

**NEGATIVE DECLARATION**

**FILE:** Z15-0001/P15-0001

**PROJECT NAME:** Dryden

**NAME OF APPLICANT:** John and Kirsten Dryden

**ASSESSOR'S PARCEL NO.:** 016-410-10      **SECTION:** 29   **T:** 14N   **R:** 17E

**LOCATION:** On the west side of Highway 89, approximately 0.5 miles north of Bayview Dr. in the Meeks Bay area of Lake Tahoe. Supervisorial District 5.

- GENERAL PLAN AMENDMENT:**      **FROM:**      **TO:**
- REZONING:**      **FROM:** CT      **TO:** TR1
- TENTATIVE PARCEL MAP**    **SUBDIVISION TO SPLIT 16.63 ACRES INTO 4 LOTS**  
**SUBDIVISION (NAME):** Dryden
- SPECIAL USE PERMIT TO ALLOW:**
- OTHER:**

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**REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:**

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

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this NEGATIVE DECLARATION. A period of thirty (30) days from the date of filing this negative declaration/mitigated negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by COUNTY OF EL DORADO. A copy of the project specifications is on file at the County of El Dorado Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

**This Negative Declaration was adopted by the Planning Commission on November 12, 2015.**

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Executive Secretary

**EXHIBIT I**



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

**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST FORM**

<b>Project Title:</b> Z15-0001/P15-0001/Dryden			
<b>Lead Agency Name and Address:</b> El Dorado County, 2850 Fairlane Court, Placerville, CA 95667			
<b>Contact Person:</b> Joseph Prutch, Associate Planner		<b>Phone Number:</b> (530) 621-5355	
<b>Property Owner's Name and Address:</b> John and Kirsten Dryden, 161 Prospect Ave., Los Gatos, CA 95030			
<b>Project Applicant's/Agent's Name and Address:</b> Ogilvy Consulting, PO Box 1636, Kings Beach, CA 96143 (Ed Lupyak)			
<b>Project Engineer's Name and Address:</b> Auerbach Engineering Corp., 645 West Lake Tahoe Blvd., Tahoe City, CA 96145			
<b>Project Location:</b> On the west side of Highway 89, approximately 0.5 miles north of Bayview Dr. in the Meeks Bay area of Lake Tahoe.			
<b>Assessor's Parcel Number(s):</b> 016-410-10 <b>Parcel Size:</b> 16.63 acres			
<b>Zoning:</b> One-family Residential Tahoe (TR1) and Commercial Tahoe (CT)			
<b>General Plan Designation:</b> Adopted Plan (AP) - Tahoe Regional Plan, Plan Area Statements 148 (Meeks Creek) and 150 (Meeks Bay)			
<b>Section:</b> 29 T: 14N R: 17E			
<b>Description of Project:</b> Tentative Parcel Map to create four parcels: (three commercial) Lot 1 is 15,033 square feet (0.34 acres), Lot 2 is 18,118 square (0.42 acres), Lot 3 is 19,842 square. (0.45 acres), and (one residential) Lot 4 is 671,604 square (15.42 acres). Rezone of property so that existing TR1 and CT zones align with those boundary lines of the Plan Area Statements. No new zoning districts would be established. No development is proposed, however, the three commercial buildings are planned for demolition. Two design waivers of the County Design and Improvement Standards Manual to modify the road width and right-of-way width.			
<b>Surrounding Land Uses and Setting:</b>			
	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	TR1 & CT	AP (PAS 150 & 148)	Single-family residence, three commercial buildings, and an accessory structure
<b>North</b>	TR1 & CT	AP (PAS 150 & 148)	Vacant land, Highway 89, and campground
<b>South</b>	TR1	AP (PAS 149 & 148)	Vacant land and Single-family homes
<b>East</b>	TR1	AP (PAS 148)	Vacant land
<b>West</b>	TR1	AP (PAS 149)	Single-family homes
<b>Briefly Describe the environmental setting:</b> The elevation of the project site ranges from 6,240 to 6,420 feet above sea level with a slope generally falling from southeast to northwest. The habitat is mostly pine trees with a variety of other understory plant species. There is no creek traversing the property. There are three dilapidated commercial buildings, none of which are in use, and an existing single-family residence. Access to all four parcels is from the existing half circle driveway at Highway 89 and a 12 foot driveway to the residence. This driveway also traverses through the property to two other neighboring residential dwellings and a Tahoe City utility building.			
<b>Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement)</b>			
<ol style="list-style-type: none"> <li>1. Meeks Bay Fire Department: Review of Conditions of Approval.</li> <li>2. Transportation Division: Review of Conditions of Approval.</li> <li>3. El Dorado County Surveyor: Certification of Parcel Map.</li> <li>4. El Dorado County Environmental Management- Review Conditions of Approval</li> <li>5. Tahoe Regional Planning Agency (TRPA) – Acknowledgment of Subdivision of Existing Structures permit</li> </ol>			

**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
Biological Resources	Cultural Resources	Geology / Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology / Water Quality
Land Use / Planning	Mineral Resources	Noise
Population / Housing	Public Services	Recreation
Transportation/Traffic	Tribal Cultural Resources	Utilities / Service Systems
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: 10/7/2015  
 Printed Name: Joseph Prutch, Associate Planner For: El Dorado County

Signature:  Date: 10/07/15  
 Printed Name: Tiffany Schmid, Principal Planner For: El Dorado County

## **PROJECT DESCRIPTION**

### Introduction

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts resulting from the Parcel Map and Rezone. The project would allow the subdividing of a 16.63-acre commercial/residential property into four parcels; three commercial lots under ½ acre and one residential lot over 15 acres. The rezone would relocate the existing boundary between the TR1 and CT zones so that the zoning boundaries align with the Plan Area Statement areas of the TRPA. The existing CT zone would get smaller and the TR1 zone would get larger. No new zoning districts would be established.

### Project Description

Tentative Parcel Map creating four parcels: three commercial, Lot 1 is 0.34 acres, Lot 2 is 0.42 acres, and Lot 3 is 0.45 acres; and one residential, Lot 4 is 15.42 acres. The parcels would be developed consistent with the TR1 and CT zone district development standards and the rules and regulations of the Tahoe Regional Planning Agency. No development is proposed, however, the commercial buildings are planned to be demolished. The property would be rezoned so that the TR1 and CT zones align with those boundary lines of the TRPA Plan Area Statements. The TRPA issued a Subdivision of Existing Structures permit for the property on August 3, 2014.

### Project Location and Surrounding Land Uses

The 16.63-acre site is located on the east side of Highway 89, approximately ½ mile north of Bayview Drive in the Meeks Bay area of Lake Tahoe, within the Tahoe Regional Planning Agency's jurisdiction. The surrounding land uses include residential uses, undeveloped forest land, and a campground.

### Project Characteristics

#### 1. Transportation/Circulation/Parking

Access to all four parcels would be from the existing curved driveway located along Highway 89 and a driveway from the middle of the curved driveway that leads back to the single family home and beyond to two additional homes on other parcels and a Tahoe City utility building. There are no plans to widen any of the driveways. To access Lot 3, the applicant may request a third encroachment onto Highway 89 from Caltrans to use an existing road and utility easement along the southern parcel boundary. The applicant is requesting design waivers to modify the road width and right-of-way width so that the driveway can remain 12 feet wide and the road easement under that driveway can be 20 feet wide.

#### 2. Utilities and Infrastructure

The project site would be served by municipal sewer and water supplied by the Tahoe City Public Utility District (TCPUD). The applicant would need to work with the TCPUD to obtain permits prior to building demolition and private easements, service agreements or declarations of restrictive covenants for water/sewer service associated with the project. Overhead electric lines run along the north side of the driveway from Highway 89 through the site. Existing structures are already connected to electricity and telephone.

#### 3. Construction Considerations

The project applicant would be required to obtain an encroachment permit from Caltrans for any new encroachments onto Highway 89, possibly at the southernmost corner to access Lot 3. All future construction activities would be completed in conformance with the County of El Dorado Grading and Erosion Control regulations and Air Quality Management District rules and regulations. No development is proposed at this time; however, demolition of the three commercial buildings will occur.



### Project Schedule and Approvals

This Initial Study is being circulated for public and agency review for a 30-day period. Written comments on the Initial Study should be submitted to the project planner indicated in the Summary section, above. Following the close of the written comment period, the Initial Study will be considered by the Lead Agency in a public meeting and will be certified if it is determined to be in compliance with CEQA. The Lead Agency will also determine whether to approve the project.

### EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of Mitigation Measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the Mitigation Measures, and briefly explain how they reduce the effect to a less than significant level.
5. CEQA Section 15152. Tiering- El Dorado County 2004 General Plan EIR: This Negative Declaration tiers off of the El Dorado County 2004 General Plan EIR (State Clearing House Number 2001082030) in accordance with Section 15152 of the CEQA Guidelines. The El Dorado County 2004 General Plan EIR is available for review at the County web site at <http://www.co.el-dorado.ca.us/Planning/GeneralPlanEIR.htm> or at the El Dorado County Development Services Division located at 2850 Fairlane Court, Placerville, CA 95667. All determinations and impacts identified that rely upon the General Plan EIR analysis and all General Plan Mitigation Measures are identified herein.
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 include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

**ENVIRONMENTAL IMPACTS**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>1. AESTHETICS. <i>Would the project:</i></b>				
a. Have a substantial adverse effect on a scenic vista?			X	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c. Substantially degrade the existing visual character quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal regulations are applicable to aesthetics in relation to the Proposed Project.

***State Laws, Regulations, and Policies***

In 1963, the California State Legislature established the California Scenic Highway Program, a provision of the Streets and Highways Code, to preserve and enhance the natural beauty of California (Caltrans, 2015). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways. Highway 89 is an officially designated state scenic corridor in the vicinity of the project site.

***Local Laws, Regulations, and Policies***

The County has several standards and ordinances that address issues relating to visual resources. Many of these can be found in the County Zoning Ordinance (Title 130 of the County Code). The Zoning Ordinance consists of descriptions of the zoning districts, including identification of uses allowed by right or requiring a special-use permit and specific development standards that apply in particular districts based on parcel size and land use density. These development standards often involve limits on the allowable size of structures, required setbacks, and design guidelines. Included are requirements for setbacks and allowable exceptions, the location of public utility distribution and transmission lines, architectural supervision of structures facing a state highway, height limitations on structures and fences, outdoor lighting, and wireless communication facilities. Scenic views and resources of significance in El Dorado County include Highway 89 north of Emerald Bay, among others.

**Discussion:**

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

- a, b. **Scenic Vista and Scenic Resources.** All of State Route 89 in El Dorado County is considered a scenic highway and is listed in Table 5.3-1 of the El Dorado County General Plan EIR as an important public scenic viewpoint. The

scenic vistas are the views of the lake. However, since the project site is on the west side of State Route 89, away from the lake, construction of future commercial buildings at this property would not impact views of the lake from State Route 89. Although the three commercial buildings at the site are old, they have been determined to not be historic buildings. Therefore, no scenic vistas, resources, trees, rock outcroppings, historic buildings, or designated scenic highways would be affected by this project. Impacts would be less than significant.

- c. **Visual Character.** The Parcel Map would result in four parcels that are suitable for existing residential and future commercial uses. The three existing structures on the commercial lots will be demolished as they are old and dilapidated. No construction is proposed at this time. However, when any commercial buildings are propped on any or all of these three commercial lots, design review will be required through Planning Services prior to construction. The proposed project would not degrade the visual character or quality of the site and its surroundings. The property would continue to provide the natural visual character and quality that currently exist by keeping the scenic areas of the property intact. Impacts would be less than significant.
- d. **Light and Glare.** This four parcel division of land does not propose development that would create substantial light or glare affecting day or nighttime views in the area. Any future building plans issued for the parcels shall comply with Section 130.14.170 of the County Zoning Ordinance which prohibits unnecessary and unwarranted illumination on an adjacent property. Further, any development on the three parcels fronting State Route 89 would require design review through Planning Services. Impacts would be less than significant.

**FINDING:** No impacts to aesthetics are expected with the project either directly or indirectly. For this “Aesthetics” category, impacts would be less than significant.

**2. 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 Dept. 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 Forrest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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 agriculture and forest resources in relation to the Proposed Project.

***State Laws, Regulations, and Policies***

**Farmland Mapping and Monitoring Program**

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

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

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

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

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

**California Land Conservation Act of 1965 (Williamson Act)**

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

**Z'berg-Nejedly Forest Practice Act**

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

**Discussion:**

A substantial adverse effect to Agricultural Resources would occur if:

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

- a. **Farmland Mapping and Monitoring Program.** Review of the Important Farmland GIS map layer for El Dorado County indicates that the project site does not contain soil types classified as unique, soils of local importance, prime farmland, or farmland of statewide importance. The Parcel Map would create four parcels which would support residential and commercial pursuits and would not result in the conversion of farmland to non-agricultural uses. As such, there would be no impact.
- b. **Williamson Act Contract.** The project parcel is zoned Tahoe One Family Residential (TR1) and Commercial Tahoe (CT). The project site or any of the adjacent properties are not within a Williamson Act Contract. Therefore, the project would not affect any properties under a Williamson Act Contract. There would be no impact.
- c. **Non-Agricultural Use.** The project is adjacent to an existing residential subdivision to the south and vacant forest land to the north and east. The project site is already zoned TR1 and CT and the rezone would rearrange the sizes of these districts. Surrounding properties are also zoned TR1 and CT. The project would not conflict with existing zoning, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. There would be no impact.
- d. **Loss of Forest Land or Conversion of Forest Land.** The project site is not currently used as forest land. Subdivision and rezone of the property will not result in the loss of forest land or conversion of forest land to non-forest use. There would be no impact.
- e. **Conversion of Prime Farmland of Forest Land.** The subdivision and rezone of the property will not result in additional commercial or residential structures beyond what already exists. The project will not 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. There would be no impact.

**FINDING:** This project would have no significant impact on agricultural lands, would not convert agricultural lands to non-agricultural uses, and would not affect properties subject to a Williamson Act Contract. For the "Agriculture" category, the thresholds of significance have not been exceeded and no significant environmental impacts would result from the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3. AIR QUALITY. Would the project:</b>				
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?			X	
e. Create objectionable odors affecting a substantial number of people?			X	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

The Clean Air Act is implemented by the U.S. Environmental Protection Agency (EPA) and sets ambient air limits, the National Ambient Air Quality Standards (NAAQS), for six criteria pollutants: particulate matter of aerodynamic radius of 10 micrometers or less (PM10), particulate matter of aerodynamic radius of 2.5 micrometers or less (PM2.5), carbon monoxide (CO), nitrogen dioxide (NO2), ground-level ozone, and lead. Of these criteria pollutants, particulate matter and ground-level ozone pose the greatest threats to human health.

***State Laws, Regulations, and Policies***

The California Air Resources Board (CARB) sets standards for criteria pollutants in California that are more stringent than the NAAQS and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. The Proposed Project is located within the Mountain Counties Air Basin, which is comprised of seven air districts: the Northern Sierra Air Quality Management District (AQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County APCD, the Tuolumne County APCD, the Mariposa County APCD, and a portion of the El Dorado County AQMD, which consists of the western portion of El Dorado County. The El Dorado County Air Pollution Control District manages air quality for attainment and permitting purposes within the west slope portion of El Dorado County.

EPA and CARB regulate various stationary sources, area sources, and mobile sources. EPA 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, EPA 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. Airborne Toxic Control Measures (ATCMs), including the following relevant measures, are implemented to address sources of TACs:

- ATCM for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater
- ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling
- ATCM to Reduce Particulate Emissions from Diesel-Fueled Engines Standards for Non-vehicular Diesel Fuel
- ATCM for Stationary Compression Ignition Engines
- ATCM for Emissions of Chlorinated Toxic Air Contaminants from Automotive Maintenance and Repair Activities

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 EPA and State of California, respectively, for each criteria pollutant: ozone, particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide. The El Dorado County AQMD Guide to Air Quality Assessment (2002) specifies significance criteria and quantitative thresholds for daily emissions resulting from construction and project operations. If emissions exceed 82 pounds per day for ROG or NOx, they have the potential to result in a significant air quality impact. The guide includes a Table (Table 5.2) listing project types with potentially significant emissions, though there is no listing for parks, trail heads, or recreational facilities. 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; or
- 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)
- Daily average fuel use is less than 337 gallons per day for equipment from 1995 or earlier, or 402 gallons per day for equipment from 1996 or later

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

Mandatory AQMD rule include Rule 223 regarding fugitive dust, Rule 215 regarding the application of architectural coatings, and Rule 224 regarding cutback and emulsified asphalt paving materials. Projects in the County also analyze potential air quality impacts through the use of the El Dorado County AQMD Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts under the California Environmental Quality Act (APCD CEQA Guide).

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:**

A substantial adverse effect on Air Quality would occur if:

- Emissions of ROG and No<sub>x</sub>, will result in construction or operation emissions greater than 82lbs/day (See Table 5.2, of the El Dorado County Air Pollution Control District – CEQA Guide);
  - Emissions of PM<sub>10</sub>, CO, SO<sub>2</sub> and No<sub>x</sub>, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
  - Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.
- a. **Air Quality Plan.** El Dorado County has adopted the *Rules and Regulations of the El Dorado County Air Pollution Control District* (February 15, 2000) establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO<sub>x</sub>, and O<sub>3</sub>). While grading and construction activities are not anticipated to occur as a result of this project, any activities associated with future grading and construction of this project would pose a less than significant impact on air quality because the El Dorado County Air Quality Management District (AQMD) would require that the project implement a Fugitive Dust Mitigation (FDM) plan during grading and construction activities. Such a plan would address grading measures and operation of equipment to minimize and reduce the level of defined particulate matter exposure and/or emissions below a level of significance.
- b. **Air Quality Standards.** Operational air quality impacts would be minor, and would cause an insignificant contribution to existing or projected air quality violations. Source emissions would be from vehicle trip emissions, natural gas and wood combustion for space and water heating, landscape equipment, and consumer products. Impacts would be less than significant.
- c. **Cumulative Impacts.** The El Dorado County AQMD reviewed the project and determined that with the implementation of standard Conditions of Approval for air quality, the project would have an insignificant impact on air quality; therefore, impacts would be less than significant.
- d. **Sensitive Receptors.** “Sensitive Receptors” are defined as facilities where sensitive population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals, and medical clinics. There are no sensitive receptors in the immediate vicinity of the proposed project. The proposed project would not expose sensitive receptors to substantial pollutant concentrations; therefore, impacts would be less than significant.
- e. **Objectionable Odors.** The requested Parcel Map and Rezone and future construction of commercial uses would not generate or produce objectionable odors. Therefore, impacts would be less than significant.



**FINDING:** The proposed project would not affect the implementation of regional air quality regulations or management plans. Operational air quality impacts would be minor and would not cause a significant contribution to existing or projected air quality violations. Additional impacts to air quality would be less than significant. The proposed project would not cause substantial adverse effects to air quality, nor exceed established significance thresholds for air quality impacts, and no significant environmental impacts would result from the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>4. BIOLOGICAL RESOURCES. <i>Would the project:</i></b>				
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 Wildlife or U.S. Fish and Wildlife Service?			X	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

Endangered Species Act

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

Section 9 of the ESA and its implementing regulations prohibit the “take” of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term “take” to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16

USC Section 1532). Section 7 of the ESA (16 USC Section 1531 *et seq.*) outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats. Section 10(a)(1)(B) of the ESA provides a process by which nonfederal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in "take" of endangered or threatened species, subject to specific conditions. A habitat conservation plan (HCP) must accompany an application for an incidental take permit.

#### Migratory Bird Treaty Act

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

#### Bald and Golden Eagle Protection Act

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

#### Clean Water Act

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

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

#### ***State Laws, Regulations, and Policies***

##### California Fish and Game Code

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

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

authorizing the take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions.

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

#### Streambed Alteration Agreement

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

#### California Native Plant Protection Act

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

#### Forest Practice Act

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

#### ***Local Laws, Regulations, and Policies***

The County General Plans 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.

Setting: Describe the setting based on ag assessment, biological features on site, plant or animal communities, etc.

- Serpentine Rock or Gabbro soils that contain certain rare plants. Further, the project site is not located within a Rare Plant Mitigation area. County Geographic Information System (GIS) soil data
- 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.
- Important biological corridor (IBC) according to the El Dorado County General Plan Draft EIR Exhibits 5.12-14, 5.12-5 and 5.12-7 (El Dorado County, 2003).

Lands located within the overlay district are subject to the following provisions, given that they do not interfere with agricultural practices:

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;

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

**Discussion:**

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

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
  - Cause a fish or wildlife population to drop below self-sustaining levels;
  - Threaten to eliminate a native plant or animal community;
  - Reduce the number or restrict the range of a rare or endangered plant or animal;
  - Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
  - Interfere substantially with the movement of any resident or migratory fish or wildlife species.
- a. **Special Status Species.** This Parcel Map and Rezone request would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The parcels are not habitat for the eight special status plants of El Dorado County, which are commonly found in the western portions of El Dorado County. Three candidate species are known to occur in the Meeks Bay 7.5 minute quadrangle, however the project site is either not conducive to support these species or it is extremely remote that these species are present at the site.<sup>1</sup> Impacts would be less than significant.
- b, c. **Riparian Habitat and Federally Protected Wetlands.** There are no streams, ponds, or standing water present at the site nor does the site front the Lake Tahoe shoreline. Therefore, there are no anticipated impacts to riparian habitat, federally protected wetland as defined by Section 404 of the Clean Water Act, or sensitive natural community as identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Impacts would be less than significant.
- d. **Migration Corridors.** Review of the El Dorado County *Deer Ranges Map* indicates that there are no mapped critical deer migration corridors on the project site. The project is not located within the Important Biological Corridor (IBC) General Plan Land Use Overlay. A large majority of the property will be left undeveloped, allowing for possible migration. Accordingly, the project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. 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. The project would not conflict with any local policies or ordinances protecting biological resources, nor the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community, Conservation Plan, or other approved local, regional, or state habitat conservation plan. There would be no impact.

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<sup>1</sup> Stanford L. Loeb, Ph.D. (2015, February 4). *Biological Assessment for Special Status Plants and Wildlife*.

f. **Adopted Plans:** This project would not conflict with the provisions of an adopted Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There would be no impact.

**FINDING:** For the “Biological Resources” category, the thresholds of significance have not been exceeded and no significant environmental impacts would result from the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>5. CULTURAL RESOURCES. <i>Would the project:</i></b>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?			X	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

The National Register of Historic Places

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

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

***State Laws, Regulations, and Policies***

California Register of Historical Resources

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

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

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

#### The California Register of Historic Places

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

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

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

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

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

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



### CEQA and CEQA Guidelines

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

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

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

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

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

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

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

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

### **Discussion:**

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

- Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or a property or historic or cultural significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;



- Conflict with established recreational, educational, religious or scientific uses of the area; or
  - Conflict with adopted environmental plans and goals of the community where it is located.
- a-c. **Historic or Archeological Resources.** Based on the submitted Heritage Resource Inventory and Evaluation, an historic-era road is located within the project area. However, this road has been determined ineligible for the National or California Registers, and all of the roads potentially significant information has been recovered and documented. Standard Conditions of Approval would protect any unforeseen finds during commercial building demolition in the event of accidental discovery of historic or archeological resources. With this standard condition of approval, impacts would be less than significant.
- d. **Human Remains.** There is a very small likelihood of human remains discovery at the project site. Standard conditions of approval would be included to address accidental discovery of human remains during commercial building demolition. Impacts would be less than significant.

**FINDING:** No significant cultural resources were identified on the project site. Standard Conditions of Approval would be required with requirements for accidental discovery during project construction. This project would have a less than significant impact within the Cultural Resources category.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>6. TRIBAL CULTURAL RESOURCES. <i>Would the project:</i></b>				
a. Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074?			<b>X</b>	

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

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

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

of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

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

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

**Discussion:**

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

- Disrupt, alter, or adversely affect a TCR such that the significance of the resource would be materially impaired
- a. **Tribal Cultural Resources.** At the time this project was deemed complete and CEQA was initiated, the County had not received any requests for consultation under AB52 by a California Native American Tribe. Further, the geographic area of the project site is not known to contain any TCRs. Impacts would be less than significant.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>7. GEOLOGY AND SOILS. <i>Would the project:</i></b>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	

b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

National Earthquake Hazards Reduction Act

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

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

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

**State Laws, Regulations, and Policies**

Alquist–Priolo Earthquake Fault Zoning Act

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

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

#### Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) 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 SHMA 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 SHMA, cities and counties may withhold the development permits for a site within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans.

#### California Building Standards Code

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

#### **Discussion:**

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

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
  - Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
  - Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.
- a. **Seismic Hazards.**
- i) According to the California Department of Conservation, Division of Mines and Geology, there are no Alquist-Priolo fault zones within El Dorado County. The nearest such faults are located in Alpine and Butte Counties. However, a rupture in one of those counties is not likely to have a strong impact at the project site. Therefore, impacts would be less than significant.
  - ii) The potential for seismic ground shaking in the project area would be considered less than significant. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code (UBC). All future structures would be built to meet the construction standards of the UBC for the appropriate seismic zone. Impacts would be less than significant.

- iii) El Dorado County is considered an area with low potential for seismic activity. The potential areas for liquefaction on the project site would be negligible. Impacts would be less than significant.
- iv) All grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Compliance with the Ordinance would reduce potential landslide impacts to less than significant.
- b. **Soil Erosion.** According to the Soil Resource Report for the Tahoe Basin Area, the majority of the soil type onsite is classified as Gefo gravelly loamy course sand and Meeks gravelly loamy course sand, with small areas (approximately 4%) of Tahoe complex and Celio loamy course sand. The Gefo and Meeks soils are somewhat excessively drained with low runoff. The Tahoe complex and Celio soils are very poorly drained with a very high runoff. Drainage and road improvements and future commercial building will occur in the Gefo and Celio soils. Future grading at the project site will require compliance with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Therefore, impacts would be less than significant.
- c. **Geologic Hazards.** The area of future improvements is generally flat and on soil that is stable. It is not likely that development of the project site would result in unstable soils. Future grading work at the project site will require compliance with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Therefore, impacts would be less than significant.
- d. **Expansive Soils.** The project site is not known to have expansive soils. Any future grading activities would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Therefore, impacts would be less than significant.
- e. **Septic Capability.** The project is served by public sewer facilities. There would be no impact.

**FINDING:** A review of the soils and geologic conditions on the project site determined that the soil types are suitable for the proposed parcel map and any future development. Any future grading activities would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance which would address potential impacts related to soil erosion, landslides and other geologic impacts. Future development would be required to comply with the UBC which would address potential seismic related impacts. For this 'Geology and Soils' category, impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>8 GREENHOUSE GAS EMISSIONS. <i>Would the project:</i></b>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Background/Science**

Cumulative greenhouse gases (GHG) emissions are believed to contribute to an increased greenhouse effect and global climate change, which may result in sea level rise, changes in precipitation, habitat, temperature, wildfires, air pollution levels, and changes in the frequency and intensity of weather-related events. While criteria pollutants and toxic air contaminants are pollutants of regional and local concern (see Section III. Air Quality above); GHG are global pollutants. The primary land-use related GHG are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxides (N<sub>2</sub>O). The individual pollutant's ability to retain infrared radiation represents its "global warming potential" and is expressed in terms of CO<sub>2</sub>

equivalents; therefore CO<sub>2</sub> is the benchmark having a global warming potential of 1. Methane has a global warming potential of 21 and thus has a 21 times greater global warming effect per metric ton of CH<sub>4</sub> than CO<sub>2</sub>. Nitrous Oxide has a global warming potential of 310. Emissions are expressed in annual metric tons of CO<sub>2</sub> equivalent units of measure (i.e., MTCO<sub>2</sub>e/yr). The three other main GHG are Hydrofluorocarbons, Perfluorocarbons, and Sulfur Hexafluoride. While these compounds have significantly higher global warming potentials (ranging in the thousands), all three typically are not a concern in land-use development projects and are usually only used in specific industrial processes.

### ***GHG Sources***

The primary man-made source of CO<sub>2</sub> is the burning of fossil fuels; the two largest sources being coal burning to produce electricity and petroleum burning in combustion engines. The primary sources of man-made CH<sub>4</sub> are natural gas systems losses (during production, processing, storage, transmission and distribution), enteric fermentation (digestion from livestock) and landfill off-gassing. The primary source of man-made N<sub>2</sub>O is agricultural soil management (fertilizers), with fossil fuel combustion a very distant second. In El Dorado County, the primary source of GHG is fossil fuel combustion mainly in the transportation sector (estimated at 70% of countywide GHG emissions). A distant second 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.

#### ***Federal Laws, Regulations, and Policies***

In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the *California Climate Solutions Act of 2006* (Stats. 2006, ch. 488) (Health & Safety Code, Section 38500 et seq.). AB 32 requires a statewide GHG emissions reduction to 1990 levels by the year 2020. AB 32 requires the California Air Resources Board (CARB) to implement and enforce the statewide cap. When AB 32 was signed, California's annual GHG emissions were estimated at 600 million metric tons of CO<sub>2</sub> equivalent (MMTCO<sub>2</sub>e) while 1990 levels were estimated at 427 MMTCO<sub>2</sub>e. Setting 427 MMTCO<sub>2</sub>e as the emissions target for 2020, current (2006) GHG emissions levels must be reduced by 29%. CARB adopted the AB 32 Scoping Plan in December 2008 establishing various actions the state would implement to achieve this reduction (CARB, 2008). The Scoping Plan recommends a community-wide GHG reduction goal for local governments of 15%.

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

### **Discussion**

- a-b. **Generate Greenhouse Gas Emissions and Policy.** The project could result in the generation of GHGs, which could contribute to global climate change. However, the amount of GHGs generated by the four-lot parcel map would be negligible compared to global emissions or emissions in the County, so the project would not substantially contribute cumulatively to global climate change. The proposed project is a subdivision of one lot into one single-family lot and three commercial lots with one home already existing and in use and three commercial buildings to be demolished. The GHG emissions from this project are estimated at much less than the Sacramento Regional GHG threshold of 1,100 MTCO<sub>2</sub>e per year, thus GHG emission impacts are considered to be less than significant.



**FINDING:** This project could result in increased GHG emissions related to potential future commercial development of the three commercial lots. However, the amount of GHGs generated would be negligible compared to global emissions or emissions in El Dorado County. Therefore, the project would not substantially contribute cumulatively to global climate change, and for this ‘Greenhouse Gas Emissions’ category, impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>9. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i></b>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**Regulatory Setting:**

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



### ***Federal Laws, Regulations, and Policies***

#### Comprehensive Environmental Response, Compensation, and Liability Act

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

#### Resource Conservation and Recovery Act

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

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

#### Energy Policy Act of 2005

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

#### Spill Prevention, Control, and Countermeasure Rule

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

#### Occupational Safety and Health Administration

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

#### Federal Communications Commission Requirements

There is no federally mandated radio frequency (RF) exposure standard; however, pursuant to the Telecommunications Act of 1996 (47 USC Section 224), the Federal Communications Commission (FCC) established guidelines for dealing with RF exposure, as presented below. The exposure limits are specified in 47 CFR Section 1.1310 in terms of frequency, field

strength, power density, and averaging time. Facilities and transmitters licensed and authorized by FCC must either comply with these limits or an applicant must file an environmental assessment (EA) with FCC to evaluate whether the proposed facilities could result in a significant environmental effect.

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

The FCC exposure limits generally apply to all FCC-licensed facilities (47 CFR Section 1.1307[b][1]). Unless exemptions apply, as a condition of obtaining a license to transmit, applicants must certify that they comply with FCC environmental rules, including those that are designed to prevent exposing persons to radiation above FCC RF limits (47 CFR Section 1.1307[b]). Licensees at co-located sites (e.g., towers supporting multiple antennas, including antennas under separate ownerships) must take the necessary actions to bring the accessible areas that exceed the FCC exposure limits into compliance. This is a shared responsibility of all licensees whose transmission power density levels account for 5.0 percent or more of the applicable FCC exposure limits (47CFR 1.1307[b][3]).

#### Code of Federal Regulations (14 CFR) Part 77

Code of Federal Regulations 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.

Any person/organization who/that intends to sponsor any of the following construction or alterations must notify the administrator of the FAA when:

- any construction or alteration exceeding 200 feet above ground level;
- any construction or alteration:
  - within 20,000 feet of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with its longest runway more than 3,200 feet;
  - within 10,000 feet of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 feet;
  - within 5,000 feet of a public use heliport which exceeds a 25:1 surface;
- any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards;
- when requested by the FAA; and
- any construction or alteration located on a public use airport or heliport regardless of height or location.

#### ***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. Office of Environmental Health Hazard Assessment (OEHHA), an agency under the California Environmental Protection Agency (CalEPA), is the lead agency for implementation of the Proposition 65 program. Proposition 65 is enforced through the California Attorney General’s Office; however, district and city attorneys and any individual acting in the public interest may also file a lawsuit against a business alleged to be in violation of Proposition 65 regulations.

### The Unified Program

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

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

### Hazardous Materials Business Plans

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

### California Occupational Safety and Health Administration

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

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

### California Accidental Release Prevention

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

### California Department of Forestry and Fire Protection Wildland Fire Management

The Office of the State Fire Marshal and the California Department of Forestry and Fire Protection (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)

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 State Responsibility Areas (SRAs) in El Dorado County, as established by CDF. The classification system provides three classes of fire hazards: Moderate, High, and Very High. Fire Hazard Ordinance (Chapter 8.08) requires defensible space as described by the State Public Resources Code, including the incorporation and maintenance of a 30-foot fire break or vegetation fuel clearance around structures in fire hazard zones. The County's requirements on emergency access, signing and numbering, and emergency water are more stringent than those required by state law (Patton 2002). The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

### Discussion:

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

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
  - Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
  - Expose people to safety hazards as a result of former on-site mining operations.
- a, b. **Hazardous Materials.** The project is not anticipated to involve transportation, use, and disposal of hazardous materials. However, any future use of hazardous materials would be required to comply with all applicable federal, state, and local standards associated with the handling and storage of hazardous materials. Prior to any use of hazardous materials, the applicant would be required to obtain a Hazardous Materials Business Plan through the Environmental Health-Hazardous Waste Division of El Dorado County. Impacts would be less than significant.
- c. **Hazardous Materials Near Schools.** The project site is not located near a school. There would be no impact.
- d. **Hazardous Sites.** No parcels within El Dorado County are included on the Cortese List. There would be no impact.

- e. **Aircraft Hazards.** The project is not located within an airport land use plan or within two miles of a public airport or public use airport that could result in a safety hazard for people residing or working in the project area. There would be no impact.
- f. **Private Airstrips:** The project site is not located within the vicinity of a private airport. There would be no impact.
- g. **Emergency Plan.** All four proposed parcels would utilize two existing driveway encroachments from Highway 89. There would be a long driveway between two commercial parcels providing adequate emergency access to the single family homes. Impacts would be less than significant.
- h. **Wildfire Hazards.** Although the project is located in a very high fire hazard area, the Meeks Bay Fire Station is located across the street. The three dilapidated commercial buildings will be demolished as part of this project, which will remove a possible fire hazard. Further, there are three fire hydrants located along the driveway of the project site and the driveway is of adequate width for fire equipment to maneuver throughout the site. Impacts would be less than significant level.

**FINDING:** The proposed project would not expose the area to hazards relating to the use, storage, transport, or disposal of hazardous materials. Any proposed use of hazardous materials would be subject to review and approval of a Hazardous Materials Business Plan issued by the Environmental Management Division. Further, any new structures would be subject to review and approval by the Meeks Bay Fire District as part of standard building permit requirements. For this 'Hazards and Hazardous Materials' category, impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>10. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i></b>				
a. Violate any water quality standards or waste discharge requirements?			X	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or -off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

Clean Water Act

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

*Section 303(d) — Listing of Impaired Water Bodies*

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

*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 acres 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 storm water pollution prevention plan (SWPPP). A 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 (MS4) 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). The MS4 permits require the discharger to develop and implement a Storm Water Management Plan/Program (SWMP) with the goal of reducing the discharge of pollutants to the maximum



extent practicable. The City of South Lake Tahoe, El Dorado and Placer counties are co-permittees of a Phase I joint NPDES Permit/Waste Discharge Requirement for storm water/urban runoff (NPDES No. CAG616001, Order No. R6T-2005-0026).

In accordance with NPDES regulations, the State requires that any construction activity affecting one acre or more must obtain a General Construction Activity Storm Water Permit (General Permit) to minimize the potential effects of construction runoff on receiving water quality.

#### National Flood Insurance Program

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

#### *State Laws, Regulations, and Policies*

##### Porter-Cologne Water Quality Control Act

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

The Porter-Cologne Act requires RWQCBs to develop water quality control plans (also known as basin plans) that designate beneficial uses of California's major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter-Cologne Act, basin plans must be updated every 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 improvements are proposed as part of this project, although the commercial buildings will be demolished. Any future construction would be required to adhere to the El Dorado County Grading, Erosion Control and Sediment Ordinance and the Tahoe Regional Planning Agency Code of Ordinances which would require Best Management Practices (BMP's) to minimize degradation of water quality during demolition/construction. As such, impacts would be less than significant.



- b. Groundwater Supplies.** This project will utilize public metered water and sewer facilities. As such, the project would not substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. Impacts would be less than significant.
- c-f. Drainage Patterns.** No improvements are proposed as part of this map. Building permits for future development on the commercial lots would require Building Services and TRPA approval. Impacts would be less than significant.
- g-j. Flood-related Hazards.** The project site is not located within any mapped 100-year flood areas and would not result in the construction of any structures that would impede or redirect flood flows. No dams are located in the project area that would result in potential hazards related to dam failures. Although the project site is at about lake level, the risk of exposure to seiche is remote as the site is more than 1,000 feet from the lake and there is a campground and a raised highway between the lake and the property. The risk of exposure to tsunami or mudflows would be remote. There would be no impact.

**FINDING:** No significant hydrological impacts are expected with the development of the project either directly or indirectly. For this "Hydrology" category, impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>11. LAND USE PLANNING. <i>Would the project:</i></b>				
a. Physically divide an established community?			X	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Regulatory Setting:**

California State law requires that each county and city adopt a general plan "for the physical development of the county or city and any land outside its boundaries which bears relation to its planning." Typically, a general plan is designed to address the issues facing the city or county for the next 15-20 years. The general plan expresses the community's development goals and incorporates public policies relative to the distribution of future public and private land uses.

The El Dorado County General Plan was adopted in 2004. The 2013-2021 Housing Element was adopted in 2013.

**Discussion:**

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

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
- Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
- Result in conversion of undeveloped open space to more intensive land uses;
- Result in a use substantially incompatible with the existing surrounding land uses; or

- Conflict with adopted environmental plans, policies, and goals of the community.
- a. **Established Community.** The project would not result in the physical division of an established community. As proposed, the project would be compatible with the surrounding residential and commercial land uses and would not create land use conflicts with surrounding properties. Impacts would be less than significant.
  - b. **Land Use Consistency.** The proposed project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the 2004 General Plan, the goals and policies of the TRPA's Code of Ordinances, and is consistent with the development standards contained within the El Dorado County Zoning Ordinance. The project proposes densities and parcel sizes consistent with the Tahoe Regional Plan, Plan Area Statements 148 (Meeks Creek) and 150 (Meeks Bay), and the El Dorado County Tahoe Single Family Residential (TR1) and Commercial Tahoe (CT) Zone Districts. The TRPA issued a Subdivision of Existing Structures permit for the property on August 3, 2014. Impacts would be less than significant.
  - c. **Habitat Conservation Plan.** The project site is not within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any other conservation plan. As such, the proposed project will not conflict with an adopted conservation plan. No impact would occur.

**FINDING:** For the 'Land Use Planning' category, the project would have a less than significant impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>12. MINERAL RESOURCES.</b> <i>Would the project:</i>				
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?				<b>X</b>
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?				<b>X</b>

**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 CGS 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.

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. The project area, however, is not located in a Mineral Resource zone according to the General Plan.

**Discussion:**

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

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.
- a, b. **Mineral Resources.** There are no known mineral resources on the site according to the General Plan or the Tahoe Regional Plan. There are no known mineral resources of local importance on or near the project site. There would be no impact.

**FINDING:** No known mineral resources are located on or within the vicinity of the project. There would be no impact to this 'Mineral Resources' category.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>13. NOISE.</b> <i>Would the project result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise level?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Regulatory Setting:**

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

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

**Discussion:**

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

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60dBA CNEL;
  - Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3dBA, or more; or
  - Results in noise levels inconsistent with the performance standards contained in Table 6-1 and Table 6-2 in the El Dorado County General Plan.
- a, c. Noise Exposure.** The project would not result in a substantial increase in existing ambient noise levels in the project vicinity. The project would not generate noise levels that exceed the performance standards contained in Table 6-1 and Table 6-2 within the General Plan as it involves the creation of four additional parcels and related residential and commercial noise. One lot already contains a residence and three lots contain commercial structures. These three commercial structures will be demolished and there will be short-term noise impacts. However, a building permit is required to ensure that noise impacts are regulated and the noise will be temporary. Therefore, no significant noise would be expected from the project. Impacts would be less than significant.
- b, d. Groundborne Shaking and Long-Term Noise.** Persons adjacent to the project vicinity would not be subjected to long-term excessive groundborne noise or groundborne vibration as a result of the project, but would be subjected to short-term excessive groundborne noise or groundborne vibration during demolition of the commercial structures. A building permit will be required before demolition, which will limit the amount of groundborne noise or groundborne vibration during demolition. Impacts would be less than significant.
- e, f. Aircraft Noise.** The proposed project is not located adjacent to or in the vicinity of a public airport and is not subject to any noise standards established by an adopted Comprehensive Land Use Plan. As such, the project would not be subjected to excessive noise from a private airport. The proposed project is not located adjacent to or in the vicinity of a private airstrip. As such, the project would not be subjected to excessive noise from a private airport. No impacts would occur.

**FINDING:** For the 'Noise' category, the thresholds of significance have not been exceeded and no significant environmental impacts would result from the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>14. POPULATION AND HOUSING. <i>Would the project:</i></b>				
a. Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure)?			X	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Regulatory Setting:**

No federal or state laws, regulations, or policies apply to population and housing and the Proposed Project.

**Discussion:**

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

- Create substantial growth or concentration in population;
  - Create a more substantial imbalance in the County’s current jobs to housing ratio; or
  - Conflict with adopted goals and policies set forth in applicable planning documents.
- a. **Population Growth.** The proposed project is a request to subdivide a parcel containing one house and three commercial buildings into four parcels with a structure on each lot. No buildings will be constructed, although the three commercial buildings will be demolished and may be replaced in the future. As such, there will be no net population growth as a result of this project. Therefore, potential impacts as a result of increased population and displacement of housing or residents would be considered less than significant.
- b, c. **Housing Displacement.** The project would result in the creation of one residential lot that would contain an existing single family home. Only the commercial buildings would be demolished. No displacement or relocation of housing would result from this project. There would be no impact.

**FINDING:** It has been determined that there would be less than significant impacts to population growth and no significant impacts to population or housing displacement. For this “Population and Housing” category, impacts would be less than significant.

<i>15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?				X
d. Parks?				X
e. Other government services?				X

**Regulatory Setting:**

*Federal Laws, Regulations, and Policies*

California Fire Code

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

**Discussion:**

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

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department's/District's goal of 1.5 firefighters per 1,000 residents and 2 firefighters per 1,000 residents, respectively;
  - Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff's Department goal of one sworn officer per 1,000 residents;
  - Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
  - Place a demand for library services in excess of available resources;
  - Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
  - Be inconsistent with County adopted goals, objectives or policies.
- a. **Fire Protection.** The Meeks Bay Fire Protection District provides structural fire protection to the project site. The demolition of the three commercial buildings would remove buildings that may be a fire hazard. The proposed access easements, circular drive from Highway 89, and driveway to residential properties are adequate to accommodate fire trucks if needed. Further, the driveway has three fire hydrants along its route to further enhance fire protection. Impacts would be less than significant.
  - b. **Police Protection.** Police services would continue to be provided by the El Dorado County Sheriff's Department. Due to the size and scope of the project and the fact that no additional buildings are proposed, the demand for additional police protection would not be required. There would be no impact.
  - c. **Schools.** School services would be provided by the Tahoe-Truckee Unified School District. Any new residential construction would be required to pay impact fees established by the District. Since no residential development is proposed, there would be no impact.
  - d. **Parks.** As discussed in the 'Recreation' category below, the project would be required to pay park in-lieu fees. With this payment, impacts to parks would be less than significant.
  - e. **Government Services.** There are no services that would be significantly impacted as a result of the project. There would be no impact.

**FINDING:** The project would not result in a significant increase of public services to the project. Increased demands to services would be addressed through the payment of established impact fees either prior to Parcel Map or during building permit. For this 'Public Services' category, impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>16. RECREATION. <i>Would the project:</i></b>				
a. 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. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	



**Regulatory Setting:**

**National Trails System**

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

The National Trails System includes four classes of trails:

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

***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 Section 120.12.090 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 Parks and Recreation Element describes the need for 1.5 acres of regional parkland, 1.5 acres of community parkland, and 2 acres of neighborhood parkland per 1,000 residents. Another 95 acres of park land are needed to meet the General Plan guidelines.

**Discussion:**

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

- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
  - Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.
- a. **Parks.** No parks or parkland dedication is proposed through this project. Payment of park in-lieu fees would be sufficient to ensure that impacts from any new development would be mitigated. Impacts would be less than significant.
- b. **Recreational Services.** The project would not include additional recreation services or sites as part of the project. Impacts would be less than significant.

**FINDING:** No significant impacts to open space or park facilities would result as part of the project. For this ‘Recreation’ category, impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>17. TRANSPORTATION/TRAFFIC.</b> <i>Would the project:</i>				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	

e. Result in inadequate emergency access?			X	
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				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***

According to the transportation element of the County General Plan, Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions. Level of Service is defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council). There are some roadway segments that are excepted from these standards and are allowed to operate at LOS F, although none of these are located in the Lake Tahoe Basin. 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.

The County Bikeway Master Plan provides for increased non-motorized transportation by outlining bikeways for connectivity between cities and the unincorporated areas, between El Dorado County and adjoining counties, and access to recreational areas, regional parks, and recreational bicycling routes.

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

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
  - Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
  - Result in, or worsen, Level of Service "F" traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 5 or more units.
- a. **Traffic Increases:** This project will subdivide one parcel with one single-family residence and three commercial buildings into four parcels, with each new parcel containing one building. The three commercial buildings will be demolished and it is assumed that one, two, or three new commercial buildings will be developed at some time in the future. Since there will be no additional buildings proposed above what currently exist, no additional vehicular trips would be expected to occur as a result of this project. Therefore, no net increase in traffic level of service (LOS) is anticipated. The County's Long Range Planning Division and Caltrans both determined that no traffic impact study is required for this project. The impacts would be less than significant.
- b. **Levels of Service Standards:** The LOS established by the County would not be exceeded by the project, nor would the surrounding road circulation system be impacted. Impacts would be less than significant.

- c. **Air Traffic:** The project would not increase hazards due to a design feature or incompatible uses as the project site is more than 10 miles from the nearest airport. There would be no impact.
- d. **Design Hazards:** The project would not create any significant traffic hazards. The project is proposing to utilize existing driveway encroachments onto State Highway 89. A road easement across the front three commercial lots will ensure that all lots have adequate access to the circular driveway and ultimately to Highway 89. No new encroachments are proposed onto Highway 89. Therefore, impacts would be less than significant.
- e. **Emergency Access:** The project would not result in inadequate emergency access. The project has been reviewed by the El Dorado County Transportation Division, who determined that adequate access would be provided to meet County Fire Safe and County Design Improvement Manual standards. Design waivers for a reduced driveway width may be approved, but the paved width would be adequate for emergency access needs. Further, three fire hydrants exists along the driveway. Impacts would be less than significant
- f. **Alternative Transportation:** The project would not conflict with adopted plans, polices or programs relating to alternative transportation. There would be no impact.

**FINDING:** As discussed above, no significant traffic impacts are expected either directly or indirectly. For this "Transportation/Traffic" category, the thresholds of significance have not been exceeded.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>18. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i></b>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

Energy Policy Act of 2005

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

***State Laws, Regulations, and Policies***

California Integrated Waste Management Act of 1989

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

California Solid Waste Reuse and Recycling Access Act of 1991

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

California Integrated Energy Policy

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

Title 24 Building Energy Efficiency Standards

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

Urban Water Management Planning Act

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

***Other Standards and Guidelines***

Leadership in Energy & Environmental Design

Leadership in Energy & Environmental Design (LEED) is a green building certification program, operated by the U.S. Green Building Council (USGBC) that recognizes energy efficient and/or environmentally friendly (green) components of building design (USGBC, 2015). To receive LEED certification, a building project must satisfy prerequisites and earn points related to

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

**Discussion:**

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

- Breach published national, state, or local standards relating to solid waste or litter control;
  - Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
  - Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or
  - Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.
- a, b, e. Wastewater Treatment.** Public sewer service is currently provided to the site by the Tahoe City Public Utility District (TCPUD). The existing single family home will remain and the three commercial buildings will be demolished. At some point in the future one, two, or three new commercial buildings may be developed. This will not result in the need for additional public sewer service to the site. When additional commercial buildings are developed, wastewater capacity will be reviewed through the building permit process. Impacts would be less than significant.
- c. Stormwater Drainage.** No new structures or improvements are being proposed at this time, although the three commercial buildings will be demolished. When new commercial buildings are developed in the future, the requirement for new stormwater drainage facilities will be analyzed at time of building permit by the County and by the TRPA. Impacts would be less than significant.
- d. Water Supplies.** Required water service is currently provided by the TCPUD. The existing single family home will remain and the three commercial buildings will be demolished. This will not result in the need for additional public water service to the site. When additional commercial buildings are developed in the future, water capacity will be reviewed through the building permit process. Impacts would be less than significant.
- f. Solid Waste Disposal.** In December of 1996, direct public disposal into the Union Mine Disposal Site was discontinued and the Material Recovery Facility/Transfer Station was opened. Only certain inert waste materials (e.g., concrete, asphalt, etc.) may be dumped at the Union Mine Waste Disposal Site. All other materials that cannot be recycled are exported to the Lockwood Regional Landfill near Sparks, Nevada. In 1997, El Dorado County signed a 30-year contract with the Lockwood Landfill Facility for continued waste disposal services. The Lockwood Landfill has a remaining capacity of 43 million tons over the 655-acre site. Approximately six million tons of waste was deposited between 1979 and 1993. This equates to approximately 46,000 tons of waste per year for this period.
- After July of 2006, El Dorado Disposal began distributing 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. Impacts would be less than significant.



- g. **Solid Waste Requirements.** County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collection and loading of solid waste and recyclables. On-site solid waste and recyclables collection for the proposed lots is provided by a local waste management provider. Adequate space would be available at the site for solid waste collection and would be required at time of building permit for any new structure(s). Impacts would be less than significant.

**FINDING:** Less than significant impacts would result to utility and service systems from future development of the commercial buildings. For the "Utilities and Service Systems" category, the thresholds of significance have not been exceeded and no significant environmental impacts would result from the project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>19. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:</b>				
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:**

- a. 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 with strict adherence to County permit requirements, this project and the typical residential use and commercial uses expected to follow, 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 or tribal cultural resources. Any impacts from the project would be less than significant due to the design of the project and required standards that would be implemented by any required project specific improvements on or off the property.
- b. The project would not result in significant cumulative impacts. The project would utilize public water and sewer and would not require the extension of infrastructure or utilities to the project site. The project would be consistent with the existing General Plan Land Use Designation, the Tahoe Regional Plan, and the surrounding land use pattern. Impacts would be less than significant.
- c. All impacts identified in this Negative Declaration are less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

### INITIAL STUDY ATTACHMENTS

- Attachment 1 .....Location Map  
Attachment 2 .....Tentative Parcel Map  
Attachment 3 .....Homewood/Meeks Bay USGS 7.5 Minute Quadrangle  
Attachment 4 .....Biological Assessment for Special Status Plants and Wildlife; February 4, 2015  
Attachment 5 .....Onsite Transportation Review; March 4, 2015

### SUPPORTING INFORMATION SOURCE LIST

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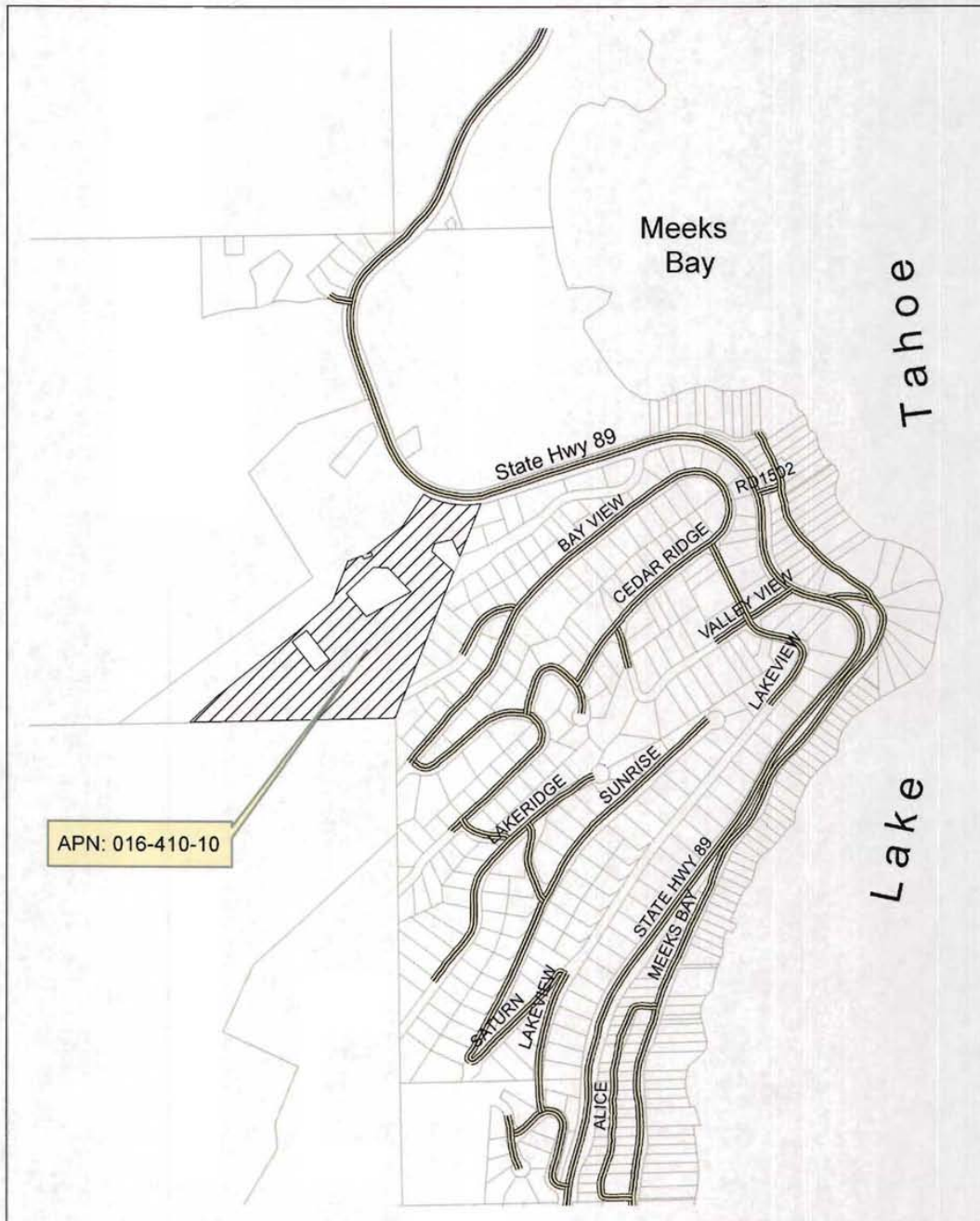
**Additional Support Documents**

Auerbach Engineering Corporation. (2015, March 4). *Dryden Tentative Parcel Map Onsite Transportation Review*. El Dorado County Planning Services.

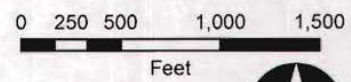
Auerbach Engineering Corporation. (2015, March). *Dryden Meadow Vista Parcel Drainage Report*. El Dorado County Planning Services.

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**File Nos. P15-0001  
and Z15-0001  
Location Map**



**Attachment 1**



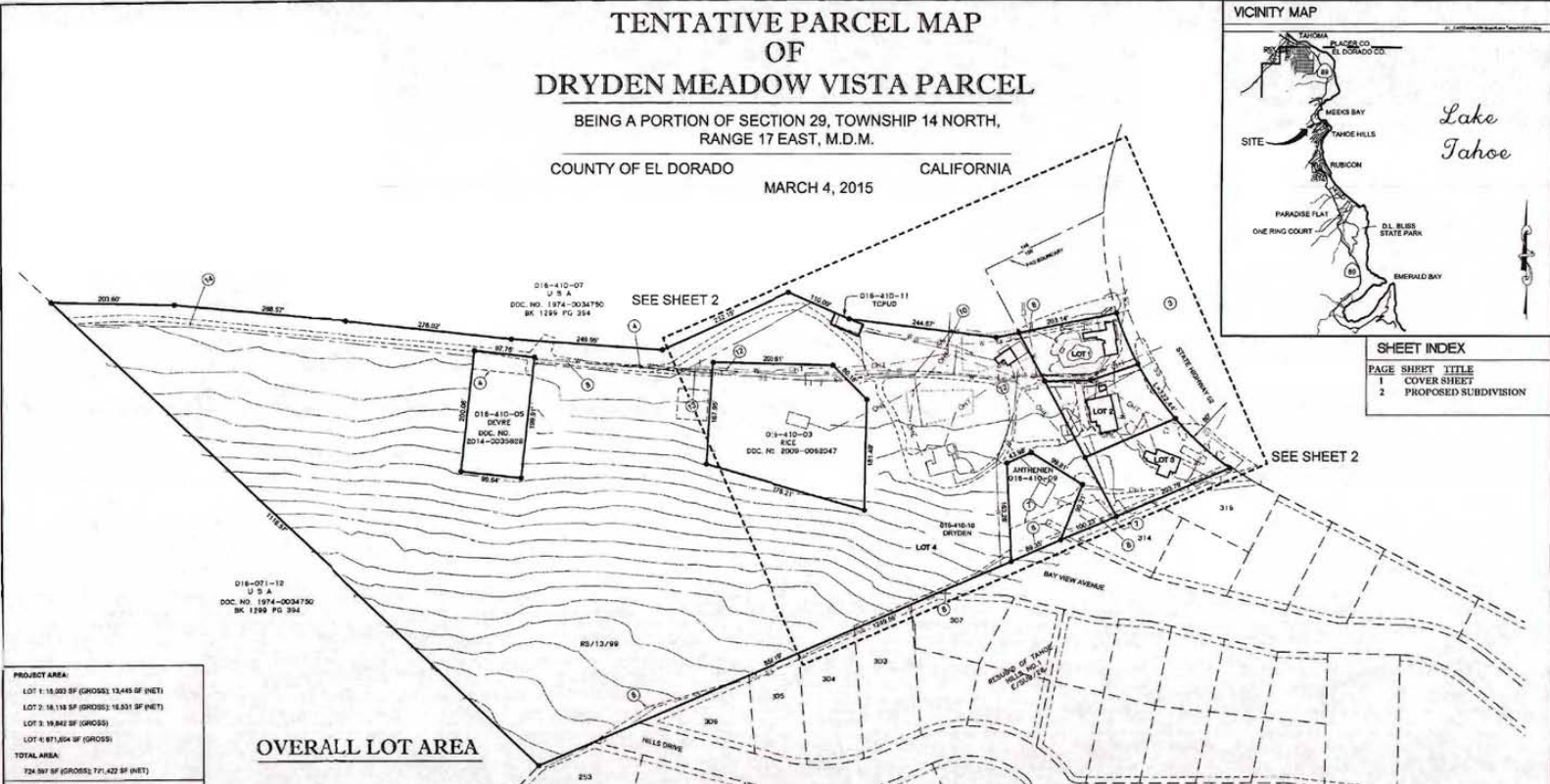
Attachment 2

## TENTATIVE PARCEL MAP OF DRYDEN MEADOW VISTA PARCEL

BEING A PORTION OF SECTION 29, TOWNSHIP 14 NORTH,  
RANGE 17 EAST, M.D.M.  
COUNTY OF EL DORADO CALIFORNIA  
MARCH 4, 2015



SHEET INDEX		
PAGE	SHEET	TITLE
1		COVER SHEET
2		PROPOSED SUBDIVISION



**PROJECT AREA:**

LOT 1: 18,003 SF (GROSS); 13,449 SF (NET)
LOT 2: 18,118 SF (GROSS); 13,531 SF (NET)
LOT 3: 18,842 SF (GROSS)
LOT 4: 871,054 SF (GROSS)
<b>TOTAL AREA:</b>
724,987 SF (GROSS); 771,422 SF (NET)

**LEGEND**

--- 47.5 ---	INDEX CONTOUR
--- 22.5 ---	INTERMEDIATE CONTOUR IN RELIEF
---	EDGE OF PAVEMENT
---	OVERHEAD ELECTRIC
---	OVERHEAD TELEPHONE
---	EXISTING SEWER
---	EXISTING WATER
---	PROPERTY LINE
---	PAS BOUNDARY
---	PROPOSED BASEMENT FENCE
---	LOT LINE

**OVERALL LOT AREA**

**AUERBACH ENGINEERING CORP.**  
CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL PLANNING  
PROGRAM MANAGEMENT AND PLANNING  
P.O. BOX 1284 • 848 W. LAKE BLVD. • TAHOE CITY • CALIFORNIA 96143  
PHONE: (530) 581-1118 • FAX: (530) 581-1187  
WWW.AUERBACHENGINEERING.COM

J:\2015\2015Dryden\El-Dorado\2015-2015-04.dwg 20150220

- NOTES:**
- SOURCE OF TOPOGRAPHY: GROUND SURVEY, TAHOE BASIN LAND SURVEYING, SEPTEMBER 1994 AND SUPPLEMENTAL SURVEY'S REC NOVEMBER 2014.
  - PRESENT ZONING: TAHOE COMMERCIAL (TC) TAHOE ONE FAMILY RESIDENTIAL (TR1)
  - THIS PROJECT HAS BEEN APPROVED BY TRPA AS A SUBDIVISION OF EXISTING STRUCTURES UNDER RECORDATION OF THE PARCEL MAP. ALL STRUCTURES NOTED FOR REMOVAL WILL BE REMOVED IN ACCORDANCE WITH THE APPROVED TRPA DEMOLITION MAP PLAN.

**CONTACT / PROJECT INFORMATION**

<b>OWNER:</b> JOHN AND KRISTEN DRYDEN 151 RESPECT AVENUE LOGGERS, CA 95020	<b>SEWER:</b> TCPUD ATTN: TONY LAUDITIS P.O. BOX 2249 TAHOE CITY, CA 96145 (530) 583-3786	<b>TELEPHONE:</b> AT&T ATTN: CAROL PRINCE 3445 INDUSTRIAL AVE., STE. 19A ROCKLIN, CA 95765 (916) 438-1384
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<b>WATER:</b> TCPUD ATTN: TONY LAUDITIS P.O. BOX 2249 TAHOE CITY, CA 96145 (530) 583-3786		

ZONING ADMINISTRATOR: \_\_\_\_\_

APPROVAL/DENIAL DATE: \_\_\_\_\_

BOARD OF SUPERVISORS: \_\_\_\_\_

APPROVAL/DENIAL DATE: \_\_\_\_\_

SHEET 1 OF 2

P15-0001/Z15-0001

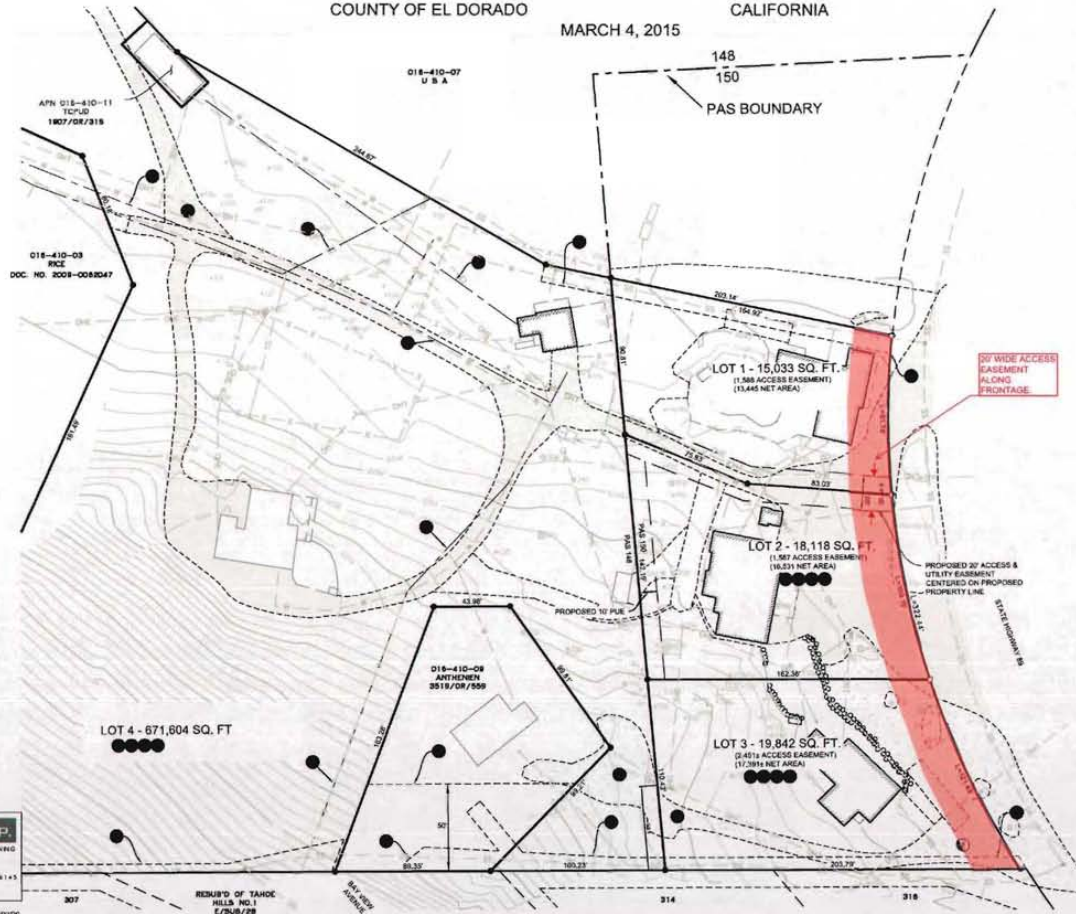


# TENTATIVE PARCEL MAP OF DRYDEN MEADOW VISTA PARCEL

BEING A PORTION OF SECTION 29, TOWNSHIP 14 NORTH,  
RANGE 17 EAST, M.D.M.

COUNTY OF EL DORADO CALIFORNIA

MARCH 4, 2015



- 1. EASEMENT KEYNOTES NUMBERS CORRESPOND TO TITLE REPORT EXCEPTIONS APART FROM THE PROPOSED ACCESS EASEMENT SHOWN ON THIS EXHIBIT.
- 2. TELEPHONE EASEMENT RECORDED IN BOOK 130 OF DEEDS, PAGE 28 AFFECTS: NOT LOCATABLE
- 3. HIGHWAY EASEMENT RECORDED IN BOOK 154 OF DEEDS, PAGE 445.
- 4. INGRESS AND EGRESS EASEMENT RECORDED IN BOOK 621 OF OFFICIAL RECORDS AT PAGE 215. AFFECTS: "EXISTING TRAVELED HWYS AS THEY PRESENTLY EXIST OR AS REASONABLY RELOCATED BY GRANTORS"
- 5. WATERLINE EASEMENT RECORDED IN BOOK 624, PAGE 723 AND BOOK 824, PAGE 736 BOTH OF OFFICIAL RECORDS. AFFECTS: AS DESCRIBED THEREIN, NOT LOCATABLE
- 6. UTILITY EASEMENT AND INGRESS AND EGRESS RECORDED IN BOOK 824, PAGE 723 OF OFFICIAL RECORDS. AFFECTS: AS DESCRIBED THEREIN, NOT LOCATABLE
- 7. INGRESS AND EGRESS EASEMENT RECORDED IN BOOK 1082 OF OFFICIAL RECORDS AT PAGE 431. AFFECTS: OVER EXISTING TRAVELED HWY
- 8. SEWER EASEMENT RECORDED IN BOOK 1221, PAGES 636 AND 634 OF OFFICIAL RECORDS.
- 9. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT OF SALE" RECORDED APRIL 06, 1979 AS BOOK 1618, PAGE 538 OF OFFICIAL RECORDS.
- 10. WATERLINE EASEMENT RECORDED IN BOOK 2012, PAGE 556 OF OFFICIAL RECORDS.
- 11. WATERLINE EASEMENT WITH INGRESS AND EGRESS RECORDED IN BOOK 2560, PAGE 11 OF OFFICIAL RECORDS.
- 12. WATERLINE EASEMENT WITH INGRESS AND EGRESS RECORDED IN BOOK 2560, PAGE 11 OF OFFICIAL RECORDS.
- 13. ACCESS EASEMENT RECORDED WITHIN INSTRUMENT NO. 87-032306 OF OFFICIAL RECORDS AFFECTS PROPOSED LOT 5 - BEYOND LIMITS SHOWN ON THIS EXHIBIT.

**LEGEND**

- INDEX CONTOUR
- W. ELEV.
- INTERMEDIATE CONTOUR W. ELEV.
- EDGE OF PAVEMENT
- OVERHEAD ELECTRIC
- OVERHEAD TELEPHONE
- EXISTING WATER
- EXISTING SEWER
- PROPERTY LINE
- PAS BOUNDARY
- PROPOSED EASEMENT
- FENCE
- LOT LINE

12 REFERS TO CORRESPONDING EXCEPTION NUMBER WITHIN REFERENCED P.A.T.C.O. TITLE REPORT DATED 12-22-2011.

EXISTING COMMERCIAL BUILDINGS TO BE REMOVED



ZONING ADMINISTRATOR: \_\_\_\_\_  
 APPROVAL/DATE: \_\_\_\_\_  
 BOARD OF SUPERVISORS: \_\_\_\_\_  
 APPROVAL/DATE: \_\_\_\_\_

**AUERBACH ENGINEERING CORP.**  
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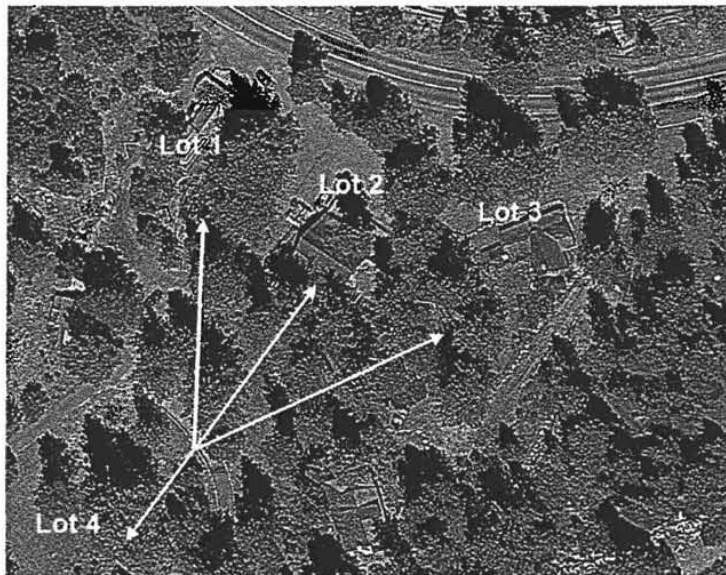




# Biological Assessment for Special Status Plants and Wildlife

Associated with the

Proposed Subdivision of a Property in El Dorado County,  
California



**Mr. John and Kirsten Dryden**

**Owners**

**February 4, 2015**

Prepared by:  
Stanford L. Loeb, Ph.D.  
3607 Boulder Ct.  
Lawrence, Kansas 660

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**Attachment 4**

**P15-0001/Z15-0001**

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## **1. Introduction**

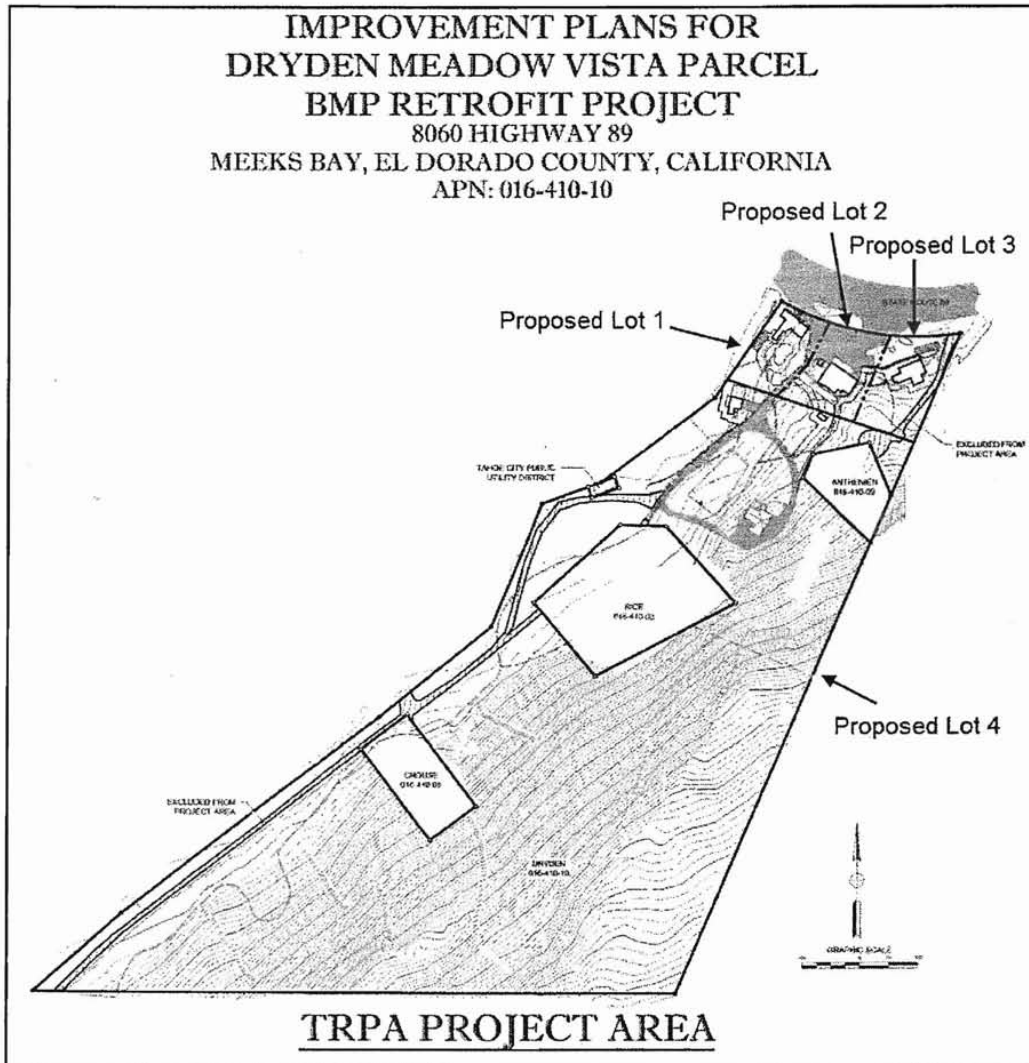
Mr. John and Kirsten Dryden are proposing to subdivide their property into four parcels (8060 Highway 89, Meeks Bay, El Dorado County, California; APN 016-410-10) (Figure 1). The California State Subdivision Map Act and the El Dorado County Subdivision Ordinance established a process for parcel mapping allowing the division of residential land. As part of that process, an on-site biological study (i.e., survey) is required to determine if the site contains special status plants and/or animal species.

A thorough survey of the proposed subdivision location was conducted (December 4 – 5, 2014). The findings from that survey are presented in this report.

## **2. Description of the Location**

The proposed project is located in Meeks Bay, El Dorado County, California (8060 West Lake Boulevard; APN 016-410-10). The eastward property line along West Lake Boulevard (California State Route 89) is approximately (ca.) 300 feet southeast of the Meeks Bay Fire Station, ca. 1.2 miles southwest of Sugar Pine Point, ca. 2.3 miles south of Tahoma, and ca. 2.9 miles northwest of Rubicon Point. The property covers ca. 724,597 square feet extending from West Lake Boulevard on the east ca. 1,780 feet to the southwestward.

The property lies within the Meek Creek watershed, the 9<sup>th</sup> largest watershed (5,540 acres) within the Tahoe basin (63 watersheds within the basin). At its closest, Meeks Creek is ca. 600 feet north-northwest of the property. The soil of the entire property has been mapped as glacial outwash which extends ca. 1.4 miles further to southwest beyond the property (Saucedo,



**Figure 1. Schematic of the overall property illustrating the four proposed subdivision parcels.**

George J. 2005; Geologic Map of the Tahoe Basin California and Nevada, California Department of Conservation, California Geological Survey). Beyond ca. 1.4 miles westward, the soil is mapped as Rockbound Valley ganodiorite. Beginning several hundred feet to both the north and south of the property, the soil has been mapped as glacial till.



The vegetation on this parcel would be classified as a mixture of Yellow Pine Forest: (Jeffrey pine, White fir, Incense cedar, Sugar pine) and Shrub Association (Greenleaf and Pinemat manzanita, Tobacco brush, Sierra chinquapin, Huckleberry oak, Mountain whitethorn). There are other varieties of plant species; however, the species of these two classifications appear to be the dominant forms found on the parcel.

### 3. Description of the Proposed Subdivision

The proposed subdivision of this property would create four (4) parcels from the existing parcel (Figure 1). Of the original parcel, 92.7% will remain intact as a single new parcel (Lot 4). Three new parcels will be created on the eastern edge of the parcel which borders West Lake Boulevard. These parcels will all be relatively the same size (15,033 – 19,842 square feet, Lots 1, 2 and 3) (Table 1).

**Table 1. Areal coverage of the four (4) lots proposed to be subdivided and their percentage of the parcel's original coverage.**

Lot Number	Area (ft <sup>2</sup> )	Percent of Original Parcel
1	15,033	2.1%
2	18,118	2.5%
3	19,842	2.7%
4	671,604	92.7%

### 4. Vegetation and Wildlife Survey

During the survey of the parcel which is proposed to be subdivided, the vegetation, overall habitat, and wild life were documented. Particular emphasis was made to fully evaluate the three parcels adjacent to West Lake Boulevard (Lots 1, 2, and 3) while a cursory evaluation

was done for other parcel (Lot 4). It should be noted that each of the proposed subdivided lots has coverage to varying extents. Lots 1, 2, and 3 have a significant amount to of coverage ranging from 31 – 74% while Lot 4 has only 2% coverage (Table 2). This coverage includes a building structure(s) on each parcel and other coverage (paving, driveways, decks, etc.).

**Table 2. The amount of coverage on each of the proposed subdivision lots.**

Lot Number	Coverage (ft <sup>2</sup> )	Lot Size (ft <sup>2</sup> )	Percent of Proposed Lot
Lot 1	11,197	15,033	74%
Lot 2	12,250	18,118	68%
Lot 3	6,224	19,842	31%
Lot 4	16,068	671,604	2%

The vegetation present on Lots 1, 2, and 3 consists primarily of coniferous trees and shrubs (Table 3). Lot 1 is the only lot with willow trees present which may be indicative of its slightly wetter conditions, especially on the northern portion of the lot. Generally, the entire area has a Jeffrey Pine dominated forest present with *Ceanothus* spp. the dominant shrub. Lot 4 has a similar plant community present as found on the other lots with a small area along the north side that has a somewhat wetter habitat similar to that found on Lot 1. Given that the entire areas consists of glacial outwash material, it is generally well drained soils supporting a Yellow Pine Forest and Shrub Association vegetation classifications.

In regards to wildlife observed during the survey of the area, very few animals were observed. The only animals that were observed was the Stellar Jay (*Cyanocitta stelleri*) and Mountain Chickadee (*Parus gambeli*) (the latter only identified by its call). No mammal, reptiles, or amphibians were observed. For Lots 1, 2, and 3, the habitat and location would likely support a variety of small mammals (e.g., squirrels, chipmunks, mice, etc.) but would only

infrequently serve as habitat for larger mammals (e.g., coyotes, or black bear). Lot 4 has the potential to serve as habitat for a variety of different mammals and birds as it is relatively undisturbed and has a large portion of its area well away from human activities. It is unlikely that Lot 4 would support any populations of amphibians as there is no streams, ponds, or standing water present on this parcel. During the survey of Lot 4, there were no animals observed except the same two birds observed on the other lots.

**Table 3. List of vegetation present on Lots 1, 2, and 3.**

Lot Number	Plant (Common Name)	Plant (Scientific)	Relative Abundance
Lot 1	Jeffrey Pine	<i>Pinus jeffreyi</i>	Common
	Lodgepole Pine	<i>Abies concolor</i>	Common
	White Fir	<i>Pinus murrayana</i>	Few
	Willow	<i>Salix sp.</i>	Common
Lot 2	Jeffrey Pine	<i>Pinus jeffreyi</i>	Abundant
	Lodgepole Pine	<i>Abies concolor</i>	Very Few
	White Fir	<i>Abies concolor</i>	Few
	Manzanita	<i>Arctostaphylas sp.</i>	Abundant
	Tobacco Brush	<i>Ceanothus velutinus</i>	Abundant
	Mountain Whitethorn	<i>Ceanothus cordulatus</i>	Abundant
Lot 3	Jeffrey Pine	<i>Pinus jeffreyi</i>	Abundant
	White Fir	<i>Abies concolor</i>	Common
	Lodgepole Pine	<i>Pinus murrayana</i>	Few
	Manzanita	<i>Arctostaphylas sp.</i>	Abundant
	Tobacco Brush	<i>Ceanothus velutinus</i>	Common
	Mountain Whitethorn	<i>Ceanothus cordulatus</i>	Common
	Sevice Berry	<i>Amelanchier alnifolia</i>	Common
	Phlox	<i>Phlox sp.</i>	Few
	Pine Drops	<i>Pterospora andromedea</i>	Few

## 5. Special Status Plants and Animal Species in Relation to the Proposed Subdivision.

During the survey of the property, special attention was focused on those plants and animals considered covered under the special status classification. In regards to special status plants, El Dorado County has listed of eight (8) plants with this status (El Dorado County Ordinance, Section 130.71: Ecological Preserves). These include five federally listed species that include four endangered plants, *Calystegia stebbinsii* (Stebbins' morning-glory), *Ceanothus roderickii* (Pine Hill *Ceanothus*), *Fremontodendron californicum* ssp. *Decumbens* (Pine Hill flannelbush), and *Galium californicum* ssp. *sierrae* (El Dorado bedstraw). Also, one threatened plant, *Senecio layneae* (Layne's butterweed) has special status. Together with, *Wyethia reticulata* (El Dorado mule-ears), a species of concern to the Bureau of Land Management, these six species are known as the Pine Hill endemics. In 1992, El Dorado County established the El Dorado County Rare Plant Advisory Committee. This committee included *Helianthemum suffrutescens* (Bisbee Peak rush rose) and *Chlorogalum grandiflorum* (Red Hills soaproot) to the special status plants list, both of which are listed as rare by the California Native Plant Society.

The U.S Fish and Wildlife Service (USFWS) has identified the listed and candidate threatened and endangered species for the area where the proposed subdivision is located (Meeks Bay 7.5 minute quadrangle). Three candidate species were identified: the amphibian *Rana muscosa* (mountain yellow-legged frog), the mammal *Martes pennanti* (fisher), and the plant *Rorippa subumbellata* (Tahoe yellow cress). Also noted by the USFWS was bird *Haliaeetus leucocephalus* (bald eagle) protected under the Bald and Golden Eagle Protection Act, the Lacey Act, and the Migratory Bird Treaty Act.

The six plants known as the Pine Hill endemics, also referred to as gabbro plants, have a unique habitat restricted to the western portion of El Dorado County. Gabbro soils are uncommon, made up of rocks formed deep under the earth's crust and then lifted up to the surface (as the Sierra Nevada mountains were being formed). The resulting soil is generally red (from iron), mildly acidic, and often contains other heavy metals, such as chromium, and nutrient-poor (California Native Plant Society, Sacramento Valley Chapter web page). These Pine Hill endemics are restricted to this western El Dorado County location as they grow nowhere else in the world. Therefore, these six species would not be found where the proposed subdivision is located on the eastern edge of El Dorado County. One of the other two species, Red Hills soaproot, has a distribution in western El Dorado County and also in Red Hills area in Tuolumne County, California. The last of the eight special status plants listed by El Dorado County is the Bisbee Peak rush rose. Its distribution includes western El Dorado County and Amador and Calaveras counties in California. These two plant species would not be present at the proposed subdivision location. Finally, the one other plant of concern within El Dorado County and the Lake Tahoe basin is the Tahoe yellow cress. This candidate species distribution is restricted to shoreline of Lake Tahoe no higher than 6,230 feet in elevation. Therefore, the habitat at the subdivision location, where the minimum elevation is ca. 6,240 feet and is nowhere near the shoreline of Lake Tahoe, is a not a suitable habitat for this plant species.

Given the geographical location, the soil characteristics, and the plant associations found present at the proposed subdivision location, none of these special status plant species was observed during the survey. Generally, this location supports a vegetation classified as Yellow Pine Forest and Shrub Association and would not be predicted to support any of the special status plants.

The habitat of the proposed subdivision location has potential to support a variety of animal species albeit very few were observed during the survey. The USFWS has identified two candidate animal for this general location. The mountain yellow-legged frog historically are found in lakes, ponds, marshes, meadows, and streams at elevations of 4,500-12,000 feet. Alpine lakes used by mountain yellow-legged frogs usually have open shorelines, margins that are grassy or muddy and have a depth greater 8.2 feet (California Fish and Wildlife web site). At the proposed subdivision location, there are not habitats conducive to supporting this animal. Therefore, the presence of this animal at this specific location would not be anticipated.

The other USFWS candidate animal species for this general area is the fisher. The fisher habitat is associated with forests having moderate to dense forest canopy and complex structure (for example, large amounts of coarse down wood, moderate shrub cover, dead trees and trees with decay elements, and a component of hardwood trees) (USFWS, Oregon Fish and Wildlife Office web page). In a California survey conducted from 1989 to 1994, no fishers were found in the Lake Tahoe basin. Given that the existing habitat at the proposed subdivision location conforms only partially to the habitat characteristics that support the fisher, this specific location lacks complex structures and hardwood trees indicating the habitat is not optimal. While the possibility exists that the general area might be able to support fishers, it is extremely remote that these animals are present at this specific location.

The bald eagle is of concern in the Tahoe area. Since 1996, there have only been two confirmed nesting locations within the basin: (1) Emerald Bay and (2) Marlette Lake. These eagles have been seen around the lake perched in trees usually near the lake shoreline. There was no reference located to document whether bald eagles have been seen in proximity to the Meeks Bay area. It is possible that these birds could utilize the general area for roosting and/or



feeding. However, it is highly unlikely that these birds would be found at the specific location of this proposed subdivision project. Definitely, the possibility that there is, or has been in recent times, a nesting pair at this specific location is extremely remote.

## **6. Conclusions**

As directed by the California State Subdivision Map Act and the Parcel Map Process in El Dorado County, an on-site biological study (i.e., survey) was conducted to determine if the site being proposed for subdivision contains special status plants and/or animal species. The overall geology, soils, vegetation associations, habitat characteristics, and environmental conditions of the entire parcel which is being proposed for subdivision were evaluated. Plant and animal species of concern to El Dorado County, Bureau of Land Management, and the USFWS were evaluated in the survey of this property. Based on the findings from that survey and review of the literature concerning the rare and special status species of concern, it was concluded none of the plant species were present on this property nor were conditions suitable for any of the plant species to utilize this specific location. Similarly, none of the three animal species of concern were found in this specific location. Generally, the elevation, the types and characteristics of the habitat, and the overall environmental conditions present were not conducive to support any of the animals of concern. There was the potential of the habitat to possibly support two of the animals of concern (the fisher and the bald eagle); however, historical surveys have not found these animals to have ever been present.

Therefore, the overall conclusion from this biological survey is that no plant or animal species of concern or identified as special status species are present at this specific location. The subdivision of this parcel will not degrade the habitat for these plants or animals.

# AUERBACH ENGINEERING CORPORATION

CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL PLANNING  
PROGRAM MANAGEMENT AND PLANNING

## MEMORANDUM

To: El Dorado County  
From: Walter R. Auerbach, P.E.  
Date: March 4, 2015  
Re: Dryden Tentative Parcel Map Onsite Transportation Review



Proj. #: 2200.29A

RECEIVED  
PLANNING DEPARTMENT  
MAY 19 2015 11:44

1. We are not aware of any current traffic problems in the local area.
2. New driveways are not being proposed in this project. Currently, the commercial portion of the site is accessed from Highway 89 across a significant portion of the frontage, via paved and unpaved driveways. The unpaved driveways to the proposed lots would be removed with the demolition of the buildings on Lots 1, 2 and 3. Existing pavement would remain to allow for access to Lot 4, the inholdings and properties to the west. Future proposed development on Lots 1, 2 or 3 will determine where driveways will be placed on those lots.
3. As no specific uses are proposed for the three commercial lots, future parking needs are unknown. Zoning and local parking standards will determine the parking demands and space needed for that future development. Historical uses on the site included retail commercial operations that required parking, but we are unaware of any parking issues as a result of those prior uses.
4. No specific uses are proposed with this map, so truck circulation requirements would need to be met through specific plans for future development on each lot. The proposed access easement to the residential uses will be designed to accommodate turning movements onto the highway.
5. The lot layout will accommodate future commercial driveway design in accordance with El Dorado County standards regarding Minimum Required Throat Depth.
6. As no construction is proposed with this map, the type and size of future vehicles is unknown.
7. Site distance calculation will be required with specific development proposed for each lot.
8. No "drive through" facilities are proposed.

## Attachment 5

P.O. Box 5399 • 645 WEST LAKE BLVD. • TAHOE CITY • CALIFORNIA 96145  
VOICE (530) 581-1116 • FAX (530) 581-3162 • WWW.AUERBACHENGINEERING.COM

**P15-0001/Z15-0001**



## COMMUNITY DEVELOPMENT AGENCY LONG RANGE PLANNING

2850 Fairlane Court, Placerville, CA 95667  
Phone (530) 621-4650, Fax (530) 642-0508

### Transportation Impact Study (TIS) – Initial Determination

**Applicant Information:**

Name: NATHAN CHOREY Phone #: 530-581-1116 x13  
Address: PO Box 5399, TAHOE CITY, CA 96145 Email: nchorey@averbachengineering.com

**Project Information:**

Name of Project: DRYDEN MEADOW VISTA PARCEL Planning Number: PA14-0002  
Project Location: 8060 HIGHWAY 89 Bldg Size: N/A  
APN(s): 016-410-10 Project Planner: Aaron Mount  
Number of units: \_\_\_\_\_

**Description of Project:**

TENTATIVE MAP TO CREATE 4 ~~AREAS~~ PARCELS, 3 parcels fronting on SR 89 are proposed for commercial use.

**Step 1:** \* No construction is proposed as part of this application. The following project uses are typically exempt from preparation of a Transportation Impact Study (TIS). Check applicable box. An On-Site Transportation Review may be required for every project (see next page).

- |  |   |
|--|---|
| <input type="checkbox"/> 4 or less single family homes                 | <input type="checkbox"/> 28,000 square feet or less for warehouse     |
| <input type="checkbox"/> 14 or less multi-family units                 | <input type="checkbox"/> 38,000 square feet or less for mini-storage  |
| <input type="checkbox"/> 2,300 square feet or less for shopping center | <input type="checkbox"/> 10,000 square feet or less for churches      |
| <input type="checkbox"/> 6,400 square feet or less for general office  | <input type="checkbox"/> 20 or less sites for campgrounds             |
| <input type="checkbox"/> 10,000 square feet or less for industrial     | <input type="checkbox"/> 7 or less rooms for rent for bed & breakfast |

None apply – a TIS is required with applicable fee.

**Step 2:**

Submit this form along with a detailed project description, and any other applicable items, such as location maps, to CDA Long Range Planning Division by mail, fax or e-mail.

Mail: Community Development Agency, Long Range Planning Division  
2850 Fairlane Ct, Placerville, CA 95667  
Attn: Natalie Porter  
Fax: 530-642-0508  
e-mail: natalie.porter@edcgov.us



# COMMUNITY DEVELOPMENT AGENCY LONG RANGE PLANNING

2850 Fairlane Court, Placerville, CA 95667  
Phone (530) 621-4650, Fax (530) 642-0508

An On-Site Transportation Review is typically required for all projects. The Community Development Agency Director or his designee may waive the requirement if no additional vehicle trips will be generated by the proposed change, no up-zoning is requested, or no intensification of use is requested.

## On-Site Transportation Review May be required

If an On-Site Transportation Review is required, the following information shall be evaluated and the findings signed and stamped by a registered Traffic Engineer or Civil Engineer, and shall be included with the project submittal:

1. Existence of any current traffic problems in the local area such as a high-accident location, non-standard intersection or roadway, or an intersection in need of a traffic signal
2. Proximity of proposed site driveway(s) to other driveways or intersections
3. Adequacy of vehicle parking relative to both the anticipated demand and zoning code requirements
4. Adequacy of the project site design to fully satisfy truck circulation and loading demand on-site, when the anticipated number of deliveries and service calls may exceed 10 per day
5. Adequacy of the project site design to provide at least a 25 foot minimum required throat depth (MRTD) at project driveways, include calculation of the MRTD
6. Adequacy of the project site design to convey all vehicle types
7. Adequacy of sight distance on-site
8. Queuing analysis of "drive-through" facilities

To be completed by El Dorado County, CDA Long Range Planning Division Staff:

- ( X ) TIS IS NOT REQUIRED based on use of the project. However, an On-Site Transportation Review is required. Caltrans does not require a TIS at this time, per email from Eileen Cunningham, Caltrans District 3, on February 27, 2015. Caltrans will require the review of any re-development plans for the site.
- ( ) TIS IS REQUIRED; initial deposit for TIS scoping and review is required by CDA Long Range Planning Division Staff. See Attached TIS Initial Fund Request Letter.

Natalie Porter  
CDA Long Range Planning Signature

2/27/15  
Date

ADH TS

( ) On-Site Transportation Review is waived based on: \_\_\_\_\_

Waiver approved by:

\_\_\_\_\_  
CDA Director

\_\_\_\_\_  
Date