


Z21-0010/WAC21-0003 INDIAN ROCK TREE FARM (HYDER)
EXHIBIT M - PROPOSED MITIGATED NEGATIVE DECLARATION INITIAL STUDY

	<p>COUNTY OF EL DORADO PLANNING AND BUILDING DEPARTMENT INITIAL STUDY ENVIRONMENTAL CHECKLIST</p>
Project Title: Zone Change Z21-0010, Williamson Act Contract WAC21-0003 Indian Rock Tree Farm (Hyder)	
Lead Agency Name and Address: El Dorado County, 2850 Fairlane Court, Placerville, CA 95667	
Contact Person: Bianca Dinkler, Senior Planner	Phone Number: (530) 621-5875
Owner's Name and Address: Raymond L. Hyder and Geraldine F. Hyder 1994 Trust, 3800 North Canyon Road, Camino, CA 95709	
Applicant's Name and Address: Sam Rumbaugh and Karen Hyder, 3800 North Canyon Road, Camino, CA 95709	
Project Licensed Land Surveyor's Name and Address: James Wilson, 3460 Angel Lane, Placerville, CA 95667	
Project Location: The project is located on the south side of North Canyon Road, 1.5 miles northwest of the intersection with Larsen Drive in the Camino area.	
Assessor's Parcel Number: 085-540-003	Acres: 33.22-acres
Sections: S: 36 T: 11N R: 11E	
General Plan Designation: Agricultural Lands (AL) within an Agricultural District	
Zoning: Timber Production Zone (TPZ)	
<p>Project Description: A request for a Zone Change from Timber Production Zone (TPZ) to Planned Agricultural (PA), and a request for a Williamson Act Contract (Agricultural Preserve) for an established Christmas tree farm, Indian Rock Tree Farm. The proposed project does not consist of any physical construction on the existing tree farm, and thus this Initial Study is not required to evaluate the physical environmental effects of construction of new facilities. Rather, this Initial Study appropriately evaluates the reasonably foreseeable consequences of the rezone, in particular, any operations activities that would be allowed "by-right" without further environmental review. These net new by-right activities could consist of ranch marketing uses such as a bake shop, commercial kitchen, food preparation on-site, handicraft sales, marketing/promotional events, and special events such as weddings. The proposed project is requesting 15 special events per year with up to 75 guests per event. As required by the current Ranch Marketing and Wineries Ordinance a Special Event Notice shall be submitted to the County's Department of Agriculture for all special events. The project site would be served by an existing private well for both potable water and emergency water supply and served by an existing private on-site septic system. Electric service would be provided from an existing connection to PG&E infrastructure in the project vicinity. (Attachment 7).</p>	
<p>Environmental Setting: The project site is a 33.22-acre parcel developed with the property owners existing residence, an Accessory Dwelling Unit (ADU), ancillary structures, and an established Christmas tree farm, Indian Rock Tree Farm, on approximately 17.0-acres of the 33.22-acre property. Access to the project site is from an existing private driveway from North Canyon Road, approximately 400-feet west of the intersection with Sky Ranch Road. North Canyon Road is a County-maintained roadway. The project site is located at an elevation of approximately 2,600 to 2,850 feet above mean sea level. Soil types include Musick sandy loam (MrC 9%-15% slopes), Musick sandy loam (MrD 15%-30% slopes), Sites loam (SkC 9%-15% slopes), Sites loam (SkD 15%-30% slopes), and Sites loam (SkE 30%-50% slopes). Vegetation consists of Sierran Mixed Conifer Forest with Ponderosa pine, incense cedar, Douglas-fir, madrone, and mountain dogwood. The shrub layer is mostly absent due to careful forest management; however, there are scattered shrubs, including California rose. The ground layer includes mountain misery, blue-wild rye, dog-tail grass, and Pacific starflower. The tree farm grows varieties of trees such as Silvertip fir, White fir, blue spruce, and specialty firs. A perennial stream, North Canyon Creek, flows northwesterly through the property with a five percent (5%) gradient. The creek collects water from intermittent and ephemeral sources upstream of Larsen Reservoir, which is located one-half mile upstream. The creek flows through the property and exits at the western boundary and flows towards the South Fork of the American River. The creek provides fly-fishing recreation. South of the creek consists of northerly and westerly slopes from the knoll on the property's south boundary to the creek with a gradient of approximately 22 percent (22%). The topography north of the creek consists of a southeasterly slope from the knoll to the creek, with 20 percent (20%) gradient. A Biological Resources Report, Special-Status Species Survey, and Wetland Delineation Report was prepared by Ruth A. Willson of Site Consulting, Inc., Biological Services, reports dated</p>	

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September 2022 (Attachments 8 and 9). Further discussion and analysis of these topics are contained within this Initial Study.

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

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

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? At the time of the application, seven Tribes have requested to be notified of proposed projects in El Dorado County: Ione Band of Miwok Indians, Nashville-El Dorado Miwok, Shingle Springs Band of Miwok Indians, Tsi Akim Maidu, United Auburn Indian Community (UAIC), Washoe Tribe of Nevada and California, and Wilton Rancheria. These Tribes were notified of the proposed project by certified mail on June 27, 2023. Further discussion is included in the Tribal Cultural Resources section of this Initial Study.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

	Aesthetics		Agriculture and Forestry Resources		Air Quality
X	Biological Resources		Cultural Resources		Energy
	Geology and Soils		Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology and Water Quality		Land Use and Planning		Mineral Resources
	Noise		Population and Housing		Public Services
	Recreation		Transportation		Tribal Cultural Resources
	Utilities and Service Systems		Wildfire		Mandatory Findings of Significance

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: _____

Printed Name: Bianca Dinkler, Senior Planner For: El Dorado County

Signature: _____ Date: _____

Printed Name: Ande Flower, Planning Manager For: El Dorado County

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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.

Throughout this Initial Study, please reference the following Attachments:

- Attachment 1: Location Map
- Attachment 2: Aerial Map
- Attachment 3: Assessor's Parcel Page
- Attachment 4: General Plan Land Use Map
- Attachment 5: Zoning Map
- Attachment 6: Agricultural District Boundary Map
- Attachment 7: Site Plan
- Attachment 8: Biological Resources Report Special Status Species Survey
- Attachment 9: Wetland Delineation Report
- Attachment 10: Acoustical Analysis
- Attachment 11: Vehicle Miles Traveled Analysis (VMT)
- Attachment 12: Wildland Fire Safe Plan

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Site Description: The project site is a 33.22-acre parcel developed with the property owners existing residence, an Accessory Dwelling Unit (ADU), ancillary structures, and an established Christmas tree farm, Indian Rock Tree Farm, on approximately 17.0-acres of the 33.22-acre property. Access to the project site is from an existing private driveway from North Canyon Road, approximately 400-feet west of the intersection with Sky Ranch Road. North Canyon Road is a County-maintained roadway. The project site is located at an elevation of approximately 2,600 to 2,850 feet above mean sea level. Soil types include Musick sandy loam (MrC 9%-15% slopes), Musick sandy loam (MrD 15%-30% slopes), Sites loam (SkC 9%-15% slopes), Sites loam (SkD 15%-30% slopes), and Sites loam (SkE 30%-50% slopes). Vegetation consists of Sierran Mixed Conifer Forest with Ponderosa pine, incense cedar, Douglas-fir, madrone, and mountain dogwood. The shrub layer is mostly absent due to careful forest management; however, there are scattered shrubs, including California rose. The ground layer includes mountain misery, blue-wild rye, dog-tail grass, and Pacific starflower. The tree farm grows varieties of trees such as Silvertip fir, White fir, blue spruce, and specialty firs. A perennial stream, North Canyon Creek, flows northwesterly through the property with a five percent (5%) gradient. The creek collects water from intermittent and ephemeral sources upstream of Larsen Reservoir, which is located one-half mile upstream. The creek flows through the property and exits at the western boundary and flows towards the South Fork of the American River. The creek provides fly-fishing recreation. South of the creek consists of northerly and westerly slopes from the knoll on the property's south boundary to the creek with a gradient of approximately 22 percent (22%). The topography north of the creek consists of a southeasterly slope from the knoll to the creek, with 20 percent (20%) gradient. A Biological Resources Report, Special-Status Species Survey, and Wetland Delineation Report was prepared by Ruth A. Willson of Site

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Consulting, Inc., Biological Services, reports dated September 2022 (Attachments 8 and 9). Further discussion and analysis of these topics are contained within this Initial Study. Further discussion and analysis of these topics are contained within this Initial Study.

Project Location and Surrounding Uses:

The project site is 33.22-acres and located within the Camino Rural Region. The adjacent parcels are zoned Planned Agricultural, Twenty-acre (PA-20) to the north and west, Rural Lands, Ten-acre (RL-10) to the north, and Residential, Two-acre (R2A) to the north, east, and south; have a General Plan land use designation of Agricultural Lands (AL) to the north and west, and Medium Density Residential (MDR) to the north, east, and south; and developed with agricultural and residential uses to the north and west, and with a residential subdivision to the east and south. The subject parcel and adjacent parcels are located within an established Agricultural District.

Project Characteristics:

1. Transportation/Circulation/Parking/Fire Protection:

The project was reviewed by the El Dorado County Department of Transportation (DOT). Based on review of the Traffic Impact Study - Initial Determination Form (TIS-ID), a Vehicle Miles Traveled (VMT) Analysis was required and was prepared by Traffic Engineer, Tom Kear, with final report dated January 9, 2024 (Attachment 11). Recommendations of the report are further discussed in the Transportation section of this Initial Study. Access to the project site would be from an existing private driveway from North Canyon Road, a County-maintained roadway. No grading would be necessary for the proposed project. Any future driveway improvements may be subject to a grading and/or encroachment permit and would be reviewed at that time.

Additionally, the project was reviewed by the El Dorado County Fire Protection District (EDCFPD). EDCFPD provided comments pertaining to compliance with Title 14 Fire Safe Regulations, which would be required for future applications for Special Events, in cooperation with applicable Agencies, including County Environmental Management Department (EMD), the Planning Division and Agricultural Department. EDCFPD comments are incorporated into the project as conditions of approval.

2. Utilities and Infrastructure:

The proposed project would be served by an existing private well, for both potable and emergency water supply, and by an existing private, septic system. The El Dorado County Environmental Management Department (EMD) reviewed the project and provided comments which are incorporated as conditions of approval. Future Special Events that would be allowed by right in PA zone would be subject to the current requirements from EMD, as applicable.

Electric service for the proposed project would be provided from the existing service from Pacific Gas & Electric (PG&E).

3. Construction Considerations:

No construction or grading is proposed. Any future construction activities would be completed in conformance with applicable agency requirements and subject to grading and building permits from the El Dorado County Building Services.

4. Zone Change:

The proposed project includes a request for a Zone Change from Timber Production Zone (TPZ) to Planned Agricultural (PA). The proposed Zone Change to PA would allow "by-right" activities without further environmental review. These net new by-right activities could consist of ranch marketing uses such as a bake shop, commercial kitchen, food preparation on-site, handicraft sales, marketing/promotional events, and special events such as weddings. The proposed project is requesting 15 special events per year with up to 75 guests per event.

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An application for a Zone Change can apply to a specific parcel or group of parcels. Changes must be consistent with the General Plan land use map. If they are not, a request for a General Plan Amendment must accompany the Zone Change request. The Zone Change application is also used in those instances where an applicant wishes to propose a change to the text of the Zoning Ordinance. Zone Change requests, even when they are consistent with the General Plan land use map, may still be denied if they are determined to be untimely due to lack of infrastructure or due to other potential unmitigated significant impacts on the environment. Please see the required findings which follow including consistency with Policy 2.2.5.3 of the General Plan. Like the General Plan Amendment, this is a legislative action which provides the County with substantial latitude in its discretion to approve or deny an application.

Required Findings for Zone Change:

In accordance with State law, a request for a Zone Change can only occur when the requested change conforms to the County General Plan land use map designation for the property and applicable General Plan policies. General Plan Policy 2.2.5.3 provides further direction on Zone Change applications, specifying 19 matters which must be considered by the County when evaluating Zone Change requests.

General Policy 2.2.5.3 states the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public-treated water system;
3. Availability and capacity of public waste water treatment system;
4. Distance to and capacity of the serving elementary and high schools;
5. Response time from nearest fire station handling structure fires;
6. Distance to nearest Community Region or Rural Center;
7. Erosion hazard;
8. Septic and leach field capability;
9. Groundwater capability to support wells;
10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;
14. Capacity of the transportation system serving the area;
15. Existing land use pattern;
16. Proximity to perennial water course;
17. Important historical/archeological sites;
18. Seismic hazards and presence of active faults; and
19. Consistency with existing Conditions, Covenants, and Restrictions (Vista Cielo CC&Rs).

Each of the criteria are analyzed and discussed within this Initial Study.

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 the Mitigated Negative Declaration (MND) will be adopted if it is determined to be in compliance with California Environmental Quality Act (CEQA). The Lead Agency will also determine whether to approve the project.

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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 would 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. "Mitigated 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.

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ENVIRONMENTAL IMPACTS

I. AESTHETICS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect 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. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				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, 2022). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways.

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.

Environmental Setting:

Visual resources are classified as 1) scenic resources or 2) scenic views. Scenic resources include specific features of a viewing area (or viewshed) such as trees, rock outcroppings, and historic buildings. They are specific features that act as the focal point of a viewshed and are usually foreground elements. Scenic views are elements of the

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broader viewshed such as mountain ranges, valleys, and ridgelines. They are usually middle ground or background elements of a viewshed that can be seen from a range of viewpoints, often along a roadway or other corridor.

A list of the county's scenic views and resources is presented in Table 5.3-1 of the *El Dorado County General Plan Draft EIR* (El Dorado County 2003:5.3-3). This list includes areas along highways where viewers can see large water bodies (e.g., Lake Tahoe and Folsom Reservoir), river canyons, rolling hills, forests, or historic structures or districts that are reminiscent of El Dorado County's heritage.

Several highways in El Dorado County have been designated by the California Department of Transportation (Caltrans) as scenic highways or are eligible for such designation. These include U.S. 50 from the eastern limits of the Government Center interchange (Placerville Drive/Forni Road) in Placerville to South Lake Tahoe, all of SR 89 within the county, and those portions of SR 88 along the southern border of the county. There are no officially designated state scenic corridors in the vicinity of the project site (Caltrans 2018).

Rivers in El Dorado County include the American, Cosumnes, Rubicon, and Upper Truckee rivers. A large portion of El Dorado County is under the jurisdiction of the United States Forest Service (USFS), which oversees rivers or river sections identified as Wild and Scenic under the Wild and Scenic Rivers Act. To date, no river sections in El Dorado County have been nominated for or granted Wild and Scenic River status.

Discussion: A substantial adverse effect to visual resources would occur if the project 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:** No scenic vistas, as designated by the County General Plan, are located in the vicinity of the site (El Dorado County 2003, 5.3-3 through 5.3-5). The project site is not adjacent to or visible from the portion of U.S. 50 that is designated a State Scenic Highway. Any new structures would require permits for construction and would be required to comply with the General Plan and the Zoning Ordinance. No new construction is proposed as part of the project. There would be no impact.
- b. **Scenic Resources:** The project site is not visible from an officially designated State Scenic Highway or County-designated scenic highway, or any roadway that is part of a corridor protection program (Caltrans, 2018). There are no views of the site from public parks or scenic vistas. Though there are trees in the project vicinity, there are no trees or historic buildings that have been identified by the County as contributing to exceptional aesthetic value at the project site. There would be no impact.
- c. **Visual Character:** The property is currently developed with a primary residence, a secondary residence, ancillary structures, and an established Christmas tree farm, Indian Rock Tree Farm. The project site is adjacent to similar residential and agricultural development. The proposed project does not involve any development which could have the potential to affect the visual character or quality of the site or surrounding area. There would be no impact.
- d. **Light and Glare:** The proposed project does not include any new construction or any substantial new light sources. Temporary lighting could be included for Special Events however would need to comply with the County lighting ordinance requirements. Any future development, such as accessory structures, would be required to comply with the County lighting ordinance requirements, including the shielding of lights downward to avoid potential glare which would be reviewed during the building permit process. The impacts would be less than significant.

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

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<p>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:</p>				
	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.

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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 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 project site is designated as Farmland of Local Importance and Unique Farmland as shown on the County GIS map database. The proposed project does not require a Monitoring Program. The proposed project would not negatively impact farmland, it would preserve farmland. The impacts would be less than significant.
- b. **Agricultural Uses:** The proposed project is a Zone Change from TPZ to PA, and request for Williamson Act Contract for an established Christmas tree farm, Indian Rock Tree Farm, on approximately 17.0-acres of the 33.22-acre property. The property is adjacent to lands under an existing Williamson Act Contract, located north of the project site. Further, the County Agricultural Commission has reviewed the proposed project on October 11, 2023, and recommended approval. The impacts would be less than significant.
- c.-d. **Loss of Forest Land or Conversion of Forest Land:** The project site is currently zoned Timber Production Zone (TPZ). The proposed Zone Change is from TPZ to Planned Agricultural (PA). Farmed trees (Christmas trees) are not considered timber production, so the current zone, TPZ, is not the correct zone. The proposed Zone Change to PA would be the correct zone for farmed trees as they are considered an agricultural product. The property is located within an area with established agricultural uses including orchards, wineries, and farmed trees. The General Plan land use designation is Agricultural Lands (AL). The PA zone would be compatible with the AL land use designation. Additionally, the proposed project includes a request for a Williamson Act Contract to further ensure preservation of the Christmas tree farm. There would be no loss of forest land or conversion of forest land as a result of the project. The impacts would be less than significant.

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- e. **Conversion of Prime Farmland or Forest Land:** The project would not convert prime farmland or forest land to non-agriculture use. The impacts would be less than significant.

FINDING: For this Agricultural Resources category, there would be less than significant impacts.

III. AIR QUALITY. <i>Would the project:</i>				
	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. 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	
c. Expose sensitive receptors to substantial pollutant concentrations?			X	
d. 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 U.S. National Ambient Air Quality Standards (NAAQS) and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. The proposed project is located within the Mountain Counties Air Basin, which is comprised of seven air districts: the Northern Sierra Air Quality Management District (AQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County APCD, the Tuolumne County APCD, the Mariposa County APCD, and a portion of the El Dorado County AQMD, which consists of the western portion of El Dorado County. The El Dorado County Air Quality Management District (AQMD) manages air quality for attainment and permitting purposes within the west slope portion of El Dorado County.

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

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

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

Criteria Pollutant	El Dorado County Threshold	
Reactive Organic Gasses (ROG)	82 lbs/day	
Nitrogen Oxides (NOx)	82 lbs/day	
Carbon Monoxide (CO)	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, AQMD assumed that exhaust emissions of other air pollutants from the operation of equipment and vehicles are also not significant.

For Fugitive dust (PM10), if dust suppression measures will prevent visible emissions beyond the boundaries of the project, further calculations to determine PM emissions are not necessary. For the other criteria pollutants, including CO, PM10, SO2, NO2, sulfates, lead, and H2S, a project is considered to have a significant impact on air quality if it will cause or contribute significantly to a violation of the applicable national or state ambient air quality standard(s).

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

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

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- Emissions of ROG and No_x will result in construction or operation emissions greater than 82lbs/day (Table 3.2);
 - Emissions of PM₁₀, CO, SO₂ and No_x, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
 - Emissions of toxic air contaminants cause cancer risk greater than 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:** The El Dorado County Air Quality Management District (EDCAQMD) has adopted Rules and Regulations establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO_x, and O₃). The EDC/State Clean Air Act Plan has set a schedule for implementing and funding transportation contract measures to limit mobile source emissions. The proposed project would not conflict with or obstruct implementation of either plan. The impacts would be less than significant.
- b. **Air Quality Standards and Cumulative Impacts:** No grading or construction is proposed. The project would not result in exceedance of any air quality standards or a cumulatively considerable net increase of any criteria pollutant. Existing regulations implemented at issuance of building and grading permits would ensure that any construction related PM₁₀ dust emissions would be reduced to acceptable levels. The El Dorado County Air Quality Management District (EDCAQMD) reviewed the project and provided comments that would be incorporated into the project as conditions of approval. The impacts would be less than significant.
- c. **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. The project site is not located adjacent to sensitive receptors and no sources of substantial pollutant concentrations would be emitted by the project. The impacts would be less than significant.
- d. **Objectionable Odors:** Table 3-1 of the Guide to Air Quality Assessment (AQMD, 2002) does not list the proposed use of the parcel as a use known to create objectionable odors. A Zone Change and Williamson Act Contract to preserve the existing Christmas tree farm would not be a source of objectionable odors. The impacts would be less than significant.

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

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

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

Regulatory Setting:

Federal Laws, Regulations, and Policies

Endangered Species Act

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

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

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threatened species, subject to specific conditions. A habitat conservation plan (HCP) must accompany an application for an incidental take permit.

Migratory Bird Treaty Act

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

Bald and Golden Eagle Protection Act

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

Clean Water Act

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

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

State Laws, Regulations, and Policies

California Fish and Game Code

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

CESA (California Fish and Game Code Section 2050-2098) prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under CESA as endangered or threatened. Section 2080 of the California Fish and Game Code prohibits the take of any species that is state listed as endangered or

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threatened or designated as a candidate for such listing. California Department of Fish and Wildlife (CDFW) may issue an incidental take permit authorizing the take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions.

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

Streambed Alteration Agreement

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

California Native Plant Protection Act

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

Forest Practice Act

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

Local Laws, Regulations, and Policies

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

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- Increased riparian corridor and wetland setbacks;
- Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Wildlife);
- Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;

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- Building permits discretionary or some other type of “site review” to ensure that canopy is retained;
 - More stringent standards for lot coverage, floor area ratio (FAR), and building height; and
 - No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

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

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;
- Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

- a. **Special Status Species:** A Biological Resources Report, Special-Status Species Survey, and Wetland Delineation Report was prepared by Ruth A. Willson, of Site Consulting, Inc., Biological Services, reports dated September 2022 (Attachments 8 and 9). Based on the reports, no special status plant species were observed during focused botanical surveys and special status plant species are presumed absent from the site. Vegetation consists of Sierran Mixed Conifer Forest with Ponderosa pine, incense cedar, Douglas-fir, madrone, and mountain dogwood. The shrub layer is mostly absent due to careful forest management; however, there are scattered shrubs, including California rose. The ground layer includes mountain misery, blue-wild rye, dog-tail grass, and Pacific starflower. The Christmas tree farm features Silvertip fir, White fir, blue spruce, and specialty firs. A perennial stream, North Canyon Creek, flows northwesterly through the property with a five percent (5%) gradient. The creek collects water from intermittent and ephemeral sources upstream of Larsen Reservoir, which is located one-half mile upstream. The creek flows through the property and exits at the western boundary and flows towards the South Fork of the American River. The creek provides seasonal fly-fishing recreation. An off-channel pond is north of the creek near the northeast corner of the property. A wetland was found within the pond footprint. Setbacks from waters and wetlands of 100-feet from North Canyon Creek and the off-channel pond would be sufficient to protect features and resources associated with them. The property is in Mitigation Area 2 which are lands within the El Dorado Irrigation (EID) service area boundary. Although the survey did not identify any special status plant species, and although no development or construction is proposed, the property owner would pay the ecological preserve impact fee at the time of future building permit, if applicable. The project site is not located within a sensitive natural community of the county, state, or federal agency, including but not limited to an Ecological Preserve, or U.S. Fish and Wildlife Service (USFWS) Recovery Plan boundaries. No special status wildlife species were observed during the surveys; however, the project site does provide potential nesting and foraging habitat. Although no active bird nests were observed during the surveys, nesting habitat for common raptors, migratory birds, and other native birds is present throughout the site. Implementing the following mitigation measure strategies would reduce potential impacts to a level of less than significant:

MM BIO-1 Special Status Wildlife - Nesting and Foraging Habitat, Raptors and Migratory Birds, Preconstruction Survey

Future development would be subject to the following mitigation measure that shall be implemented to avoid impacts to special status species:

- a) If development activities occur during the nesting season (February 1-August 31), then a qualified biologist should conduct a nesting bird survey prior to initiation to determine the presence of any active nests within the study area. The nesting bird survey should be conducted within 14 days prior to commencement of ground-disturbing or other development activities. If the nesting bird survey shows there is no evidence of active nests, then a letter report should be prepared to document the survey and be provided to the project proponent and no additional measures are recommended. If development does not commence within 14-days of the nesting bird survey, or halts for more than 14

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days, then an additional survey is required prior to starting or resuming work within the nesting season. If active nests are found, then a qualified biologist should establish a species-specific buffer to prohibit development activities near the nest to minimize nest disturbance until the young have successfully fledged or the biologist determines that the nest is no longer active. Nest monitoring may also be warranted during certain phases of construction to ensure nesting birds are not adversely impacted. If active nests are found within any trees slated for removal, then an appropriate buffer should be established around the tree and all trees within the buffer and should not be removed until a qualified biologist determines that the nest has successfully fledged and/or is no longer active.

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

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

- b. **Riparian Habitat and Wetlands:** A Wetland Delineation Report was prepared by Ruth A. Willson of Site Consulting, Inc., Biological Services, report dated September 2022. A perennial stream, North Canyon Creek, flows northwesterly through the property with a five percent (5%) gradient. The creek collects water from intermittent and ephemeral sources upstream of Larsen Reservoir, which is located one-half mile upstream. The creek flows through the property and exits at the western boundary and flows towards the South Fork of the American River. The creek provides seasonal fly-fishing recreation. An off-channel pond is north of the creek near the northeast corner of the property. A wetland was found within the pond footprint. Setbacks from waters and wetlands of 100-feet from North Canyon Creek and the off-channel pond would be sufficient to protect features and resources associated with them. No development is proposed for this project. Any future development would be subject to Zoning Ordinance Section 130.30.050 - Setback Requirements and Exceptions which requires minimum setbacks from streams, wetland, or sensitive riparian habitat, which would apply to any future development permits. With adherence to established setbacks, the impacts would be less than significant.
- c. **Federally Protected Wetlands:** The project site is not located in federally protected wetlands and would not 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. Any activity causing direct adverse impacts to any existing water on-site could require resource permits from the Army Corps of Engineers, the Regional Water Quality Control Board (401; WDR), and/or the California Department of Fish & Wildlife (1602). Further, Zoning Ordinance Section 130.30.050 - Setback Requirements and Exceptions would require setbacks from streams, wetland, or sensitive riparian habitat, which would apply to any future development permit. The impacts would be less than significant.
- d. **Migration Corridors:** Review of the California Department of Fish and Wildlife Migratory Deer Herd Maps and General Plan DEIR Exhibit 5.12-7 indicate that the deer herd migration corridor does not extend over the project site. The El Dorado County General Plan does not identify the project site within an Important Biological Corridor (IBC). The proposed project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species, or with any established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites. The impacts would be less than significant.
- e. **Local Policies:** Local protection of biological resources includes the Important Biological Corridor (IBC) overlay, oak woodland preservation, rare plants and special status species, and wetland preservation with the goal to preserve and protect sensitive natural resources within the County. Based on review of technical reports prepared for the project, no impacts to sensitive natural resources are anticipated. No oak trees are proposed for removal. Any future tree removal of oak woodlands, individual native oak trees, or heritage trees, as defined in Section 130.39.030, would be required to comply with Oak Resources Conservation Ordinance of Section 130.39.070.C (Oak Tree and Oak Woodland Removal Permits), which would be reviewed at time of grading and building permit submittal.

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The project site is not located within an Important Biological Corridor (IBC) overlay area and is not located within an Ecological Preserve (EP) overlay area. No construction or grading is proposed. Any future development would be required to comply with applicable County ordinances and policies, including oak woodland conservation, payment of rare plant mitigation fee, as applicable. Further, a Mitigation Measure (MM BIO-1) is included to require a pre-construction survey to detect and protect if any special-status wildlife species. Future development would need to adhere to the County's setbacks from any streams, wetlands, or riparian habitat. With implementation of the mitigation measure and development standards, the impacts would be less than significant.

- f. **Adopted Plans:** The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan. The impacts would be less than significant.

Finding: With the implementation of Mitigation Measure BIO-1 and upholding a 100-foot setback on each side of North Canyon Creek and existing pond, potential impacts to biological resources from the proposed project would be mitigated. Future development would be required to comply with applicable County Codes and Policies which would be reviewed at time of submittal of grading and building permits. Therefore, potential impacts to Biological Resources as mitigated would be less than significant.

V. CULTURAL RESOURCES. <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. 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).

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State Laws, Regulations, and Policies

California Register of Historical Resources

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

- A. Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- B. Are associated with the lives of persons important in our past;
- C. 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
- D. 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

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if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

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

CEQA and CEQA Guidelines

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

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.
- Although not specifically inclusive of paleontological resources, these criteria may also help to define "a unique paleontological resource or site."

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

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

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

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

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

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

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

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

a.-c. **Historic, Archeological Resources, Human Remains.** A record search was prepared by the North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS) in Sacramento with report dated June 24, 2022. Based on results of the record search, a Cultural Resources Study was prepared by Dana E. Supernowicz, report dated August 2022. One precontact archaeological site was identified with the project and recorded as Hyder Grinding Rocks. The grinding rocks lie within the margins of a stream channel and riparian zone. Thus, preservation or protection of the site can be addressed with standard non-building setback or easement on either side of the drainage. No grading or construction is proposed. In the event that a concentration of artifacts or culturally modified soil deposits should be encountered at any time during future ground disturbing activities, all work must stop until a qualified archaeologist, and Tribes, would be notified to view the finds to make an evaluation. If warranted, further archaeological work in the discovery area would be performed. Further, the project is subject to the Cultural Resources provisions of CEQA Assembly Bill 52 (AB52), which requires Native American outreach. Pursuant to AB52, the County solicited input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community. At the time of the initial review consultation, seven Tribes have requested to be notified of proposed projects in El Dorado County: Ione Band of Miwok Indians, Nashville-El Dorado Miwok, Shingle Springs Band of Miwok Indians, Tsi Akim Maidu, United Auburn Indian Community (UAIC), Washoe Tribe of Nevada and California, and Wilton Rancheria. These Tribes were notified of the proposed project by certified mail on June 27, 2023. The Shingle Springs Band of Miwok Indians responded within 30 days to initiate consultation. Staff provided the tribe with the Cultural Resources record search results and Cultural Resources Study for their review. No further comments were received from the Tribe. Staff confirmed conclusion of consultation via email on November 1, 2023. Standard protective conditions of approval are incorporated with the project. The impacts would be less than significant.

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

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VI. ENERGY. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Result in potential significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Regulatory Setting

Federal Energy Policy Act of 2005

The Federal Energy Policy Act of 2005 (EP Act) was intended to establish a comprehensive, long-term energy policy and is implemented by the U.S. Department of Energy (U.S. DOE). The EP Act addresses energy production in the U.S., including oil, gas, coal, and alternative forms of energy and energy efficiency and tax incentives. Energy efficiency and tax incentive programs include credits for the construction of new energy efficient homes, production or purchase of energy efficient appliances, and loan guarantees for entities that develop or use innovative technologies that avoid the production of greenhouse gases (GHG).

State Laws, Regulations, and Policies

California Building Standards Code (Title 24, California Code of Regulations), including Energy Code (Title 24, Part 6) and Green Building Standards Code (Title 24, Part 11)

California first adopted the California Buildings Standards Code in 1979, which constituted the nation’s first comprehensive energy conservation requirements for construction. Since this time, the standards have been continually revised and strengthened. In particular, the California Building Standards Commission adopted the mandatory Green Building Standards Code (CALGreen [California Code of Regulations, Title 24, Part 11]) in January 2010. CALGreen applies to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure. The California Code of Regulations, Title 24, Part 6 (also known as the California Energy Code), and associated regulations in CALGreen were revised again in 2013 by the California Energy Commission (CEC). The 2013 Building Energy Efficiency Standards are 25% more efficient than previous standards for residential construction. Part 11 also establishes voluntary standards that became mandatory in the 2010 edition of the code, including planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The standards offer builders better windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses. The next update to the Title 24 energy efficiency standards will occur in 2016 and take effect in 2017. The California Building Code applies to all new development, and there are no substantive waivers available that would exempt development from its energy efficiency requirements. The California Building Code is revised on a regular basis, with each revision increasing the required level of energy efficiency.

Senate Bills 1078/107 and Senate Bill 2—Renewables Portfolio Standard

Senate Bill (SB) 1078 and SB 107, California’s Renewables Portfolio Standard (RPS), obligates investor-owned utilities (IOUs), energy service providers (ESPs), and Community Choice Aggregations (CCAs) to procure an additional 1% of retail sales per year from eligible renewable sources until 20% is reached, no later than 2010. The California Public Utilities Commission (CPUC) and CEC are jointly responsible for implementing the program. SB 2 (2011) set forth a longer range target of procuring 33% of retail sales by 2020. Implementation of the RPS will conserve nonrenewable

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fossil fuel resources by generated a greater percentages of statewide electricity from renewable resources, such as wind, solar, and hydropower.

Assembly Bill (AB) 1881 (Chapter 559, Statutes of 2006)

Water conservation reduces energy use by reducing the energy cost of moving water from its source to its user. Assembly Bill (AB) 1881 (Chapter 559, Statutes of 2006) requires the Department of Water Resources (DWR) to adopt an Updated Model Water Efficient Landscape Ordinance (MWELo) and local agencies to adopt DWR's MWELo or a local water efficient landscape ordinance by January 1, 2010 and notify DWR of their adoption (Government Code Section 65595). The water efficient landscape ordinance would apply to sites that are supplied by public water as well as those supplied by private well. Local adoption and implementation of a water efficient landscape ordinance would reduce per capita water use from new development.

Senate Bill X7-7 (Chapter 4, Statutes of 2009)

SB X7-7 (Chapter 4, Statutes of 2009), the Water Conservation Act of 2009, establishes an overall goal of reducing statewide per capita urban water use by 20% by December 31, 2020 (with an interim goal of at least 10% by December 31, 2015). This statute applies to both El Dorado Irrigation District (EID) and the Georgetown Divide Public Utilities District (GDPUD). EID has incorporated this mandate into its water supply planning, as represented in its Urban Water Management Plan 2010 Update (El Dorado Irrigation District 2011) and all subsequent water supply plans. Reducing water use results in a reduction in energy demand that would otherwise be used to transport and treat water before delivery to the consumer.

Assembly Bill 2076, Reducing Dependence on Petroleum

The CEC and Air Resources Board (ARB) are directed by AB 2076 (passed in 2000) to develop and adopt recommendations for reducing dependence on petroleum. A performance-based goal is to reduce petroleum demand to 15% less than 2003 demand by 2020.

Senate Bill 375—Sustainable Communities Strategy

SB 375 was adopted with a goal of reducing fuel consumption and GHG emissions from cars and light trucks. Each metropolitan planning organization (MPO) across California is required to develop a sustainable communities strategy (SCS) as part of their regional transportation plan (RTP) to meet the region's GHG emissions reduction target, as set by the California Air Resources Board. The Sacramento Area Council of Governments (SACOG) is the MPO for the Sacramento region, including the western slope of El Dorado County. SACOG adopted its SB 375-compliant Metropolitan Transportation Plan/Sustainable Communities Strategy 2035 in April 2012.

Assembly Bill 1493—Pavley Rules (2002, Amendments 2009, 2012 rule-making)

AB 1493 required the ARB to adopt vehicle standards that will improve the efficiency of light duty autos and lower GHG emissions to the maximum extent feasible beginning in 2009. Additional strengthening of the Pavley standards (referred to previously as "Pavley II," now referred to as the "Advanced Clean Cars" measure) has been proposed for vehicle model years 2017–2025. Together, the two standards are expected to increase average fuel economy to roughly 54.5 miles per gallon by 2025. The improved energy efficiency of light duty autos will reduce statewide fuel consumption in the transportation sector.

CEQA and CEQA Guidelines

Section 15126.2(b) of the CEQA Guidelines requires detailed analysis of a project's energy impacts. If analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, the environmental document shall prescribe mitigation for those impacts. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project.

CEQA Guidelines, Appendix F: Energy Conservation

CEQA requires EIRs to include a discussion of potential energy impacts and energy conservation measures. Appendix F, Energy Conservation, of the State CEQA Guidelines outlines energy impact possibilities and potential conservation measures designed to assist in the evaluation of potential energy impacts of proposed projects. Appendix F places

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“particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy,” and further indicates this may result in an unavoidable adverse effect on energy conservation. Moreover, the State CEQA Guidelines state that significant energy impacts should be “considered in an EIR to the extent relevant and applicable to the project.” Mitigation for potential significant energy impacts (if required) could include implementing a variety of strategies, including measures to reduce wasteful energy consumption and altering project siting to reduce energy consumption.

Local Laws, Regulations, and Policies

The County General Plan Public Services and Utilities Element includes goals, objectives, and policies related to energy conservation associated with the County’s future growth and development. Among these are is Objective 5.6.2

(Encourage Energy-Efficient Development) which applies to energy-efficient buildings, subdivisions, development and landscape designs. Associated with Objective 5.6.2 are two policies specifically addressing energy conservation:

Policy 5.6.2.1: Requires energy conserving landscaping plans for all projects requiring design review or other discretionary approval.

Policy 5.6.2.2: All new subdivisions should include design components that take advantage of passive or natural summer cooling and/or winter solar access, or both, when possible.

Further, the County has other goals and policies that would conserve energy even though not being specifically drafted for energy conservation purposes (e.g., Objective 6.7.2, Policy 6.7.2.3).

Discussion:

- a. Unnecessary Consumption:** No grading or construction is proposed. Any future construction would conform to building codes and other state and local energy conservation measures and would require a building permit that would be reviewed for consistency with applicable energy legislation, policies, and standards for the purpose of reducing energy consumption and improving efficiency (i.e., reducing wasteful and inefficient use of energy). The impacts would be less than significant.
- b. Conflict with Energy Plans:** The proposed project would not conflict with applicable state and local plans for renewable energy or energy efficiency and would not obstruct implementation of applicable energy plans. The impacts would be less than significant.

FINDING: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation as no construction is proposed. Any future construction would be reviewed for consistency with all applicable state and local plans for renewable energy or energy efficiency. For this Energy category, potential impacts would be less than significant.

VII.GEOLOGY AND SOILS. <i>Would the project:</i>				
	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	

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VII.GEOLOGY AND SOILS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

National Earthquake Hazards Reduction Act

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

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

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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 prepared to demonstrate that the proposed buildings would not be constructed across active faults.

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

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690–2699.6) establishes statewide minimum public safety standards for mitigation of earthquake hazards. While the Alquist–Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist–Priolo Act. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other seismic hazards, and cities and counties are required to regulate development within mapped seismic hazard zones. In addition, the act addresses not only seismically induced hazards but also expansive soils, settlement, and slope stability.

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

California Building Standards Code

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

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

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

a. **Seismic Hazards:**

i) According to the California Department of Conservation Division of Mines and Geology, there are no Alquist-Priolo fault zones within the west slope of El Dorado County. However, a fault zone is located in the Tahoe Basin and Echo Lakes area. The West Tahoe Fault runs along the base of the range front at the west side of the Tahoe Basin. The West Tahoe Fault has a mapped length of 45 km. South of Emerald Bay the West Tahoe Fault extends onshore as two parallel strands. In the lake, the fault has clearly defined scarps that offset submarine fans, lake-bottom sediments, and the McKinney Bay slide deposits (DOC, 2016). There is clear evidence that the discussed onshore portion of the West Tahoe Fault is active with multiple events in the Holocene and poses a surface rupture hazard. However, because of the distance between the project site and these faults, the impacts would be less than significant.

ii) The potential for seismic ground shaking in the project area would be considered remote for the reason stated in Section i) above. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code (UBC). No construction is proposed. Any future construction would be built to meet the construction standards of the UBC for the appropriate seismic zone. The 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). The impacts would be less than significant.

iv) No construction is proposed. Any future grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. The impacts would be less than significant.

- b. **Soil Erosion:** No construction is proposed for the project. Any future construction could have potential for erosion, or changes in topography that would be reviewed during the grading permit process. Development activities would need to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance, including the implementation of pre-and post-construction Best Management Practices (BMPs). Implemented BMPs are required to be consistent with the County's California Stormwater Pollution Prevention Plan (SWPPP) issued by the State Water Resources Control Board to eliminate run-off and erosion and sediment controls. Any grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado Grading, Erosion, and Sediment Control Ordinance. Any future construction would require similar review for compliance with the County SWPPP. If construction would disturb 1 acre or more of soil, the project proponent must obtain a General Permit for discharges of storm water associated with activity from SWRCB. As part of this permit, a SWPPP must be prepared and implemented. The SWPPP must include erosion control measures and construction waste containment measures to ensure that waters of the State are protected during and after project construction. Any future development would need to be located at sufficient distances away from any natural water features and would need to adhere to the County's setback distances from any intermittent stream or wetland, including single-family dwellings, accessory dwelling units (ADU), and/or accessory structures. The impacts would be less than significant.

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- 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. Any future grading activities would need to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. The 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 western portions of the county, including the Auburn soil types, have a low expansiveness rating. Any future development would be required to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance and the development plans for any homes or other structures would be required to implement the Seismic construction standards. The impacts would be less than significant.
- e. **Septic Capability:** The project site has an existing private on-site septic system. The El Dorado County Environmental Management Department (EMD) reviewed the project and provided comments which are incorporated as conditions of approval. With the incorporation of conditions of approval, the impacts would be less than significant.
- f. **Paleontological Resources:** The proposed project area is not located in an area that is considered likely to have paleontological resources present. Fossils of plants, animals, or other organisms of paleontological significance have not been discovered within the project area. In this context, the project would not result in impacts to paleontological resources or unique geologic features. In the event subsurface paleontological sites are disturbed during grading activities in the site, standard conditions of approval requiring that all work activities shall be stopped in the event of an unanticipated discovery would ensure that impacts are less than significant.

FINDING: No grading or construction is proposed. Any future development would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance, which would address any potential impacts related to soil erosion, landslides and other geologic impacts, and required to comply with the Uniform Building Code (UBC), which would address any potential seismic related impacts, and the LAMP requirements from EMD. The impacts would be less than significant.

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

Background/Science:

Cumulative greenhouse gases (GHG) emissions are believed to contribute to an increased greenhouse effect and global climate change, which may result in sea level rise, changes in precipitation, habitat, temperature, wildfires, air

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pollution levels, and changes in the frequency and intensity of weather-related events. While criteria pollutants and toxic air contaminants are pollutants of regional and local concern (see Section III. Air Quality above); GHG are global pollutants. The primary land-use related GHG are carbon dioxide (CO₂), methane (CH₄) and nitrous oxides (N₂O). The individual pollutant's ability to retain infrared radiation represents its "global warming potential" and is expressed in terms of CO₂ equivalents; therefore CO₂ is the benchmark having a global warming potential of 1. Methane has a global warming potential of 21 and thus has a 21 times greater global warming effect per metric ton of CH₄ than CO₂. Nitrous Oxide has a global warming potential of 310. Emissions are expressed in annual metric tons of CO₂ equivalent units of measure (i.e., MTCO₂e/yr). The three other main GHG are Hydrofluorocarbons, Perfluorocarbons, and Sulfur Hexafluoride. While these compounds have significantly higher global warming potentials (ranging in the thousands), all three typically are not a concern in land-use development projects and are usually only used in specific industrial processes.

GHG Sources

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

State Laws, Regulations, and Policies

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

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

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Discussion:

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

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

The SMAQMD has developed a screening table using CalEEMod which allows quick assessment of projects to screen out those below the thresholds as their impacts would be less than significant. For projects below the threshold, no further GHG analysis is required.

- a. The proposed project would rezone from TPZ to PA which would be the appropriate zone for the parcel which is surrounded by similarly zoned parcels that have existing agricultural development. The current zone, TPZ, is designated for forest timber production, not farmed trees. No grading or construction is proposed so the proposed project would have a negligible contribution towards statewide GHG inventories. The impacts would be less than significant.
- b. No construction or grading is proposed. GHG emissions from the proposed project would have a negligible cumulative contribution towards statewide and global GHG emissions. The proposed project would not conflict with the objectives of AB 32, or any other applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. According to the SMAQMD screening table, the GHG emissions from this project are estimated at less than 1,100 MTCO₂e/yr. Cumulative GHG emissions impacts would be less than significant. The impacts would be less than significant.

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

IX. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

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IX. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			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

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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).

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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

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CUPA, and transmitted to agencies responsible for the protection of public health and safety (i.e., local fire department, hazardous material response team, and local environmental regulatory groups) (Cal OES, 2015).

California Occupational Safety and Health Administration

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations pertaining to the use of hazardous materials in the workplace (CCR Title 8) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about exposure to hazardous substances, and preparation of emergency action and fire prevention plans. Hazard communication program regulations that are enforced by Cal/OSHA require workplaces to maintain procedures for identifying and labeling hazardous substances, inform workers about the hazards associated with hazardous substances and their handling, and prepare health and safety plans to protect workers at hazardous waste sites. Employers must also make material safety data sheets available to employees and document employee information and training programs. In addition, Cal/OSHA has established maximum permissible RF radiation exposure limits for workers (Title 8 CCR Section 5085[b]) and requires warning signs where RF radiation might exceed the specified limits (Title 8 CCR Section 5085 [c]).

California Accidental Release Prevention

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

California Department of Forestry and Fire Protection Wildland Fire Management

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

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

California Highway Patrol

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

Local Laws, Regulations, and Policies

A map of the fuel loading in the County (General Plan Figure HS-1) shows the fire hazard severity classifications of the SRAs in El Dorado County, as established by CDF. The classification system provides three classes of fire hazards: Moderate, High, and Very High. Fire Hazard Ordinance (Chapter 8.08) requires defensible space as

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described by the State Public Resources Code, including the incorporation and maintenance of a 30-foot fire break or vegetation fuel clearance around structures in fire hazard zones. The County's requirements on emergency access, signing and numbering, and emergency water are more stringent than those required by state law (Patton 2002). The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

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

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
 - Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
 - Expose people to safety hazards as a result of former on-site mining operations.
- a.-c. **Hazardous Materials:** The proposed project would not involve the routine transportation, use, or disposal of hazardous materials such as construction materials, paints, fuels, landscaping materials, and household cleaning supplies. There would be no impact.
- 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. **Aircraft Hazards, Private Airstrips:** As shown on the El Dorado County Zoning Map, the project is not located within an Airport Safety District combining zone or near a public airport or private airstrip. There would be no impact.
- f. **Emergency Plan:** Access to the proposed parcels would be from an existing private driveway from North Canyon Road, a County-maintained roadway. The El Dorado County Fire Protection District (EDCFPD) reviewed the project and provided comments which are included as conditions of approval. As conditioned, the proposed project would not impair implementation of any emergency response plan or emergency evacuation plan. The impacts would be less than significant.
- g. **Wildfire Hazards:** The project site is in an area of Very High Fire Hazard for wildland as shown on Figure HS-1 of the Fire Hazard Rating in the El Dorado County General Plan (2015), and California Department of Forestry and Fire Protection CALFIRE (January 2020). The El Dorado County General Plan Safety Element precludes development in areas of high/very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. A Wildland Urban Interface Fire Protection Plan Fire Safe Plan (WFSP) was prepared for the project by CDS Fire Prevention Planning, William F. Draper, Registered Professional Forester, report dated October 21, 2022 (Attachment 12). As stated in the report, any new building shall comply with Title 24. Annual maintenance of hazardous vegetation and removal prior to start of fire season and maintained throughout the fire season is critical for establishing and keeping a fire safe environment. The El Dorado County Fire Protection District (EDCFPD) reviewed the project and provided comments which are incorporated into the project as conditions of approval. Further, EDCFPD would review future applications for Special Events in cooperation with other Agencies, including the County EMD, Planning Division, and Agricultural Department, to ensure compliance with applicable policies and fire safe regulations. As conditioned, the impacts would be less than significant.

FINDING: For the Hazards and Hazardous Materials category, with the incorporation of the conditions of approval from the El Dorado County Fire Protection District (EDCFPD), the impacts would be less than significant.

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X. HYDROLOGY AND WATER QUALITY. Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;			X	
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
iii. 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; or			X	
iv. impede or redirect flood flows?			X	
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			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.

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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 have been issued since 1990. Beginning in 2003, SWRCB began issuing Phase II MS4 permits for smaller municipalities (population less than 100,000).

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

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

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities complying with FEMA regulations that limit development in floodplains. The NFIP regulations permit development within special flood hazard zones provided that residential structures are raised above the base flood elevation of a 100-year flood event. Non-residential structures are required either to provide flood proofing construction techniques for that portion of structures below the 100-year flood

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elevation or to elevate above the 100-year flood elevation. The regulations also apply to substantial improvements of existing structures.

State Laws, Regulations, and Policies

Porter–Cologne Water Quality Control Act

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

The Porter–Cologne Act requires RWQCBs to develop water quality control plans (also known as basin plans) that designate beneficial uses of California’s major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter–Cologne Act, basin plans must be updated every 3 years.

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

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

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This includes the use of Best Management Practices (BMPs) to minimize degradation of water quality during construction. The impacts would be less than significant.

- d.-e. **Flood-related Hazards:** The project site is not located within any mapped 100-year flood areas and would not result in the construction of any structures that would impede or redirect flood flows (FEMA, 2008). No dams which would result in potential hazards related to dam failures are located in the project area. The risk of exposure to seiche, tsunami, or mudflows would be remote. The impacts would be less than significant.

FINDING: No grading or construction is proposed. Any future construction would be required to address any potential changes to the drainage pattern on-site during the grading and building permit review process. No significant hydrological impacts are expected. The impacts would be less than significant.

XI. LAND USE PLANNING. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Physically divide an established community?			X	
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Regulatory Setting:

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

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

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
 - Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
 - Result in conversion of undeveloped open space to more intensive land uses;
 - Result in a use substantially incompatible with the existing surrounding land uses; or
 - Conflict with adopted environmental plans, policies, and goals of the community.
- a. **Established Community:** The project site is located within the Camino Rural Region and within an Agricultural District. The property is surrounded by similar residential and agricultural development. The proposed project would not conflict with the existing land use pattern in the area or physically divide an established community. The impacts would be less than significant.
- b. **Land Use Consistency:** The project site is located within the Camino Rural Region and within an Agricultural District. The proposed project is a Zone Change from TPZ to PA, and a Williamson Act Contract. Farmed trees (Christmas trees) are considered an agricultural product, not timber. The

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surrounding area has similar established agricultural uses including farmed trees (Christmas trees), vineyards and wineries, and orchards. Additionally, pursuant to General Plan Policy 2.2.1.1., *Table 2-1 - Planning Concept Areas and Land Use Designation Consistency Matrix*, the proposed Zone Change to PA would be consistent with the existing General Plan land use designation of Agricultural Lands (AL). An application for a Zone Change must be consistent with the General Plan land use map. Zone Change requests, even when they are consistent with the General Plan land use map, may still be denied if they are determined to be untimely due to lack of infrastructure or due to other potential unmitigated significant impacts on the environment. There are 19 findings required including consistency with General Plan Policy 2.2.5.3. Like a General Plan amendment (which this project does not include) a Zone Change is a legislative action which provides the County with substantial latitude in its discretion to approve or deny an application.

Required Findings for Zone Change:

In accordance with State law, a request for a Zone Change can only occur when the requested change conforms to the County General Plan land use map designation for the property and applicable General Plan policies.

General Plan Policy 2.2.5.3 provides further direction on Zone Change applications, specifying 19 matters which must be considered by the County when evaluating Zone Change requests.

General Policy 2.2.5.3 states the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

- 1) Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
- 2) Availability and capacity of public-treated water system;
- 3) Availability and capacity of public waste water treatment system;
- 4) Distance to and capacity of the serving elementary and high schools;
- 5) Response time from nearest fire station handling structure fires;
- 6) Distance to nearest Community Region or Rural Center;
- 7) Erosion hazard;
- 8) Septic and leach field capability;
- 9) Groundwater capability to support wells;
- 10) Critical flora and fauna habitat areas;
- 11) Important timber production areas;
- 12) Important agricultural areas;
- 13) Important mineral resource areas;
- 14) Capacity of the transportation system serving the area;
- 15) Existing land use pattern;
- 16) Proximity to perennial water course;
- 17) Important historical/archeological sites;
- 18) Seismic hazards and presence of active faults; and
- 19) Consistency with existing Conditions, Covenants, and Restrictions.

The proposed Zone Change from TPZ to PA would meet the required criteria as discussed in more detail throughout each section of this Initial Study. The proposed Zone Change to PA would be compatible with the existing General Plan land use designation of AL. Further, with incorporation of conditions of approval, the impacts for land use planning would be less than significant.

FINDING: The proposed project would be consistent with the uses allowed in the Camino Rural Region, with the County General Plan, and with the Zoning Ordinance. The impacts to land use would be less than significant.

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

Regulatory Setting:

Federal Laws, Regulations, and Policies

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

State Laws, Regulations, and Policies

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Mining and Geology Board identify, map, and classify aggregate resources throughout California that contain regionally significant mineral resources. Designations of land areas are assigned by CDC and California Geological Survey following analysis of geologic reports and maps, field investigations, and using information about the locations of active sand and gravel mining operations. Local jurisdictions are required to enact planning procedures to guide mineral conservation and extraction at particular sites and to incorporate mineral resource management policies into their general plans.

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

Local Laws, Regulations, and Policies

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

According to General Plan Policy 2.2.2.7, before authorizing any land uses within the -MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses. Where

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the affected minerals are of regional significance, the County shall consider the importance of these minerals to their market region as a whole and not just their importance to the County.

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

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

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

FINDING: For this Mineral Resources category, no impacts to mineral resources are expected, either directly or indirectly. There would be no impact.

XIII. NOISE. <i>Would the project result in:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b. Generation of excessive groundborne vibration or groundborne noise levels?			X	
c. For a project located within the vicinity of a private airstrip or 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

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:

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- 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 130.37.060.1 and Table 130.37.060.2 of the El Dorado County Zoning Ordinance.

TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community/ Rural Centers	Rural Regions	Community/ Rural Centers	Rural Regions	Community/ Rural Centers	Rural Regions
Hourly Leq, dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50

- a. **Noise Exposures:** The proposed rezone to PA would allow all uses allowed by right in the PA zone, including Ranch Marketing, Wineries, and Special Events. Pursuant to Zoning Ordinance 130.44.104 (B)(5), a total of 24 Special Events per calendar year would be allowed in PA. Special Events could expose the adjacent neighboring properties to noise. An Acoustical Analysis was required and prepared for the project by RNS Acoustics, report dated May 17, 2023. Based on review and summary of the report, noise levels from the project would not be at levels in excess of the standards established in the General Plan or Zoning Ordinance. Further, Special Events would require permitting and monitoring from County Agencies, including the Agricultural Department, Planning Division, Environmental Management Department, and the local Fire Department. Future Special Events would need to comply with the requirements set forth by County Ordinance No. 5177 - Adopted Revisions to the Ranch Marketing Ordinance and the Winery Ordinance, with General Plan Objective 6.5.1 Protection of Noise-Sensitive Development, and performance standards of the County Zoning Ordinance, Chapter 130.37 - Noise Standards. As conditioned, the impacts would be less than significant.
- b. **Groundborne Vibration:** The property is developed with residential uses and an established tree farm (Indian Rock Tree Farm). No grading or construction is proposed. Any future construction could generate short-term ground borne vibration or shaking during construction; however, would be temporary in nature. The impacts would be less than significant.
- c. **Aircraft Noise:** The project site is not located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport. There would be no impact.

FINDING: With incorporation of conditions of approval, and adherence to County Code, no significant direct or indirect impacts to noise levels are expected. The impacts would be less than significant.

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XIV. POPULATION AND HOUSING. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Regulatory Setting:

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

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

- Create substantial growth or concentration in population;
- Create a more substantial imbalance in the County’s current jobs to housing ratio; or
- Conflict with adopted goals and policies set forth in applicable planning documents.

a. **Population Growth:** The proposed project which would not generate population growth. There would be no impact.

b. **Housing Displacement:** The proposed project would not displace housing. There would be no impact.

FINDING: The project would not induce substantial population growth or displace housing. There would be no impacts.

XV. PUBLIC SERVICES. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

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XV. PUBLIC SERVICES. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
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:				
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?				X
d. Parks?				X
e. 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 El Dorado County Fire Protection District (EDCFPD) reviewed the project and provided comments which are incorporated as conditions of approval. The project must adhere to applicable requirements to ensure adequate emergency access, evacuation routes, and emergency water supply. As stated in their comments, EDCFPD will review future permit applications to ensure the ability

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to provide the site with fire and emergency medical services consistent with the El Dorado County General Plan, State Fire Safe Regulations, as adopted by El Dorado County and the California Fire Code as amended locally. The Fire Department reserves the right to update their comments to comply with all current Codes, Standards, Local Ordinances, and Laws in respect to official documented time of project application and/or building application to the County. Any omissions and/or errors in respect to the EDCFPD letter, as it relates to the aforementioned codes, regulations and plans, shall not be valid, and does not constitute a waiver to the responsible party of the project from complying as required with all Codes, Standards, Local Ordinances, and Laws. For any future development or changes other than the current development, the project shall meet El Dorado County Fire requirements, as stated above. With incorporation of EDCFPD comments as conditions of approval, the impacts would be less than significant.

- b. **Police Protection:** Police services would be provided by the El Dorado County Sheriff's Department (EDSO). Future applications for Special Events could require providing notice to the local law enforcement agency; however, would not significantly increase demand for law enforcement protection. The impacts would be less than significant.
- c. **Schools:** Payment of school impact fees are collected at time of residential building permit issuance; however, no grading or construction is proposed. There would be no impact to schools.
- d. **Parks.** A residential building permit requires payment of park impact fees at time of building permit issuance; however, no grading or construction is proposed. The impacts from the proposed project would not increase the population substantially and therefore would not substantially increase the use of parks and recreational facilities. There would be no impact to parks.
- e. **Government Services.** There are no government services that would be significantly impacted because of the proposed project. The impacts would be less than significant.

FINDING: The project would not result in a significant increase of public services to the project. The impacts would be less than significant.

XVI. RECREATION. <i>Would the project:</i>				
	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.

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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.

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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.** The proposed project would not 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. There would be no impacts.
- b. **Recreational Services.** The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. There would be no impacts.

FINDING: No significant impacts to parks or recreation facilities would result from the proposed project. The proposed project would not result in the need for the construction or expansion of new recreation facilities. There would be no impacts to parks and recreational services.

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

Regulatory Setting:

Federal Laws, Regulations, and Policies

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

State Laws, Regulations, and Policies

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

Local Laws, Regulations, and Policies

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The Transportation and Circulation Element of the County General Plan relies on automobile delay and Level of Service (LOS) as performance measures to determine impacts on County-maintained roads and state highways within the unincorporated areas of the county.

County General Plan Policy TC-Xd states that 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. Level of Service is calculated using the methodologies 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 and are listed in Table TC-2. 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.

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

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

Current direction regarding methods to identify VMT and comply with state requirements is provided by the California Governor’s Office of Planning and Research (OPR) December 2018 publication, Technical Advisory on Evaluating Transportation Impacts in CEQA. This advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. OPR provides this Technical Advisory as a resource for the public to use at their discretion. OPR is not enforcing or attempting to enforce any part of the recommendations contained herein. (Government Code Section 65035 [“It is not the intent of the Legislature to vest in the Office of Planning and Research any direct operating or regulatory powers over land use, public works, or other state, regional, or local projects or programs.”].)

OPR’s Technical Advisory provides this direction for small projects:

Many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.

Per OPR’s Technical Advisory, this determination is based on the following:

CEQA provides a categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301, subd. (e)(2)). Typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract an additional 110-124 trips per 10,000 square feet. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact.

On October 6, 2020 El Dorado County Board of Supervisors adopted Resolution 141-2020 setting thresholds of significance for VMT resulting from proposed development projects.

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

- Conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
 - Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) (Vehicle Miles Traveled); or
 - Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
 - Result in inadequate emergency access.
- a. **Conflicts with a Transportation Plan, Policy or Ordinance:** The County Department of Transportation (DOT) reviewed the project and determined that the project would not conflict with a Transportation plan, policy, or ordinance. Based on review of the project description, a full Transportation Impact Study (TIS) was not required as the majority of project trips, on average, resulting from special events and not anticipated to occur regularly/daily and will mostly occur on weekends or outside weekday peak hours, and would not exceed thresholds described in General Plan Policy TC-Xe. Approval of the project would not necessitate construction of road improvements to meet or maintain General Plan policy level of service standards. The impacts would be less than significant.
- b. **Vehicle Miles Travelled (VMT):** The proposed project includes a rezone from TPZ to PA which would allow special events by right. A Vehicle Miles Traveled (VMT) Analysis was prepared by T. Kear Transportation Planning and Management, Inc., dated January 9, 2024 (Attachment 11). The VMT Analysis report was reviewed by County DOT for content and compliance. The project is anticipated to generate an average of approximately 37 trips daily. Per Resolution 141-2020, there is a presumption of less than significant impacts for the projects that generate or attract less than 100 trips per day. Therefore, in accordance with Resolution 141-2020 and OPR's direction regarding determining transportation impacts for land use projects, this impact is presumed to be less than significant, and no further improvements were required. The impacts would be less than significant.
- c. **Design Hazards:** Access to the project site would be from an existing, private driveway from North Canyon Road, a County-maintained roadway. DOT reviewed the project and provided comments, which are incorporated as conditions of approval. The impacts would be less than significant.
- d. **Emergency Access:** The proposed Zone Change to PA would allow Special Events and Ranch Marketing. Future applications for Special Events would be reviewed by applicable Agencies, including DOT and the local Fire Department, to ensure compliance with applicable requirements, including emergency access requirements.

The project site is in an area of Very High Fire Hazard for wildland as shown on Figure HS-1 of the Fire Hazard Rating in the El Dorado County General Plan (2015), and California Department of Forestry and Fire Protection CALFIRE (January 2020). The El Dorado County General Plan Safety Element precludes development in areas of high/very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. A Wildland Urban Interface Fire Protection Plan Fire Safe Plan (WFSP) was prepared for the project by CDS Fire Prevention Planning, William F. Draper, Registered Professional Forester, report dated October 21, 2022 (Attachment 12). As stated in the report, any new building shall comply with Title 24. Annual maintenance of hazardous vegetation and removal prior to start of fire season and maintained throughout the fire season is critical for establishing and keeping a fire safe environment. The El Dorado County Fire Protection District (EDCFPD) reviewed the project and provided comments which are incorporated into the project as conditions of approval. Further, EDCFPD would review future applications for Special Events in cooperation with other Agencies, including the County EMD, Planning Division, and Agricultural Department, to ensure compliance with applicable policies and fire safe regulations. As conditioned, the impacts would be less than significant.

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

XVIII. TRIBAL CULTURAL RESOURCES. <i>Would the project: Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Regulatory Setting:

Federal Laws, Regulations, and Policies

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

State Laws, Regulations, and Policies

Assembly Bill (AB) 52

AB 52, which was approved in September 2014 and effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. The bill, chaptered in CEQA Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment. Defined in Section 21074(a) of the Public Resources Code, TCRs are:

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

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TCRs are further defined under Section 21074 as follows:

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

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating 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.-b. **Tribal Cultural Resources:** A record search was prepared by the North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS) in Sacramento with a results summary dated June 24, 2022. Based on results of the record search, a Cultural Resources Study was prepared by Dana E. Supernowicz, dated August 2022. No significant prehistoric or historic archaeological sites, features, or artifacts were identified, nor were there any historic buildings, structures, or objects identified within the project area, and no further archaeological work was recommended. Further, the project is subject to the Cultural Resources provisions of CEQA Assembly Bill 52 (AB52), which requires Native American outreach. Pursuant to AB52, the County solicited input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community. At the time of the initial review consultation, seven Tribes have requested to be notified of proposed projects in El Dorado County: Ione Band of Miwok Indians, Nashville-El Dorado Miwok, Shingle Springs Band of Miwok Indians, Tsi Akim Maidu, United Auburn Indian Community (UAIC), Washoe Tribe of Nevada and California, and Wilton Rancheria. These Tribes were notified of the proposed project by certified mail on June 27, 2023. The Shingle Springs Band of Miwok Indians responded within 30 days to initiate consultation. Staff provided the Tribe with the Cultural Resources record search results and Cultural Resources Study for their review. Staff confirmed conclusion of consultation via email on November 1, 2023. Standard protective conditions of approval are incorporated with the project. The impacts would be less than significant.

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

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XIX. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?			X	
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e. 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

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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. **New Stormwater Facilities or Construction of New Facilities:** No grading or construction is proposed therefore the proposed project would not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The impacts would be less than significant.

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- b. **Sufficient Water Supply:** The project site is served by an existing, private well. Future applications for Special Events would be reviewed by the County Environmental Management Department (EMD), and El Dorado County Fire Protection District (EDCFPD), to verify adequate potable water and emergency water supply availability, and compliance with applicable requirements. EMD and EDCFPD reviewed the project and provided comments, which are incorporated as conditions of approval. As conditioned, the impacts would be less than significant.
- c. **Wastewater Requirements:** The project site is served by an existing, private septic-system. The County Environmental Management Department (EMD) reviewed the project and provided comments, which are incorporated as conditions of approval. Future applications for Special Events would be reviewed by EMD to ensure compliance with EMD requirements, including the County's Local Agency Management Plan (LAMP) standards, as applicable. As conditioned, the impacts would be less than significant.
- d. **Solid Waste Disposal and Requirements:** El Dorado Disposal distributes municipal solid waste to Forward Landfill in Stockton and Kiefer Landfill in Sacramento. Pursuant to El Dorado County Environmental Management Solid Waste Division staff, both facilities have sufficient capacity to serve the County. Recyclable materials are distributed to a facility in Benicia and green wastes are sent to a processing facility in Sacramento. County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting and loading of solid waste and recyclables. This project does not propose to add any activities that would generate substantial additional solid waste, as future additional housing units would generate minimal amounts of solid waste for disposal. The impacts would be less than significant.
- e. **Adequate Wastewater Capacity:** The project site is served by an existing, private septic-system. The County Environmental Management Department (EMD) reviewed the project and provided comments, which are incorporated as conditions of approval. Future applications for Special Events would be reviewed by EMD to ensure compliance with applicable requirements, including the County's Local Agency Management Plan (LAMP) standards. As conditioned, the impacts would be less than significant.

FINDING: For the Utilities and Service Systems category, no significant utility and service system impacts would be expected from the project, either directly or indirectly. The impacts would be less than significant.

XX. WILDFIRE. <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	

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XX. WILDFIRE. <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Discussion:

- a. The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan, alter any roadways, access points, or otherwise degrade traffic operations and access to the area in such a way as to interfere with an emergency response or evacuation plan. The project site is in an area of Very High Fire Hazard for wildland as shown on Figure HS-1 of the Fire Hazard Rating in the El Dorado County General Plan (2015), and California Department of Forestry and Fire Protection CALFIRE (January 2020). The El Dorado County General Plan Safety Element precludes development in areas of high/very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. A Wildland Urban Interface Fire Protection Plan Fire Safe Plan (WFSP) was prepared for the project by CDS Fire Prevention Planning, William F. Draper, Registered Professional Forester, report dated October 21, 2022 (Attachment 12). As stated in the report, any new building shall comply with Title 24. Annual maintenance of hazardous vegetation and removal prior to start of fire season and maintained throughout the fire season is critical for establishing and keeping a fire safe environment. The El Dorado County Fire Protection District (EDCFPD) reviewed the project and provided comments which are incorporated into the project as conditions of approval. Further, EDCFPD would review future applications for Special Events in cooperation with other Agencies, including the County EMD, Planning Division, and Agricultural Department, to ensure compliance with applicable policies and fire safe regulations. As conditioned, the impacts would be less than significant.

- b. The proposed project would not exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The Zone Change from TPZ to PA would allow Ranch Marketing, Wineries, and Special Events. Special Events would require review from County Agencies, including the El Dorado County Fire Protection District (EDCFPD), and would be required to adhere to all fire prevention and protection requirements and regulations of El Dorado County, including the El Dorado County Fire Hazard Ordinance and the Uniform Fire Code, as applicable. Pertinent measures may include a site plan showing ingress/egress, parking areas, and compliance with defensible space requirements as specified under Objective 6.2.1 of the Safety Element of the El Dorado County General Plan. With adherence to County Code of Ordinances and EDCFPD requirements, the impacts would be less than significant.

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- c. The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The project site is in an area of Very High Fire Hazard for wildland as shown on Figure HS-1 of the Fire Hazard Rating in the El Dorado County General Plan (2015), and California Department of Forestry and Fire Protection CALFIRE (January 2020). The El Dorado County General Plan Safety Element precludes development in areas of high/very high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. A Wildland Urban Interface Fire Protection Plan Fire Safe Plan (WFSP) was prepared for the project by CDS Fire Prevention Planning, William F. Draper, Registered Professional Forester, report dated October 21, 2022 (Attachment 12). As stated in the report, any new building shall comply with Title 24. Annual maintenance of hazardous vegetation and removal prior to start of fire season and maintained throughout the fire season is critical for establishing and keeping a fire safe environment. The El Dorado County Fire Protection District (EDCFPD) reviewed the project and provided comments which are incorporated into the project as conditions of approval. Further, EDCFPD would review future applications for Special Events in cooperation with other Agencies, including the County EMD, Planning Division, and Agricultural Department, to ensure compliance with applicable policies and fire safe regulations. As conditioned, the impacts would be less than significant.

- d. The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. The 33.22-acre parcel does have areas of steep and sloping terrain, particularly the farmed trees (Christmas trees); however, no grading or construction is proposed. Any future construction would require compliance with applicable requirements of the County Code, Building Code, and Fire Safe Regulations, which would be reviewed at time of any grading and/or building permits. The impacts would be less than significant.

FINDING: As conditioned, and with adherence to El Dorado County Code of Ordinances and requirements of the El Dorado County Fire Protection District (EDCFPD), potential impacts would be less than significant.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE. <i>Does the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have the potential to substantially 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, substantially 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. 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 and mitigated (MM BIO-1), 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 or pre-history. Any impacts from the project would be less than significant.

- b. Cumulative impacts are defined in Section 15355 of the California Environmental Quality Act (CEQA) Guidelines as *two or more individual effects, which when considered together, would be considerable or which would compound or increase other environmental impacts.*

The proposed project and site-specific environmental conditions of approval, which have been disclosed in the Project Description and analyzed in Items I through XXI, show there would be no significant impacts anticipated related to aesthetics, agriculture/forest resources, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use planning, mineral resources, noise, population/housing, public services, recreation, traffic/transportation, tribal cultural resources, utilities/service systems, or wildfire, that would combine with similar effects such that the project's contribution would be cumulatively considerable. For all categories (except biological resources which have incorporated mitigation measures MM BIO-1), a determination of either less than significant impacts or no impacts would be anticipated.

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

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

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

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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.
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EXHIBIT M - PROPOSED MITIGATED NEGATIVE DECLARATION INITIAL STUDY

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