreational Services.** The project does not propose any on-site recreation facilities and would not require the construction of any new facilities. In lieu fees for the acquisition of parklands would be required for 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. For this Recreation category, impacts would be less than significant.

<b>XVI. TRANSPORTATION/TRAFFIC. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		<b>X</b>		
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?		<b>X</b>		
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<b>X</b>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			<b>X</b>	
e. Result in inadequate emergency access?			<b>X</b>	
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				<b>X</b>

**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***

According to the transportation element of the County General Plan, Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions. The Level of Service is defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council). There are some roadway segments that are excepted from these standards and are allowed to operate at LOS F. According to Policy TC-Xe, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A two percent increase in traffic during a.m., p.m. peak hour, or daily
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. or p.m. peak hour.

Discussion: The Transportation and Circulation Policies contained in the County General Plan establish a framework for review of thresholds of significance and identification of potential impacts of new development on the County’s road system. These policies are enforced through the application of the Transportation Impact Study (TIS) Guidelines, the County Design and Improvements Standards Manual, and the County Encroachment Ordinance, with a review of individual development projects by the Transportation and Long Range Planning Divisions of the Community Development Agency. A substantial adverse effect on traffic would occur if the implementation of the project would:

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
- Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
- The result in or worsen Level of Service (LOS) F traffic congestion during the weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 5 or more units.

The original Traffic Impact Analysis (TIA) and subsequently updated analyses were prepared for the project by KD Anderson and Associates, Inc (Attachment 17). The scope of this traffic analysis was based on the previous study conducted in 2012 with subsequent updates in 2014 and 2016 subject to El Dorado County Transportation Division traffic scope parameters. Primary road segments and intersections evaluated in the studies are located along Missouri Flat Road to the west, Pleasant Valley Road to the south, and Highway 49 (Diamond Road) bordering the project site.

The studies address the following scenarios:

- 1. Existing (2014) Traffic Conditions**
- 2. Existing (2014) Plus Project Conditions**
- 3. 2019 Traffic Conditions**
- 4. 2019 Plus Project Conditions**
- 5. 2035 Traffic Conditions**
- 6. 2035 Plus Project Conditions**

Additionally, the traffic analysis for the approved El Dorado County Sheriff’s Headquarters Facility, which was also prepared and completed by KD Anderson and Associates in 2015, is included as a reference in this study to provide context of other projects in the area with common traffic impact operations impacts with the proposed subdivision (Attachment 18).

The project studies evaluated the traffic impacts associated with the assumed construction of the entire Piedmont Oak Estates project, which includes 107 single family residential units and 10,000 square feet of commercial business professional offices. Eighty-five of the 107 single family residential units would be created in Phase 1 while the remaining 22 residential lots and one commercial lot would be created as part of Phase 2. The project is expected to generate approximately 1,346 new daily trips with 115 new trips occurring during the a.m. peak hour and 201 new trips generated during the p.m. peak hour.

Piedmont Oak Estates Tentative Subdivision Map application was deemed Complete on March 15, 2013, prior to the effective date of the revised General Plan Traffic and Circulation Element policies resulting from Measure E. However, the project remains subject to and has been analyzed against the original applicable policies of the element. Details of the analysis and conclusions are further discussed in the attachments provided and summarized in the sections below.

**a. and b. Traffic Increases and Levels of Service Standards:** Based on the traffic analyses, under the Existing Plus Project Condition, all study intersections will continue to satisfy the County's minimum Level of Service standard and mitigation measures are not required.

Under Existing Plus Approved Project (2019 Plus Project), the intersections at Missouri Flat Road/China Garden Road, Pleasant Valley Road/Forni Road, and Pleasant Valley Road/ Racquet Way were identified to be potentially impacted by the project's trips; however, as determined by Transportation Division, the trips through the intersection of Pleasant Valley Road/Forni Road contributed less than 10 trips during peak hours, and therefore, is considered less than significant impact and no mitigation would be necessary.

The project is anticipated is to contribute to the existing Level of Service (LOS) F condition at southbound approach into the intersection of Pleasant Valley Road/Racquet Way. As determined by Transportation Division, application of Mitigation Measure Trans-1 below would improve the condition to LOS C with the installation and operation of a traffic signal. The mitigation measure requires a submittal and review of a Supplemental Traffic Impact Analysis with the Final Map application for each phase of the project in order to verify the extent of LOS condition of the intersection at the time of the application submittal and the proper timing of the traffic signal construction. If the analysis concludes that the County's LOS policies would be exceeded by the existing traffic plus traffic generated by that final map, the project shall construct the improvements prior to issuance of the first certificate of occupancy for any lot within that final map. However, if the necessary improvements are constructed by the County or others prior to triggering of mitigation by the Project, payment of TIM fees is considered to be the Project's proportionate fair share towards mitigation of this impact. Construction cost improvements borne by the project may be reimbursed if the improvements are included in the County's Capital Improvement Project (CIP) and Traffic Impact Mitigation (TIM) Fee program. Implementation of the mitigation would reduce the impact to less than significant.

#### **Mitigation Measure MM Trans 1: Transportation and Circulation Impacts**

Pleasant Valley Road / Racquet Way intersection: This intersection will operate with the southbound approach at LOS F in the AM peak hour under 2019 conditions. The Applicant shall construct a traffic signal at the intersection which will improve the intersection operation to LOS C (31.4 seconds per vehicle). The project should pay their fair share of the improvement as the intersection will decline to LOS F in the 2035 No Project Condition. Using the Caltrans fair share methodology the project should pay 5.4% of the improvement.

Monitoring and Implementation Provisions: In order to ensure proper timing of the construction of the improvements identified, the Project shall perform a supplemental traffic analysis in conjunction with each final map application to determine the Level of Service (LOS) at the intersection of Pleasant Valley Road and Racquet Way , to include existing traffic plus traffic generated by each final map.

If the supplemental traffic analysis indicates that the County's LOS policies would be exceeded by the existing traffic plus traffic generated by that final map, the Project shall construct the improvements prior to issuance of the first certificate of occupancy for any lot within that final map.

If the necessary improvements are constructed by the County or others prior to triggering of mitigation by the Project, payment of TIM fees is considered to be the Project's proportionate fair share towards mitigation of this impact.

Financing and Reimbursement: Project may be reimbursed for the costs of any improvements listed above to the extent such improvements are included in the County's Traffic Impact Mitigation (TIM) Fee Program, in accordance with the County's TIM Fee Reimbursement Guidelines, and subject to a Road Improvement and Reimbursement / Credit Agreement between the Project and the County.



If any improvements are included in the County's 10-year CIP and TIM Fee Program and agreed to by the County in a Road Improvement and Reimbursement / Credit Agreement, the Project may receive full or partial credit for the cost of the work against TIM Fees that would otherwise be paid at issuance of building permits.

If any improvements are included in the County's 10-year CIP and TIM Fee Program and agreed to by County in a Road Improvement and Reimbursement / Credit Agreement, the Project may provide funding and Bid-Ready PS&E to County, for bidding and construction management by County.

With respect to the improvements to the public roadways required in this condition, either one of the following shall be done prior to issuance of a building permit: (a) the subdivider shall be under contract for construction of the required improvements with proper sureties in place, or (b) the subdivider shall have submitted to the County a bid-ready package (PS&E) and adequate funding for construction.

Monitoring Responsibility: Community Development Agency-Transportation Division

The project also contributes to worsening of LOS operation at the intersection of Missouri Flat Road/China Garden Road. Transportation Division has identified that, depending on the timing of other anticipated traffic improvements in the area, the project may be required to construct a traffic signal to improve the intersection Level of Service (LOS) from F to B at A.M. peak hour and to C at P.M. peak hour and/or construct a raised median at the intersection prohibiting left turn movement from China Garden Road onto Missouri Flat Road. The other improvements anticipated in the area that would enhance the LOS operation along this portion of Missouri Flat Road includes the construction of the easterly connector road from Missouri Flat Road to State Route 49 as part of the County's Diamond Springs Parkway, which shifts anticipated project traffic from the intersection of Missouri Flat Road/China Garden Road, and construction of a traffic signal at the intersection of Missouri Flat Road/Industrial Drive, which eliminate the need for a signal at Missouri Flat Road/China Garden Road, required for the approved El Dorado County Sheriff's Headquarter Facility project.

Application of Mitigation Measure Trans-2, which is incorporated as Condition of Approval No.14, requires the construction of the traffic signal at the Missouri Flat Road/China Garden Road intersection in accordance with County Transportation Department specification standards. Alternatively, the project may wait for the completion of the easterly connector portion of the Diamond Springs Parkway Project, or wait for the construction of a traffic signal at Missouri Flat Road/Industrial Drive combined with a restriction of westbound-to-southbound left turns from China Garden Road to Missouri Flat Road. Implementation of this measure also requires a submittal and review of a Supplemental Traffic Impact Analysis with the Final Map application for each phase of the project in order to verify the extent of LOS condition at the intersection at the time of the application submittal and the proper timing of the traffic signal construction. If the analysis concludes that the County's LOS policies would be exceeded by the existing traffic plus traffic generated by that final map, the project shall construct its required improvements prior to issuance of the first certificate of occupancy for any lot within that final map. However, if the necessary improvements are constructed by the County or others prior to triggering of mitigation by the project, payment of TIM fees is considered to be the project's proportionate fair share towards mitigation of this impact. Construction cost improvements borne by the project may be reimbursed if the improvements are included in the County's Capital Improvement Project (CIP) and Traffic Impact Mitigation (TIM) Fee program. Implementation of the mitigation would reduce the impact to less than significant.

### **Mitigation Measure MM Trans-2: Transportation and Circulation Impacts**

Missouri Flat Road and China Garden Road Intersection: The Project shall construct a traffic signal at the intersection of Missouri Flat Road and China Garden Road. The applicant shall provide the design, Plans, Specifications and Estimate (PS&E), utility relocation, and right of way acquisition to the satisfaction of the Transportation Division; OR

The project shall construct or await the completion of a traffic signal at the Missouri Flat Road/Industrial Drive intersection This mitigation measure was approved with the El Dorado County Sheriff Headquarters Facility project and an alternative to the construction of a traffic signal at the Missouri Flat Road /China Garden Road intersection; OR

The project shall construct or await the completion of Diamond Springs Parkway connecting Missouri Flat Road to SR49. Diamond Springs Parkway, Phase 1B, Project Number 72334 is an approved County Capital Improvement Project (CIP) scheduled for start of construction in Fy 2019/20 and is an alternative mitigation measure to the construction of a traffic signal at the Missouri Flat Road / China Garden Road intersection.

Monitoring and Implementation Provisions: In order to ensure proper timing of the construction of the improvements identified, the Project shall perform a supplemental traffic analysis in conjunction with each final map application to determine the Level of Service (LOS) at the intersection of Missouri Flat Road and China Garden Road, to include existing traffic plus traffic generated by each final map.

If the supplemental traffic analysis indicates that the County's LOS policies would be exceeded by the existing traffic plus traffic generated by that final map, the Project shall construct the improvements prior to issuance of the first certificate of occupancy for any lot within that final map.

If the necessary improvements are constructed by the County or others prior to triggering of mitigation by the Project, payment of TIM fees is considered to be the Project's proportionate fair share towards mitigation of this impact.

Financing and Reimbursement: Project may be reimbursed for the costs of any improvements listed above to the extent such improvements are included in the County's Traffic Impact Mitigation (TIM) Fee Program, in accordance with the County's TIM Fee Reimbursement Guidelines, and subject to a Road Improvement and Reimbursement / Credit Agreement between the Project and the County.

If any improvements are included in the County's 10-year CIP and TIM Fee Program and agreed to by the County in a Road Improvement and Reimbursement / Credit Agreement, the Project may receive full or partial credit for the cost of the work against TIM Fees that would otherwise be paid at issuance of building permits.

If any improvements are included in the County's 10-year CIP and TIM Fee Program and agreed to by County in a Road Improvement and Reimbursement / Credit Agreement, the Project may provide funding and Bid-Ready PS&E to County, for bidding and construction management by County.

With respect to the improvements to the public roadways required in this condition, either one of the following shall be done prior to issuance of a building permit: (a) the subdivider shall be under contract for construction of the required improvements with proper sureties in place, or (b) the subdivider shall have submitted to the County a bid-ready package (PS&E) and adequate funding for construction.

Monitoring Responsibility: Community Development Agency-Transportation Division

The project has been identified to have cumulative impacts at the US 50 Ramps/Missouri Flat Road. In accordance with General Plan Policy TC-Xb, the County will annually monitor the Traffic and LOS at these intersections and update the County's CIP and TIM Fee programs as necessary. The cumulative analysis includes planned roadway improvements, growth consistent with the 2004 General Plan, and with approved and reasonably foreseeable projects within the study area. This is found to be an impact in the cumulative scenario without the project for the Missouri Flat Road/WB US 50 Ramps, which includes other foreseeable but unapproved projects. Therefore, the project is responsible for its proportional share of the proposed mitigation under cumulative conditions. Since the impact is identified under the cumulative scenario, the timing of the improvement is a function of the rate of population and employment growth. The County's traffic impact mitigation fee program provides a mechanism for collecting fair share contributions for improvements in the 2015 CIP. Additionally, the County's Missouri Flat Area Master Circulation and Funding Plan (MC&FP) Phase 2 is currently planned to evaluate the ultimate configuration of the US 50 Interchange at Missouri Flat Road. The ultimate configuration project will be incorporated into the County's CIP and TIM Fee programs as necessary. Payment of Traffic Impact Mitigation fee based on the project's fair share of the improvement remitted prior to issuance of a building permit has been identified as sufficient mitigation of the impact.

- c. **Air Traffic:** The project would not result in a major change in established air traffic patterns for publicly or privately operated airports or landing field in the project vicinity. There would be no impact.

- d-e. **Design Hazards and Emergency Access:** The project includes construction of new access and road circulation in accordance with County Design standards. The roads would primarily be maintained and owned by the future Homeowner’s Association. Impacts would be less than significant.
- f. **Alternative Transportation:** The project would not conflict with adopted plans, policies, or programs relating to alternative transportation along Highway 49 and the future Diamond Springs Parkway to the west. Impacts would be less than significant.

**FINDING:** For this Transportation/Traffic category, specific impacts have been identified that triggered the thresholds of significance that require mitigation measures. Therefore, impacts under this category are less than significant with the application of mitigation measures.

<b>XVII. TRIBAL CULTURAL RESOURCES. <i>Would the project:</i></b>				
	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 Tribal Cultural Resource as defined in Section 21074?			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:

- c. 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.
- d. 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:

- b. 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
- c. 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 to 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 TRCs 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. Tribal Cultural Resources.** The project application was submitted in 2012 prior to the effective date of AB 52; as such, the project is not subject to AB 52 review. As discussed above under Section V (Cultural Resources), the cultural resource studies conducted for the project does not identify any significant resources. However, the any California Native American tribe may review the project and related cultural resource studies, and provide comment on the project. Impacts would be less than significant.

**FINDING:** No significant TCRs are known to exist on the project site. As a result, the proposed project would not cause a substantial adverse change to a TCR and there would be less than significant impact.

<b>VIII. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i></b>				
	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?			<b>X</b>	
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?			<b>X</b>	
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?			<b>X</b>	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			<b>X</b>	
e. Result in a determination by the wastewater treatment provider which serves or			<b>X</b>	

<b>XVIII. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
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 2 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 3-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 2.0-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-e. **Wastewater Requirements.** The project would require connection to public wastewater system operated and managed by El Dorado Irrigation District (EID). According to EID, the treatment plant is currently operating with sufficient capacity to accommodate the project; however, the sewer lift station will be required within the project as well as upgrades or replacement of existing off-site lift station. Issuance of a meter award letter issued by EID shall be verified prior to recordation of the Final Map. Impacts would be less than significant.

**Construction of New Facilities.** No expansion to the existing EID public water and sewer system would be necessary to serve the project; however, potential upgrades or replacement of existing off-site lift station may be needed. Impacts would be less than significant.

**Stormwater Facilities.** The project would be required to construct a stormwater facility to serve the project which would connect to existing storm drainage facilities serving the area. No expansion of these facilities would be necessary. Impacts would be less than significant.

**Sufficient Water Supply.** The project would require connection to the public water system operated and managed by El Dorado Irrigation District (EID). According to EID, the water system is currently operating with sufficient capacity to accommodate the project. Issuance of a meter award letter issued by EID shall be verified prior to recordation of the Final Map. 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 provides 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 additional solid waste, and any 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. For this Utilities and Service Systems category, the thresholds of significance impacts for this project would be less than significant.

<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:</b>				
	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	

**Discussion:**

- a. **Impact to Fish and Wildlife.** 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. As conditioned or mitigated, and with adherence to County permit requirements, 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, pre-history, or tribal cultural resources. Any impacts from the project would be less than significant due to the design of the project and required mitigation measures including Mitigation Measures BIO-1, and BIO-2 would be implemented prior to construction of the Piedmont Oak Estates Subdivision.
- b. **Cumulative Impacts.** 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*. Based on the analysis in this Initial Study, it has been determined that the project would have a less than significant impact based on the issue of cumulative impacts. The project would connect to existing public water and sewer services and would not require the construction of new facilities. The project would be consistent with applicable General Plan policies and would extend the residential land use pattern in the area. The project has been analyzed for its cumulative traffic impact at specific road segments and intersections and mitigation measures have been identified mitigating the impact to less than significant level. Implementing the conditions of approval, mitigation measures, and with adherence to County permit requirements outlined by this document in the various sections and categories listed, cumulatively considerable impacts would be reduced below a level of significance.
- c. **Effects on Human Being:** Environmental effects, which would appear to have the potential to cause substantial adverse effects on human beings directly or indirectly, have not been identified during the project



distribution and analysis of the project elements. The project includes mitigation measures and conditions that would be applied to the project based on recommendations from affected agencies. As conditioned and mitigated, and with adherence to applicable County General Plan policies and County standards and ordinances, permit requirements, this Tentative Subdivision Map is not likely to cause project-related environmental effects which would result in substantial adverse effects on human beings, either directly or indirectly. Impacts would be less than significant.

**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.

## **INITIAL STUDY ATTACHMENTS**

**(Note: Some of the technical studies detailed below includes earlier version of the study that was prepared for an earlier version (2009) of the tentative map).**

Attachment 1 .....	Location Map
Attachment 2 .....	Assessor's Parcel Map
Attachment 3 .....	General Plan Land Use Map
Attachment 4 .....	Zoning Map
Attachment 5 .....	General Plan Amendment Map
Attachment 6 .....	Rezone Map
Attachment 7 .....	Piedmont Oak Estates Tentative Subdivision Map
Attachment 8 .....	Piedmont Oak Estates Development Phasing
Attachment 9 .....	Piedmont Oak Estates Preliminary Water and Sewer Plan
Attachment 10 .....	Piedmont Oak Estates Preliminary Grading and Drainage Plan
Attachment 11 .....	Piedmont Oak Estates Air Quality and Greenhouse Gas Analysis (2013 original and Supplemental updates
Attachments 12 and 13 .....	Piedmont Oak Estates Biological and Wetlands Reports (2007 Original and 2009, 2013-2016 updates) and Oak Canopy Analysis, Preservation and Replacement Plan and Supplemental Report
Attachment 14 .....	Piedmont Oak Estates Preliminary Drainage Report
Attachment 15 .....	Piedmont Oak Estates Noise Study
Attachment 16 .....	Piedmont Oak Estates Wildfire Safe Plan
Attachment 17 .....	Piedmont Oak Estates Traffic Impact Analysis and Supplemental Analysis
Attachment 18 .....	El Dorado County Sheriff Headquarters Facility Traffic Impact Analysis

## **SUPPORTING INFORMATION SOURCE LIST**

- CAPCOA Guide (August 2010): <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-QuantificationReport-9-14-Final.pdf>
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- California Office of Emergency Services. 2015. Business Plan/EPCRA 312. Available online at [www.caloes.ca.gov/for-businesses-organizations/plan-prepare/hazardousmaterials/hazmat-business-plan](http://www.caloes.ca.gov/for-businesses-organizations/plan-prepare/hazardousmaterials/hazmat-business-plan).
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U.S. Green Building Council (USGBC). (2014). LEED v4 for Building Design and Construction Addenda. Updated October 1, 2014. Available online at [www.usgbc.org/resources/leed-v4-building-design-and-construction-redline-current-version](http://www.usgbc.org/resources/leed-v4-building-design-and-construction-redline-current-version).

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