# MITIGATED NEGATIVE DECLARATION

**FILE:** Conditional Use Permit S18-0012/ Planned Development Permit PD18-0002

**PROJECT NAME:** EDH-Folsom Self Storage

**NAME OF APPLICANT:** EDH Green Valley Holdings, LLC

**ASSESSOR'S NO.:** 124-301-003 **SECTION:** 21 **T:** 10N **R:** 8E, MDM

**LOCATION:** South side of Green Valley Road 250 feet west of the intersection with Sophia Parkway in the El Dorado Hills Community Region.

☐ **GENERAL PLAN AMENDMENT:** **FROM:** **TO:**

☐ **REZONING:** **FROM:** **TO:**

☐ **TENTATIVE PARCEL MAP** ☐ **SUBDIVISION:**

**SUBDIVISION (NAME):**

☒ **SPECIAL USE PERMIT TO ALLOW:** See details below

☒ **OTHER:** Conditional Use Permit and Planned Development Permit for the phased construction and operation of a self-storage facility consisting of 13 storage buildings totaling 149,000 square feet, and a 2- story manager apartment and office building. Some outdoor boat and recreational vehicle storage is proposed. Starting with construction phase two, approximately 230 outdoor RV and boat parking spaces would be introduced. These spaces would be gradually replaced with indoor storage over phase three and four. The final project configuration does not include any outdoor storage.

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

☐ **NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE REVISED INITIAL STUDY.**

☒ **MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS.**

☐ **OTHER:**

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

This Mitigated Negative Declaration was adopted by the _____on _____.

_____

Executive Secretary

# EXHIBIT R

# EL DORADO COUNTY PLANNING SERVICES
# 2850 FAIRLANE COURT
# PLACERVILLE, CA 95667
# INITIAL STUDY
# ENVIRONMENTAL CHECKLIST

**Project Title:** Conditional Use Permit S18-0012/ Planned Development Permit PD18-0002/EDH-Folsom Self Storage

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

**Lead Agency Contact Person:** Emma Carrico, Assistant Planner | **Phone Number:** 530-621-5355

**Applicant's Name and Address:** EDH Green Valley Holdings LLC 4120 Douglas Blvd #306-473 Granite Bay CA 95746

**Project Agent's Name and Address:** Matt Yzuel 4120 Douglas Blvd #306-473 Granite Bay CA 95746

**Project Engineer's Name and Address:** Sean O'Neill 1402 D Street Marysville CA 95901

**Project Location:** South side of Green Valley Road 250 feet west of the intersection with Sophia Parkway in the El Dorado Hills Community Region. Supervisorial District one.

**Assessor's Parcel Number:** 124-301-03 **Acres:** 9.553

**Sections:** 21 **T:** 10N **R:** 8E

**General Plan Designation:** Commercial (C)

**Zoning:** Community Commercial-Planned Development (CC-PD)

**Project Description:** Conditional Use Permit and Planned Development Permit for the phased construction and operation of a self-storage facility consisting of 13 storage buildings totaling 149,000 square feet, and a two story manager apartment and office building. Some outdoor boat and recreational vehicle storage is proposed. Starting with construction phase two, approximately 230 outdoor RV and boat parking spaces would be introduced. These spaces would be gradually replaced with indoor storage over phase three and four (Attachment 14). The final project configuration does not include any outdoor storage.

**Surrounding Land Uses and Setting:**

| | Zoning | General Plan | Land Use/Improvements |
|---|---|---|---|
| **Site** | Community Commercial-Planned Development (CC-PD) | Commercial (C) | Vacant |
| **North** | Low-Intensity Recreational Facilities (RFL) | Open Space (OS) | Recreational facilities; Mormon Island Cove Trailhead |
| **South** | Two-acre Residential (R2A) | Medium-Density Residential (MDR) | -Civic; Mormon Island Cemetery<br>-Single family residential |
| **East** | Community Commercial-Planned Development (CC-PD) | Commercial (C) | Vacant |
| **West** | Two-acre Residential (R2A) | Medium-Density Residential (MDR) | Recreational facilities; Mormon Island Wetlands State Park |

**Environmental Setting:** The project site is located in the lower foothills of the western slope of the Sierra Nevada Mountains immediately adjacent to Folsom Lake. The elevation ranges from approximately 390 to 420 feet. The primary biological community is undeveloped non-native annual grassland. Defining features of the site include a 65 inch diameter at breast height (dbh) Valley Oak (Quercus lobate) and a wetland swale, a tributary of the Mormon Island Wetlands, which fully bisects the project site from eastern boundary to western boundary. There are currently two small abandoned structures on the site, suspected to have been used as sheds while the site was occupied by the previous use as a commercial nursery.

Surrounding land uses are a mix of civic facilities, residential, and vacant commercial land including the Mormon Island Wetlands State Park, Mormon Island Cemetery, and large lot single family residential. The

| |
|---|
| closest residences are approximately 150 feet from the edge of the project site. |
| **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**<br>Department of Transportation: Review and approval of building permit, grading plans, and encroachment permit<br>El Dorado Hills Fire Department: Review and approval of building permit and grading plans<br>El Dorado Irrigation District: Review and approval of building permit, facility plan report, water and sewer service permits<br>California Department of Fish and Wildlife: Review and approval of Section 1600 Lake and Streambed Alteration (LSA) agreement.<br>U.S. Army Corps of Engineers: Review and approval of CWA Section 404 permit<br>Regional Water Quality control Board Section: Review and issuance of 401 water quality certification |

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

## DETERMINATION

**On the basis of this initial evaluation:**

☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by Mitigation Measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or Mitigation Measures that are imposed upon the proposed project, nothing further is required.

Signature: Emma Carnico Date: 09/18/19

Printed Name: Emma Carnico, Assistant Planner For: El Dorado County

Signature: Date: 9/10/19

Printed Name: Rommel Pabalinas, Principal Planner For: El Dorado County

## ATTACHMENTS

The following attachments are referenced in this Initial Study/Environmental Checklist
Attachment 1: Preliminary Site Plan
Attachment 2: Preliminary Grading Plan
Attachment 3: Preliminary Utility Plan
Attachment 4: Elevations
Attachment 5: Preliminary Landscape Plan & Plant List
Attachment 6: Lighting Standards Appendix A
Attachment 7: Lighting Cut Sheets
Attachment 8: Preliminary Drainage Plan and Report
Attachment 9: Parking Calculation
Attachment 10: Traffic Impact Study
Attachment 11: Facility Improvement Letter (FIL)
Attachment 12: Mass Emissions Model Results
Attachment 13: Biological Resources Report
Attachment 14: Phasing Plan

## PROJECT DESCRIPTION

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts resulting from the proposed project. The applicant requests a Conditional Use Permit and Planned Development Permit for the phased construction and ongoing operation of a self-storage facility consisting of 13 storage buildings totaling 149,000 square feet, and a two story manager apartment and office building. Some outdoor boat and recreational vehicle storage is proposed, but would be transitioned to indoor as the phasing plan allows (Attachment 14). The site would be open during standard daytime operating hours, and will have one employee facility manager always on site.

### Other Project Considerations

The applicant intends to also apply for a separate commercial-service-center project, tentatively consisting of a drive-through restaurant and three other buildings for restaurants or commercial services and retail, on the adjacent parcel to the east at an undetermined future time. The traffic impacts for this project and the future commercial center were analyzed cumulatively. The public entrance and exit for the self-storage project would be shared with the future commercial center. However, the primary public access for the future commercial center would be a driveway from Sophia Parkway.

### Project Location and Surrounding Land Uses

The project is located on the south side of Green Valley Road 250 feet west of the intersection with Sophia Parkway in the El Dorado Hills Community Region. It is adjacent to the border with Sacramento County and the City of Folsom. Surrounding land uses include the Mormon Island Wetlands State Park, Mormon Island Cemetery, vacant commercial land, and single family residences.

### Project Characteristics

Layout:

The project is a fortress style storage facility consisting of 13 storage buildings with a total of 500 storage units (Attachment 1). The project would be built in phases over the course of approximately three years (Attachment 14). As shown on the phasing plan, phase one would consist of the complete build out of the northern half of the site, phase two would involve finishing the exterior walls and allowing approximately 230 outdoor RV and boat parking spaces, phase three would begin construction of storage buildings on the southern half of the site resulting in the conversion of some parking spaces into indoor storage, phase four would be complete project build out with all outdoor parking converted into indoor storage. The project is fortress style with an exterior wall surrounding the site, thus the entire exterior of the project would be either fencing or the surrounding wall designed with concrete

masonry and some wrought iron detailing. The northern Green Valley Road elevation would also include other frontage improvements such as a monument sign, entrance, and the manager residence and office (Attachment 4). All fencing and gates would be seven foot tall wrought iron, including three electronic gates for entrances and exits. Several three foot tall retaining walls are also proposed in the preliminary grading plan (Attachment 2). They would be a part of the structural needs for building six at the south east corner of the site and a part of required frontage improvements. Other grading would include leveling for building pads and excavation for drainage retention bioswale basins.

Visual:

The design, material selection, and landscaping for the project was chosen to preserve the existing rural residential character of the surrounding large lot residences, Mormon Island Cemetery, and Mormon Island Wetlands State Park. The only two story structure proposed is the manager residence and office, all storage buildings would be one story. Building materials include natural stone, metal corrugated style siding, and composite roofing. The chosen color palette is earth tone, incorporating browns, tans, grays, and muted greens (Attachment 4).

One monument sign is proposed in the form of a faux water tower at the north east corner entrance. The tower height would be approximately 21 feet, and the visible sign face from any one direction would be approximately 49 square feet. The use of a wooden faux water tower would help preserve the rural visual characteristics of the site and surrounding environment.

Project landscaping would include buffers in front of all exterior stone walls and fencing. The landscaping would place significant emphasis on vertical coverage to reduce the visibility of the facility from adjacent residences on Shadow Fax lane and surrounding residences at higher elevations in Promontory Village One and Two, following recommendations from residents and EDH APAC. Vertical coverage would be achieved through use of quick growing tall trees such as London Plane Tree, Chinese Pistache, and Crimson Sentry Maple (Attachment 5).

The applicant has provided a lighting plan, Lighting Standards Appendix A (Attachment 6), and a photometric study. The lighting plan demonstrates that the project would include LED lamps throughout the site. All of the proposed lamp fixtures have an up-light factor of zero (Attachment 7), and will be placed and directed such that there will be no light pollution and so that no direct light falls outside of the property lines. The site would be open during standard daytime operating hours, and will have a facility manager always on site. Customers who rent units will be given an access key or code for the entrance gate so that visitors are controlled at all times.

Biological:

The project site is predominately non-native annual grassland with two large biological features; a 65 inch diameter at breast height (dbh) Valley Oak (Quercus lobate) and a wetland swale, a tributary of the Mormon Island Wetlands, which fully bisects the project site from eastern boundary to western boundary. Both features will be preserved through elements of the project design and mitigation measures. The El Dorado County Stormwater Ordinance requires the project to construct on-site water quality facilities to reduce post-development peak runoff to pre-development levels. The project design includes two water retention and recharge basins that run parallel on each side of the natural wetland swale (Attachment 1). These basins would be planted with a native bio-filtration grass to facilitate ground water re-charge and prevent pollutants in storm water runoff and other water discharge. The applicant has provided a preliminary drainage plan and report that has been reviewed by the Storm Water Management Program (Attachment 8). All buildings and impervious landscaping would be on the opposite side of the retention basins from the natural wetland swale, and would meet the required 25' setback for intermittent streams.

Transportation/Circulation/Parking:

Frontage for the project would be the northern property line along Green Valley Road, with an entrance and monument sign at the north east corner. The majority of the proposed storage units would be accessible by paved drive aisle (Attachment 9). Only 88 units are not accessible by drive aisle, creating the need for three extra parking spaces as specified by El Dorado County Zoning Code 130.35.030. The site would also have two spaces for the managers residence and four spaces for general public use of the facility, for a total of nine spaces meeting the required seven parking spaces. A private road, Shadow Fax Lane, runs along the entirety of the sites western and

southern property lines. Shadow Fax Lane would not be used for entrance into the proposed facility, although there would be one gated emergency exit at the south western corner of the site which would empty onto the road.

A traffic impact study (TIS) was prepared by KDAnderson & Associates analyzing potential trip generation during A.M. and P.M. peak hours as well as potential impacts to Levels of Service for six existing intersections (Attachment 10). Several project configurations, including no project alternatives, were analyzed. The public access for the self-storage project would be a 35-foot wide driveway from Green Valley Road at the north east corner of the parcel which would be shared with the future commercial center. The primary public access for the future commercial center would be a driveway from Sophia Parkway. An exit for emergency vehicles only would be located at the south west corner of the self-storage site.

Required road improvements would include a 11-foot wide dedicated right turn lane, a Caltrans A2-6 curb and gutter, an eight foot wide sidewalk, a five foot wide bike lane, and a two foot wide bike buffer zone. Recent expansion and improvements to Green Valley road have been underway by other jurisdictions. The new dedicated right turn lane would be designed to match and align with ongoing construction.

Utilities and Infrastructure:

The project site is currently vacant land, other than two abandoned sheds, with no water or sewer utilities. The El Dorado Irrigation District (EID) reviewed the project as part of a Facility Improvement Letter (FIL) and determined that water and sewer utilities are available to serve the site (Attachment 11).

The project would require two equivalent dwelling units of water and sewer service. The developer has provided a preliminary utility plan (Attachment 3) that proposes a new sewer pump lift station at the north east corner of the site that would also serve the currently vacant adjacent site. Other considered alternatives included an extension of sewer lines to the Promontory no. 3 lift station off site, or the construction of a private lift station to serve three parcels. The developer has selected the two parcel lift station as the most feasible option with the least impact.

The minimum fire flow for this project is 2,500 GPM for a 2-hour duration while maintaining a 20-psi residual pressure. EID has determined that the existing system in the area can only deliver a flow of 1,700 GPM. In order to provide the required fire flow and receive water service the applicant must construct a water line extension looping the eight inch water line in Green Valley Road to the six inch water line in Shadowfax Lane. Extension improvements would be onsite only (Attachment 11).

Construction Considerations:

Site construction, grading, and extension of existing utilities would be required for the project. On-site mass grading would be necessary to prepare the building pads. Off-site construction and grading would include previously mentioned required road and frontage improvements.

The developer has provided a phasing plan (Attachment 14) that demonstrates project build out over a time period of approximately three years. This includes some outdoor boat and recreational vehicle storage that would be transitioned to indoor storage as build out occurs. Previously mentioned improvements such as road widening and drainage facilities would be required to be completed prior to the public access of any phase of the project.

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 can be submitted to the project planner indicated in the Summary section, above.

Following the close of the written comment period the El Dorado County Planning Commission will consider the Initial Study in a public meeting and determine whether it is in compliance with CEQA and whether to approve the project.

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. If the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of Mitigation Measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the Mitigation Measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:

   a. Earlier Analysis Used. Identify and state where they are available for review.

   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

   a. the significance criteria or threshold, if any, used to evaluate each question; and
   b. the mitigation measure identified, if any, to reduce the impact to less than significant.

## ENVIRONMENTAL IMPACTS

| I. **AESTHETICS.** Except as provided in Public Resources Code Section 2109 (residential, mixed use or employment center projects located in infill sites within transit priority areas), *would the project:* | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a. Have a substantial adverse effect on a scenic vista? | | | X | |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | X | |
| c. In non-urbanized areas, substantially degrade the existing visual character quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | | | | X |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | | | X | |

**Regulatory Setting:**

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

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

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

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

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

On September 2013, the Governor signed into law Senate Bill (SB) 743, which instituted changes to the California Environmental Quality Act (CEQA) when evaluating environmental impacts to projects located in areas served by transit. While SB 743 mainly addressed how transportation impacts are evaluated under CEQA, it also limits the extent to which aesthetics and parking are defined as impacts under CEQA. Specifically, Section 21099 (d)(1) of the Public Resources Code (PRC) states that a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if:

1. The project is a residential, mixed-use residential, or employment center project, and;
2. The project is located on an infill site within a transit priority area.

Section 21099 (a) of the PRC defines the following terms:
(1) "Employment center project" (TPAs) means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area.

(4) "Infill site" means a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.
(7) "Transit priority area" means an area within one-half mile of a major transit stop that is existing or planned. Section 21064.3 of the PRC defines a "major transit stop" as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

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

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

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

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

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

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

**Discussion:** The project is not located in an infill site within a transit priority area as defined in Section 21099 (a) of the Public Resources Code (PRC). Therefore, a substantial adverse effect to Visual Resources would result from the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

a. **Scenic Vista or Resource:** The project site is located on the western border of El Dorado County shared with the City of Folsom, and is surrounded by single-family residences, open space, and undeveloped commercial parcels. No Important Public Scenic Viewpoints, as designated by the county General Plan, are located in the vicinity of the site (El Dorado County, 2003, p. 5.3-3 through 5.3-5). The project site is not adjacent to or visible from a State Scenic Highway. All new structures would require permits for construction and would comply with the applicable standards of the General Plan and Zoning Ordinance, including requirements related to aesthetics such as setbacks and building height limitations. Impacts would be less than significant.

b. **Scenic Resources:** The project is not visible from an officially designated State Scenic Highway or county-designated scenic highway, or any roadway that is part of a scenic corridor protection program (Caltrans, 2013).

There is a 65 inch dbh Valley Oak (Quercus lobate) on the western side of the site that will be protected and will remain visible from adjacent parcels and roadways. Impacts would be less than significant.

c. **Visual Character:** The project is located in an urbanized area as defined by the U.S. Census Bureau (U.S. Census Bureau, 2010). The project has been reviewed for consistency with the General Plan, Zoning Ordinance, and all applicable regulations governing scenic quality, and does not conflict. There would be no impact.

d. **Light and Glare:** Under the El Dorado County Outdoor Lighting Standards Table 3.4.A commercially zoned properties are limited to 100,000 lumens/acre. At 9.55 acres the project would be allowed a total of 955,000 lumens. The applicant has provided the Lighting Standards Appendix A and a photometric study demonstrating that the project would include 121 LED lamps that would produce a total of 370,172 lumens, 39% of the total allowed lumens (Attachment 6). All of the proposed lamp fixtures have an up-light factor of zero, and will be placed and directed such that no direct light falls outside of the property lines (Attachment 7). Impacts would be less than significant.

**FINDING:** As conditioned and with adherence to El Dorado County Code of Ordinances, for this Aesthetics category, impacts would be less than significant.

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

*Would the project:*

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

**Regulatory Setting:**

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

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

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

Farmland Mapping and Monitoring Program

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

> ***Prime Farmland:*** Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields. Prime Farmland must have been used for irrigated agricultural production at some time during the 4 years before the FMMP's mapping date.
>
> ***Farmland of Statewide Importance:*** Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Farmland of Statewide Importance must have been used for irrigated agricultural production at some time during the 4 years before the FMMP's mapping date.
>
> ***Unique Farmland***: Farmland of lesser quality soils used for the production of the state's leading agricultural crops. These lands are usually irrigated but might include non-irrigated orchards or vineyards, as found in some climatic zones. Unique Farmland must have been cropped at some time during the 4 years before the FMMP's mapping date.
>
> ***Farmland of Local Importance:*** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

California Land Conservation Act of 1965 (Williamson Act)

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

Z'berg-Nejedly Forest Practice Act

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

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

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

a. **Farmland Mapping and Monitoring Program:** The site is not zoned for agricultural use or located within an Agricultural District. The project would not convert farmland to another land use. There would be no impact.

b. **Agricultural Uses:** The property is not under Williamson Act Contract, nor is it adjacent to lands under contract. There would be no impact.

c-d. **Loss of Forest land or Conversion of Forest land:** The site is not designated as Timber Production Zone (TPZ), Natural Resource, or other forestland according to the General Plan and Zoning Ordinance. The project would not result in loss of forest land on or off site. There would be no impact.

e. **Conversion of Prime Farmland or Forest Land:** The project is not within an agricultural district or on forest land and would not convert farmland or forest land to non-agricultural use. Surrounding land uses are not agricultural or timber production. Surrounding land with Oak woodlands is protected recreational open space. There would be no impact.

**FINDING:** For this Agriculture category, impacts would be less than significant or no impact.

**III. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

*Would the project:*

| | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a. Conflict with or obstruct implementation of the applicable air quality plan? | | | X | |
| b. 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? | | | X | |
| c. Expose sensitive receptors to substantial pollutant concentrations? | | | X | |
| d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | | | | X |

**Regulatory Setting:**

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

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

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

The California Air Resources Board (CARB) sets standards for criteria pollutants in California that are more stringent than the NAAQS and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide, sulfates, and vinyl chloride. The proposed project is located within the Mountain Counties Air Basin, which is comprised of seven air

districts: the Northern Sierra Air Quality Management District (AQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County APCD, the Tuolumne County APCD, the Mariposa County APCD, and a portion of the El Dorado County AQMD, which consists of the western portion of El Dorado County. The El Dorado County Air Pollution Control District manages air quality for attainment and permitting purposes within the west slope portion of El Dorado County.

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

USEPA and CARB designate regions as "attainment" (within standards) or "nonattainment" (exceeds standards) based on their respective ambient air quality standards. The County is in nonattainment of both federal and state ozone standards and for the state PM10 standard, and is in attainment or unclassified status for other pollutants (California Air Resources Board 2017).

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

The El Dorado County Air Quality Management District (AQMD) is responsible for developing and administering programs to reduce air pollution levels below the health-based ambient air quality standards established by the state and federal governments. AQMD is responsible for enforcing district rules, regulating stationary source emissions, approving permits, maintaining emissions inventories, issuing burn permits, administering grant programs, and reviewing air quality-related sections of environmental documents required to comply with CEQA. AQMD regulates air quality through the federal and state Clean Air Acts, district rules, and its permit authority.

AQMD has developed a Guide to Air Quality Assessment (2002) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Guide provides quantitative and qualitative significance criteria for both construction and operational emissions from a project.

A project would have a significant impact on air quality if quantified emissions exceed the following:

- Emissions of ROG and $NO_x$ will result in construction or operation emissions greater than 82lbs/day
- Emissions of $PM_{10}$, CO, $SO_2$ and $NO_x$, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
- Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.

A project would have a significant impact on air quality if a qualitative analysis indicates:

- The project triggers any of the air quality significance criteria in Appendix G of the CEQA Guidelines.
- The project results in excessive odors, as defined under the Health & Safety Code definition of an air quality nuisance.
- The project results in land use conflicts with sensitive receptors, such as schools, elderly housing, hospitals or clinics, etc.
- The project, as proposed, is not in compliance with all applicable District rules and regulations.
- The project does not comply with U.S. EPA general and transportation "conformity" regulations.

A project would have a cumulatively significant impact if:

- The project requires a change in the land use designation (e.g., general plan amendment or rezone) that increases ROG and NOx emissions compared to the prior approved use, and the increase in emissions exceeds the "project alone" significance levels shown above for ROG or NOx.
- Project CO emissions, if combined with CO emissions from other nearby projects, result in a "hotspot" that violates a state or national AAQS.
- The project is primarily an industrial project and a modeling analysis indicates that the project's impacts would exceed Class III Prevention of Significant Deterioration (PSD) increments (Class II in Lake Tahoe) for PM10, SO2, or NO2; or, the project is primarily a development project, and the emissions of ROG, NOx, or CO exceed the "project alone" significance criteria for those three pollutants noted above.
- The project causes the risk analysis criteria above for "project alone" Toxic Air Contaminants (TACs) to be exceeded when project emissions of TACs are considered in conjunction with TACs from other nearby projects.

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. All proposed development must comply with District Rule 223-1 Fugitive Dust.

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). All proposed development in a NOA area must comply with District Rule 223-2 Fugitive Dust – Asbestos Hazard Mitigation.

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

a. **Air Quality Plan:** AQMD reviewed the proposed project and determined that it would not conflict with the federal Clean Air Act, goals set by the Mountain Counties Air Basin, or any attainment plans set by El Dorado County for specific pollutants. The project has been conditioned to prepare a Fugitive Dust Mitigation Plan for construction, to adhere to AQMD Rule 215 on architectural coatings, and to provide electric vehicle charging facilities for the proposed residence. Impacts would be less than significant.

b. **Air Quality Standards and Cumulative Impacts:** A mass emissions model run was prepared using the California Emissions Estimator Model (CalEEMod, v 2016.3.2) (Attachment 12). The model concluded the daily construction emissions would not exceed 63 lbs/day for Reactive Organic Gases (ROG) and 46 lbs/day for Nitrogen Oxides (NOx). This is below the 82 lbs/day threshold for each as detailed in AQMD's Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts under the California Environmental Quality Act, February 2002 ("CEQA Guide"). Additionally, the model concluded operational emissions of ROG and NOx would be less than 8 lbs/day each; which is also below the 82 lbs/day threshold from the CEQA Guide.

   The Analysis also indicated the annual construction GHG emissions would not exceed 600 metric tons of CO2 equivalent/year (MTCO2e/yr). This is below the Sacramento Regional GHG Thresholds for annual construction emissions of 1,100 MTCO2e/yr. Additionally, the model concluded operational GHG emissions would be less than 551 MTCO2e/yr which is below the annual GHG operational threshold of 1,100 MTCO2e/yr, and would not result in a cumulatively considerable net increase of GHG emissions for the region. Impacts would be less than significant.

c. **Sensitive Receptors:** The CEQA Guidelines (14 CCR 15000) identify sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors. The project site is surrounded by residential development that includes families. There is also a proposed development of an assisted living facility on the adjacent parcel to the south east of the site that would qualify as a sensitive receptor. However, no substantial pollutant concentrations will be emitted by the proposed project during construction or operation. Impacts would be less than significant.

d. **Other Emissions, Including Those Leading to Odors:** Table 3.1 of the Guide to Air Quality Assessment (AQMD, 2002) does not list the proposed use as one known to result in other emissions, including those leading to odors. The proposed project would not generate or produce other emissions, including those leading to odors. There would be no impact.

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

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

**Regulatory Setting:**

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

Endangered Species Act

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

Section 9 of the ESA and its implementing regulations prohibit the "take" of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term "take" to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 USC Section 1532). Section 7 of the ESA (16 USC Section 1531 *et seq.*) outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats. Section 10(a)(1)(B) of the ESA provides a process by which nonfederal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in "take" of endangered or 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 Plan also include policies that contain specific, enforceable requirements and/or restrictions and corresponding performance standards that address potential impacts on special-status plant species or create opportunities for habitat improvement. The El Dorado County General Plan designates the Important Biological Corridor (IBC) (Exhibits 5.12-14, 5.12-5 and 5.12-7, El Dorado County, 2003). Lands located within the overlay district are subject to the following provisions, given that they do not interfere with agricultural practices:

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;

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

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

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

a. **Special Status Species:** An evaluation of biological resources utilizing data from federal and state agencies, aerial imaging, and a field survey, was conducted by Sycamore Environmental (Attachment 13). Appropriate habitat for five special-status bird species; Grosshopper sparrow, Golden eagle, Burrowing owl, Bald eagle, and White-tailed kite, two special-status mammal species; Pallid bat and American badger, and two special-status plant species; Big-scale balsamroot and Tuolomne button-celery, was identified at the site. Additionally, while habitat on the site for Western spadefoot toad is poor, Western spadefoots have been observed in the Mormon Island Wetlands State Park adjacent to the project site. Habitat on the site is also marginal for Pallid bats. No special-status species were observed during the field survey. Impacts would be less than significant with mitigation.

Mitigation Measure Bio-1: If construction activities will occur during the nesting season (1 February to 31 August), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) shall be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. If a pre-construction survey is required, Planning Services shall verify the completion of survey prior to issuance of grading permit.

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

Mitigation Measure Bio-2: The applicant shall conduct a preconstruction survey for American badger within 14 days prior to the start of any grading or ground disturbance. If American badgers or their dens are found, an additional survey shall be conducted within 24 hours prior to ground disturbance. Construction shall not begin until a qualified biologist determines that the badger has left the project area on its own accord. Maternity dens shall be avoided during kit-rearing season (February to July). If avoidance of the den

is not feasible, the badger shall be passively relocated by slowly excavating the burrow by hand no more than four inches at a time, under the supervision of the biologist after the kit-rearing season.

Monitoring Requirement: Planning Services shall verify the completion of survey prior to issuance of grading permit.

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

b-c. **Riparian Habitat and Wetlands:** The U.S. Army Corps of Engineers has identified .27 acres of wetland swale on the project site as waters of the U.S. The swale occurs in the central portion of the site bisecting the site from east to west. It is a tributary of the Mormon Island Wetlands to the west of the site. The project lay out has been designed to avoid the swale, including placing storm water run-off detention basins along the swale area. However, approximately 1,000 square feet of wetland area will be filled. Species observed in the wetland swale during the field study included iris-leaved rush, narrow-leaved cattail, nutsedge, spikerush, hyssop-leaved loosestrife, and water cress. No special-status species were observed during the field survey. Impacts would be less than significant with mitigation.

Mitigation Measure Bio-3: The applicant shall obtain a CWA Section 404 permit and Section 401 certification and submit verification of compliance to the Planning Division.

Monitoring Requirement: Planning Services shall verify the applicant has obtained the required permit and certification prior to issuance of grading permit.

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

Mitigation Measure Bio-4: The applicant shall obtain a Section 1600 Lake and Streambed Alteration (LSA) Agreement from the California Department of Fish and Wildlife and submit verification of compliance to the Planning Division.

Monitoring Requirement: Planning Services shall verify the applicant has obtained the LSA Agreement prior to issuance of grading permit.

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

d. **Migration Corridors:** Review of the CA Department of Fish and Wildlife Migratory Deer Herd Maps indicates that the site is not a migratory corridor for any species of deer. The General Plan DEIR exhibit 5.12-7 indicates that the site is not a designated protected or sensitive habitat. The adjacent Mormon Island Wetlands State Park is an undeveloped wooded space that may attract deer. However, concentrations of deer in the State Park would not likely be higher than in the surrounding large lot residential development. Impacts would be less than significant.

e. **Local Policies:** Local protection of biological resources includes the Oak Resources Conservation Ordinance No. 5061, the El Dorado County Oak Resources Management Plan (ORMP), the ecological preserve system, and Zoning Code 130.30.050.G Protection of Wetlands and Sensitive Riparian Habitat, and the Important Biological Corridor (IBC) designation. The site is not located within an ecological preserve or a designated IBC. The project design meets all wetland setbacks as required by zoning code 130.30.050.G. There is one 65 inch dbh Valley Oak (Quercus lobate) on the site that is protected as a heritage tree under the Oak Resources Conservation Ordinance. The project has been designed to preserve the Valley Oak. In order to ensure tree protection during grading and construction a mitigation measure for implementation of best management practices, as recommended in the ORMP, is necessary. Impacts would be less than significant with mitigation.

Mitigation Measure Bio-5: All Oak resources protection best management practices (BMPs) prescribed below shall be implemented prior to approval of any grading or building permit. The root protection zone (RPZ) is roughly one-third larger than the drip line (or outermost edge of the foliage based on the longest branch).

- Install high visibility fencing around the RPZ. Fencing shall be four-feet high and bright orange with steel t-posts spaced 8 feet apart.
- Do not grade, cut, fill or trench within the RPZ.
- Do not store oil, gasoline, chemicals, other construction materials, or equipment within the RPZ.
- Do not store soil within the RPZ.
- Do not allow concrete, plaster, or paint washout within the RPZ.
- Do not irrigate within the RPZ or allow irrigation to filter into the RPZ.

Monitoring Requirement: The Planning Division shall verify the installation of protective fencing prior to issuance of any grading or building permit. The Building Division shall monitor ongoing BMPs during inspections.

Monitoring Responsibility: El Dorado County Planning and Building Department.

f. **Adopted Plans**: No significant impacts to protected species, habitat, or wetlands were identified for this project. 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:** No jurisdictional wetland or riparian areas are present at the project site. There are no special-status plants or wildlife species detected at the project site. This project would be anticipated to have less than significant impact on Biological Resources.

| **V. CULTURAL RESOURCES.** *Would the project:* | | | | |
|---|---|---|---|---|
| | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
| a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5? | | | **X** | |
| b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5? | | | **X** | |
| c. Disturb any human remains, including those interred outside of dedicated cemeteries? | | | **X** | |

**Regulatory Setting:**

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

The National Register of Historic Places

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

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

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

California Register of Historical Resources

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

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

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

The California Register of Historic Places

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

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

The State Office of Historic Preservation sponsors the California Historical Resources Information System (CHRIS), a statewide system for managing information on the full range of historical resources identified in California. CHRIS provides

an integrated database of site-specific archaeological and historical resources information. The State Office of Historic Preservation also maintains the California Register of Historical Resources (CRHR), which identifies the State's architectural, historical, archeological and cultural resources. The CRHR includes properties listed in or formally determined eligible for the National Register and lists selected California Registered Historical Landmarks.

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

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

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

CEQA and CEQA Guidelines

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

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

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

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

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

- determined by a lead agency to be historically significant.

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

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

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

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

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

a-b. **Historic or Archeological Resources.** A records search of the California Historical Resources Information System was conducted in October 2017 by the CSU Sacramento North Central Information Center (NCIC). One cultural resources report was on file. The report was prepared by Tremaine & Associates in May 2006, and included a field pedestrian survey of approximately four acres of the southern end of the site. No cultural resources were found during the survey. Regarding archeological resources, the NCIC states that there is low potential for locating prehistoric-period resources at the site. The project has been conditioned to monitor for historic and pre-historic cultural resources during grading and construction, and to immediately cease work if any suspected cultural resources are found. Impacts would be less than significant.

c. **Human Remains.** To the immediate south of the site is the Mormon Island Relocation Cemetery. The cemetery was created in early 1954 by the Army Corps of Engineers to relocate graves that would be submerged below Folsom Lake when the Folsom Dam was built. Graves from eight cemeteries, Salmon Falls, Negro Hill, Condemned Bar, McDowell's Hill, Natural Dam, Dolton's Bar, Carollton Bar, and Mormon Island, as well as five individual graves were relocated to the site. El Dorado County took responsibility of governance and maintenance of the cemetery from the Army Corps in October of 1954. The cemetery has been extensively studied and surveyed. Several surveys are on record with the El Dorado County Recorder-Clerk's Office which define the boundaries of the cemetery as a whole and delineate each individual grave plot. Because Mormon Island is a relocation cemetery, that has been extensively mapped, and is separated from the project site by Shadowfax Lane, the chance of disturbing human remains not interred within the formal boundaries is remote. The project has been conditioned to cease work immediately and contact the County coroner if any human remains are found during grading or construction. Impacts would be less than significant.

**FINDING:** No significant cultural resources have been identified on the project site. Standard conditions of approval would apply in the event of accidental discovery during any future construction. This project would be anticipated to have a less than significant impact within the Cultural Resources category.

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

**Regulatory Setting:**

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

Federal Energy Policy Act of 2005

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

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

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

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

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

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

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

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

Senate Bill x7-7 (Chapter 4, Statutes of 2009)

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

Assembly Bill 2076, Reducing Dependence on Petroleum

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

Senate Bill 375—Sustainable Communities Strategy

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

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

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

CEQA and CEQA Guidelines

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

CEQA Guidelines, Appendix F: Energy Conservation

CEQA requires EIRs to include a discussion of potential energy impacts and energy conservation measures. Appendix F, Energy Conservation, of the State CEQA Guidelines outlines energy impact possibilities and potential conservation measures designed to assist in the evaluation of potential energy impacts of proposed projects. Appendix F places "particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy," and further indicates this may result in an unavoidable adverse effect on energy conservation. Moreover, the State CEQA Guidelines state that significant energy impacts should be "considered in an EIR to the extent relevant and applicable to the project." Mitigation for potential significant energy impacts (if required) could include implementing a variety of strategies, including measures to reduce wasteful energy consumption and altering project siting to reduce energy consumption.

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

The County General Plan Public Services and Utilities Element also includes goals, objectives, and policies related to energy conservation associated with the County's future growth and development. Among these are Objective 5.6.2 (Encourage Energy-Efficient Development) which applies to energy-efficient buildings, subdivisions, development and landscape designs. Associated with Objective 5.6.2 are two policies specifically addressing energy conservation:

- Policy 5.6.2.1: Requires energy conserving landscaping plans for all projects requiring design review or other discretionary approval.
- Policy 5.6.2.2: All new subdivisions should include design components that take advantage of passive or natural summer cooling and/or winter solar access, or both, when possible.

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

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

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

a. **Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources.**

Project-Related Construction/Improvements: The Pacific Gas and Electric (PG&E) utility company was consulted for review of the project. PG&E did not provide any comments or concerns about ongoing energy usage or project design. The project is required to comply with regulations on energy efficiency and design such as California Building Standards Code Title 24 and CALGreen. Impacts would be less than significant.

Future Energy Use Resulting From the Project: A mass emissions and energy model was run using the California Emissions Estimator Model (CalEEMod v 2016.3.2) (Attachment 12). The model concluded that the project as proposed would use approximately 12,116.5 kBTU/yr of natural gas, as well as approximately 8,677.22 kWh/yr of

electricity. The project design is consistent with applicable energy legislation, policies, and standards as described in the Regulatory Setting section above.

b. **State or Local Plans For Renewable Energy Or Energy Efficiency.** Development under the project will be consistent with all applicable state and El Dorado County General Plan policies for renewable energy or energy efficiency and will not obstruct implementation of applicable energy plans. Impacts would be less than significant.

**FINDING:** The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. The project would be consistent with all applicable state and local plans for renewable energy or energy efficiency. For the Energy category, impacts would be less than significant.

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

**Regulatory Setting:**

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

National Earthquake Hazards Reduction Act

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

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

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

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

Alquist–Priolo Earthquake Fault Zoning Act

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

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

Seismic Hazards Mapping Act

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

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

California Building Standards Code

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

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

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

a. **Seismic Hazards:**

i) As determined by the California Department of Conservation Division of Mines and Geology, there are no Alquist-Priolo fault zones within the west slope of El Dorado County (DOC, 2007). However, a fault zone has been identified in the Tahoe Basin and Echo Lakes area. The West Tahoe Fault has a mapped length of 45 km (28 miles). South of Emerald Bay the West Tahoe Fault extends onshore as two parallel strands. In the lake, the fault has clearly defined scarps that offset submarine fans, lake-bottom sediments, and the McKinney Bay slide deposits (DOC, 2016). There is clear evidence that the discussed onshore portion of the West Tahoe Fault is active with multiple events in the Holocene era and poses a surface rupture hazard. However, because of the large distance between the project site and these faults, there would be no impact.

ii) The potential for seismic ground shaking in the project area would be considered remote for the reasons stated in Section i) above. Any potential impacts due to seismic impacts will be addressed through compliance with the Uniform Building Code (UBC). All structures will be built to meet the construction standards of the UBC for the appropriate seismic zone. Impacts would be less than significant.

iii) El Dorado County is considered an area with low potential for seismic activity. There are no landslide, liquefaction, or fault zones within the west slope (DOC, 2007). There would be no impact.

iv) All grading activities onsite will be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. As conditioned, there would be no impact.

b. **Soil Erosion:** All grading activities on and off site will comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance including the implementation of pre- and post-construction Best Management Practices (BMPs). Implemented BMPs are required to be consistent with the County's California Stormwater Pollution Prevention Plan (SWPPP) issued by the State Water Resources Control Board to eliminate run-off and erosion and sediment controls. Any grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado Grading, Erosion, and Sediment Control Ordinance. Any future construction will be reviewed for compliance with the County SWPPP. Impacts would be less than significant.

c. **Geologic Hazards:** Based on the Seismic Hazards Mapping Program administered by the California Geological Survey, no portion of El Dorado County is located in a Seismic Hazard Zone or those areas prone to liquefaction and earthquake-induced landslides (DOC, 2013). Therefore, El Dorado County is not considered to be at risk from liquefaction hazards. Lateral spreading is typically associated with areas experiencing liquefaction. Because liquefaction hazards are not present in El Dorado County, the county is not at risk for lateral spreading. All grading activities will comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Impacts would be less than significant.

d. **Expansive Soils:** Expansive soils are those that greatly increase in volume when they absorb water and shrink when they dry out. When buildings are placed on expansive soils, foundations may rise each wet season and fall each dry season. This movement may result in cracking foundations, distortion of structures, and warping of doors and windows. The central portion of the county has a moderate expansiveness rating while the eastern and western portions have a low rating. Linear extensibility is used to determine the shrink-swell potential of soils. This project is located in the western most part of El Dorado County. All development will be required to comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance and the development plans for the manager dwelling and office will be required to implement the Seismic construction standards. Impacts would be less than significant.

e. **Septic Capability:** The proposed project would be connected to the wastewater system of the El Dorado Irrigation District (EID). The project does not involve the use of septic tanks or other alternative wastewater disposal systems. There would be no impact.

f. **Unique Paleontological Sites/Resources or Geologic Features:** A records search of the California Historical Resources Information System was conducted in October 2017 by the CSU Sacramento North Central Information Center (NCIC). One cultural resources report was on file. The report was prepared by Tremaine & Associates in May 2006, and included a field pedestrian survey of approximately four acres of the southern end of the site. No cultural resources were found during the survey. Regarding archeological resources, the NCIC states that there is low potential for locating prehistoric-period resources at the site. The project has been conditioned to monitor for historic and pre-historic cultural resources during grading and construction, and to immediately cease work if any suspected cultural resources are found. As conditioned, impacts would be less than significant.

**FINDING:** No significant paleontological resources or unique geologic features have been identified on the project site. Conditions of approval will apply in the event of discovery during construction. A review of soils and geologic conditions on the project site determined that the project would not result in a substantial adverse effect to geology and soils. All grading activities will be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. All development will be required to comply with the Uniform Building Code, which will address potential seismic related impacts. For this Geology and Soils category, impacts would be less than significant.

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

**Background/Science**

Cumulative greenhouse gases (GHG) emissions are believed to contribute to an increased greenhouse effect and global climate change, which may result in sea level rise, changes in precipitation, habitat, temperature, wildfires, air pollution levels, and changes in the frequency and intensity of weather-related events. While criteria pollutants and toxic air contaminants are pollutants of regional and local concern (see Section III. Air Quality above); GHG are global pollutants. The primary land-use related GHG are carbon dioxide ($CO_2$), methane ($CH_4$) and nitrous oxides ($N_2O$). The individual pollutant's ability to retain infrared radiation represents its "global warming potential" and is expressed in terms of $CO_2$ equivalents; therefore $CO_2$ 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 $CH_4$ than $CO_2$. Nitrous Oxide has a global warming potential of 310. Emissions are expressed in annual metric tons of $CO_2$ equivalent units of measure (i.e., $MTCO_2e/yr$). The three other main GHG are Hydroflourocarbons, Perflourocarbons, and Sulfur Hexaflouride. 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 $CO_2$ 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 $CH_4$ 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 $N_2O$ 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 $CO_2$ equivalent ($MMTCO_2e$) while 1990 levels were estimated at 427 $MMTCO_2e$. Setting 427 $MMTCO_2e$ as the emissions target for 2020, current (2006) GHG emissions levels must be reduced by 29%. CARB adopted the AB 32 Scoping Plan in December 2008 establishing various actions the state would implement to achieve this reduction (CARB, 2008). The Scoping Plan recommends a community-wide GHG reduction goal for local governments of 15%.

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

**Discussion**

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

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

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

These thresholds are summarized below:

| **Significance Determination Thresholds** | |
|---|---|
| **GHG Emission Source Category** | **Operational Emissions** |
| Non-stationary Sources | 1,150 $MTCO_2e$/yr<br>OR<br>4.9 MT $CO_2e$/SP/yr |
| Stationary Sources | 10,000 $MTCO_2e$/yr |

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

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

a. A mass emissions model run was prepared using the California Emissions Estimator Model (CalEEMod, v 2016.3.2) (Attachment 12). The model indicated the annual construction GHG emissions would not exceed 600 metric tons of

$CO_2$ equivalent/year ($MTCO_2e/yr$). This is below the Sacramento Regional GHG Thresholds for annual construction emissions of 1,100 $MTCO_2e/yr$. Additionally, the model concluded that operational GHG emissions would be less than 551 $MTCO_2e/yr$, which is below the annual GHG operational threshold of 1,100 $MTCO_2e/yr$. Because data from projects in El Dorado County, along with the other counties in the Sacramento region, were used to develop these thresholds, these regional GHG thresholds represent "substantial evidence" for CEQA purposes and are appropriate for use as CEQA thresholds of significance. Impacts would be less than significant.

b. The proposed project would not conflict with the objectives of AB 32, or any other applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. There would be no impact.

**FINDING:** The project would result in less than significant impacts to greenhouse gas emissions. For this Greenhouse Gas Emissions category, there would be no significant adverse environmental effect as a result of the project.

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

**Regulatory Setting:**

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

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

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act; 42 USC Section 9601 *et seq.*) is intended to protect the public and the environment from the effects of past hazardous waste disposal activities and new hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the "Superfund") for the remediation of hazardous 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 Section1.1307[b]). Licensees at co-located sites (e.g., towers supporting multiple antennas, including antennas under separate ownerships) must take the necessary actions to bring the accessible areas that exceed the FCC exposure limits into compliance. This is a shared responsibility of all licensees whose transmission power density levels account for 5.0 or more percent of the applicable FCC exposure limits (47CFR 1.1307[b][3]).

Code of Federal Regulations (14 CFR) Part 77

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

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

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

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

The Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. CalEPA and other state agencies set the

standards for their programs, while local governments (CUPAs) implement the standards. For each county, the CUPA regulates/oversees the following:

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

Hazardous Materials Business Plans

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

California Occupational Safety and Health Administration

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

California Accidental Release Prevention

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

California Department of Forestry and Fire Protection Wildland Fire Management

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

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

California Highway Patrol

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

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

A map of the fuel loading in the County (General Plan Figure HS-1) shows the fire hazard severity classifications of the SRAs in El Dorado County, as established by CDF. The classification system provides three classes of fire hazards: Moderate, High, and Very High. Fire Hazard Ordinance (Chapter 8.08) requires defensible space as described by the State Public Resources Code, including the incorporation and maintenance of a 30-foot fire break or vegetation fuel clearance around structures in fire hazard zones. The County's requirements on emergency access, signing and numbering, and emergency water are more stringent than those required by state law (Patton 2002). The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

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

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

a-c. **Hazardous Materials:** The project would not involve the routine transportation, use, or disposal of hazardous materials such as construction materials, paints, fuels, landscaping materials, or household cleaning supplies. No hazardous materials would be allowed to be stored at the site. Paint, paving materials, and other construction materials may be temporarily used on site during construction. The project has been conditioned to comply with AQMD and Building Division requirements for construction materials. There would be no impact.

d. **Hazardous Sites:** The project site is not included on a list of or near any hazardous materials sites pursuant to Government Code section 65962.5 (DTSC, 2015). There would be no impact.

e-f. **Aircraft Hazards, Private Airstrips:** The project is not located within an airport land use plan or within two miles of a public airport or public use airport. There would be no impact.

g. **Emergency Plan:** The site is served by El Dorado Hills Fire Protection District (EDH FPD). After reviewing the project EDH FPD did not provide any comments indicating that the proposal would conflict with any existing emergency response or evacuation plan. There would be no impact.

h. **Wildfire Hazards:** The project site is in an area designated as moderate wild fire hazard. No wild fire safe plan was required by EDH FPD, however several conditions regarding vegetative clearance and FPD access shall be applied. The project will be compliant with El Dorado County Ordinance No. 5101 Vegetation Management and Defensible Space and Public Resources Code 4291. Impacts would be less than significant.

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

| X. **HYDROLOGY AND WATER QUALITY.** Would the project: | | | | |
|---|---|---|---|---|
| | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
| a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | | | X | |
| b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | | | X | |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would: | | | X | |
| i) Result in substantial erosion or siltation on- or off-site? | | | X | |
| ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? | | | X | |
| iii) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | | | X | |
| iv) Impede or redirect flood flows? | | | | X |
| d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | | | | X |
| e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | | | | X |

**Regulatory Setting:**

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

Clean Water Act

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

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

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

*Section 402—NPDES Permits for Stormwater Discharge*

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

The NPDES program provides for both general (those that cover a number of similar or related activities) and individual (activity- or project-specific) permits. General Permit for Construction Activities: Most construction projects that disturb 1.0 or more acre of land are required to obtain coverage under SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). The general permit requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). SWPPP must include a site map and a description of the proposed construction activities, demonstrate compliance with relevant local ordinances and regulations, and present a list of Best Management Practices (BMPs) that will be implemented to prevent soil erosion and protect against discharge of sediment and other construction-related pollutants to surface waters. Permittees are further required to monitor construction activities and report compliance to ensure that BMPs are correctly implemented and are effective in controlling the discharge of construction-related pollutants.

Municipal Stormwater Permitting Program

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

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

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

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities complying with FEMA regulations that limit development in floodplains. The NFIP regulations permit development within special flood hazard zones provided that residential structures are raised above the base flood elevation of a 100-year flood event. Non-residential structures are required either to provide flood proofing construction techniques for that portion of structures below the 100-year flood 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 water discharge will occur as part of this project. The project design includes run off retention and recharge basins running parallel to both sides of the natural wetland swale. Erosion control will be required as part of any future building or grading permit. Storm water runoff from potential development would contain water quality protection features in accordance with potential National Pollutant Discharge Elimination System (NPDES) storm water permit, as deemed applicable. The project will comply with the El Dorado County Storm Water Management Plan (SWMP). The project would not be anticipated to violate water quality standards. Impacts would be less than significant.

b. **Groundwater Supplies:** The geology of the Western Slope portion of El Dorado County is principally hard, crystalline, igneous, or metamorphic rock overlain with a thin mantle of sediment or soil. Groundwater in this region is found in fractures, joints, cracks, and fault zones within the bedrock mass. These discrete fracture areas are typically vertical in orientation rather than horizontal as in sedimentary or alluvial aquifers. Recharge is predominantly through rainfall infiltrating into the fractures. Movement of this groundwater is very limited due to the lack of porosity in the bedrock. The project does not propose the use of wells or septic. There is no evidence that the project will substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with

groundwater recharge in the area of the proposed project. The project is not anticipated to affect potential groundwater supplies above pre-project levels. Impacts would be less than significant.

c. **Drainage Patterns:** The site is currently vacant. A grading permit through Community Development Services would be required to address grading, erosion, and sediment control for any future construction. Construction activities would be required to adhere to the El Dorado County Grading, Erosion Control and Sediment Ordinance. This includes the use of Best Management Practices (BMPs) to minimize degradation of water quality during construction. The project would impact approximately 1000 square feet of wetland on the site. Mitigation measure Bio-4 requires that a Section 1600 Streambed Alteration Permit be obtained from the California Department of Fish and Wildlife. The alterations would not substantially change water drainage or flow. Impacts would be less than significant.

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

e. **Management Plans:** The Long Range Planning Storm Water Management Division reviewed the project and did not provide any comments that the project would directly or indirectly impact the implementation of any water quality control plan or sustainable groundwater management plan. The project will likely need a National Pollutant Discharge Elimination System (NPDES) storm water permit and has been conditioned to comply with the El Dorado County Storm Water Management Plan (SWMP).There would be no impact.

**FINDING:** The proposed project would be required to address any potential erosion and sediment control. No significant hydrological impacts are expected with the development of the project either directly or indirectly. Impacts are anticipated to be less than significant.

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

**Regulatory Setting:**

California State law requires that each City and County adopt a general plan "for the physical development of the City and any land outside its boundaries which bears relation to its planning." Typically, a general plan is designed to address the issues facing the City or County for the next 15-20 years. The general plan expresses the community's development goals and incorporates public policies relative to the distribution of future public and private land uses. The El Dorado County General Plan was adopted in 2004 and updated in 2015. The 2013-2021 Housing Element was adopted in 2013.

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

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;

- Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
- Result in conversion of undeveloped open space to more intensive land uses;
- Result in a use substantially incompatible with the existing surrounding land uses; or
- Conflict with adopted environmental plans, policies, and goals of the community.

a. **Established Community:** The project is located within the El Dorado Hills Community Region. The project site is on the exterior edge of a cluster of single-family residential development buffered by vacant commercial parcels and an existing cemetery. The project would not conflict with the existing land use pattern in the area or physically divide an established community. Impacts would be less than significant.

b. **Land Use Consistency:** The parcel has a land use designation of Commercial (C) and a zoning designation of Community Commercial-Planned Development (CC-PD). This zoning designation establishes areas suitable for retail sales, office use, and other service needs of residents in the surrounding community. The project, which is subject to a Conditional Use Permit to ensure land use consistency, would provide storage services to the surrounding community. The proposed project would be consistent with the policies and objectives of the General Plan and Zoning Ordinance, and would not impact the implementation of any other land use plan. There would be no impact.

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

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

**Regulatory Setting:**

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

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

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

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Mining and Geology Board identify, map, and classify aggregate resources throughout California that contain regionally significant mineral resources. Designations of land areas are assigned by CDC and California Geological Survey following analysis of geologic reports and maps, field investigations, and using information about the locations of active sand and gravel mining operations. Local

jurisdictions are required to enact planning procedures to guide mineral conservation and extraction at particular sites and to incorporate mineral resource management policies into their general plans.

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

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

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

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

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

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

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.

a-b. **Mineral Resources.** The project site has not been delineated in the El Dorado County General Plan as a locally important mineral resource recovery site (2003, Exhibits 5.9-6 and 5.9-7). Review of the California Department of Conservation Geologic Map data showed that the project site is not within a mineral resource zone district. There would be no impact.

**FINDING:** No impacts to mineral resources are expected either directly or indirectly.

| **XIII. NOISE.** *Would the project result in:* | | | | |
|---|---|---|---|---|
| | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |

| XIII. NOISE. *Would the project result in:* | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | X | |
| b. Generation of excessive groundborne vibration or groundborne noise levels? | | | X | |
| c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |

**Regulatory Setting:**

No federal or state laws, regulations, or policies for construction-related noise and vibration 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 130.37.060.I and Table 130.37.060.2 of the El Dorado County Zoning Ordinance.

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

| Noise Level Descriptor | Daytime 7 a.m. - 7 p.m. | | Evening 7 p.m. - 10 p.m. | | Night 10 p.m. - 7 a.m. | |
|---|---|---|---|---|---|---|
| | Community | Rural | Community | Rural | Community | Rural |
| Hourly $L_{eq}$, dB | 55 | 50 | 50 | 45 | 45 | 40 |
| Maximum level, dB | 70 | 60 | 60 | 55 | 55 | **50** |

a. **Noise Exposures:** The proposed project will not expose people residing or working in the project area to noise levels in excess of standards established in the General Plan or Zoning Ordinance. A temporary minor increase in

noise levels may occur during construction. Noise associated with construction activities occurring day light hours is exempt from noise level standards provided that all construction equipment is fitted with factory installed muffling devices and is maintained in good working order. Construction activities outside of day light hours are not exempt and must be below maximum decibel levels as prescribed in Table 6-2. Ongoing use of the facility may include vehicles such as small trucks entering the site, customers unloading items for storage, and standard residential noise from the property manager's residence. However, daily operations would not be anticipated to be a new noise source or to increase ambient noise in the area. Noise exposures associated with the project would be less than significant.

b. **Groundborne Vibration or Groundborne Noise Levels:** The proposed project would not create a permanent new source of excessive groundborne vibration or groundborne noise. A temporary increase, not anticipated to exceed prescribed thresholds, in groundborne vibration and noise may result from construction activities. Impacts would be less than significant.

c. **Aircraft Noise:** The project is not located within the vicinity of a private airstrip or within two miles of a public airport or public use airport. There would be no impact.

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

| XIV. POPULATION AND HOUSING. *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a. Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere? | | | | X |

**Regulatory Setting:**

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

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

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

a. **Population Growth:** The proposed project would provide services for the surrounding existing community. No growth inducing factors are proposed as a part of the project. There would be no impact.

b. **Housing Displacement:** The project site is vacant and has a land use and zoning designation of Commercial. No existing persons or housing stock would be displaced by the proposed project. There would be no impact.

**FINDING:** The project would not directly or indirectly promote population growth or displacement of existing populations. There would be no impact.

| **XV. 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:* | | | | |
|---|---|---|---|---|
| | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
| a. Fire protection? | | | | X |
| b. Police protection? | | | | X |
| c. Schools? | | | | X |
| d. Parks? | | | X | |
| e. Other government services? | | | | X |

**Regulatory Setting:**

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

California Fire Code

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

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

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department's/District's goal of 1.5 firefighters per 1,000 residents and 2 firefighters per 1,000 residents, respectively;
- Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff's Department goal of one sworn officer per 1,000 residents;
- Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
- Place a demand for library services in excess of available resources;
- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
- Be inconsistent with County adopted goals, objectives or policies.

a. **Fire Protection:** The El Dorado Hills Fire Department (EDH FD) provides fire protection services to the site. The closest fire station is El Dorado Hills Fire Station 84 approximately 1.25 miles north east. EDH FD reviewed the project and provided comments; there were no concerns related to an increased need for services either directly or

indirectly related to the project. As discussed in the Population and Housing section, the project would not promote population growth, and thus an increased need for services would not be anticipated. There would be no impact.

b. **Police Protection:** The project site is served by the El Dorado County Sheriff's Department. Response time is dependent on the location of the nearest patrol vehicle. As discussed in the Population and Housing section, the project would not promote population growth, and thus an increased need for services would not be anticipated. There would be no impact.

c. **Schools:** The project site is within the Rescue Union School District. As discussed in the Population and Housing section, the project would not promote population growth, and thus an increased need for services would not be anticipated. There would be no impact.

d. **Parks:** The project site is within the El Dorado Hills Community Service District (EDH CSD). The CSD reviewed the project and did not provide any comments that there would be an increased need for services either directly or indirectly related to the project. The project site is adjacent to the Mormon Island Wetlands State Park, separated by Shadow Fax Lane. The project was designed to preserve the wetland swale that serves as a tributary to the park, and to minimize visual impacts on the Shadow Fax Lane frontage that can be seen from some trails in the park. Impacts would be less than significant.

e. **Government Services:** Several government agencies were consulted for project review, including City of Folsom Planning Services, Sacramento County Planning and Environmental Review, El Dorado Irrigation District, and internal El Dorado County departments. No comments or concerns were received that the project would increase use of existing services or increased demand for services. As discussed in the Population and Housing section, the project would not promote population growth, and thus an increased need for services would not be anticipated. There would be no impact.

**FINDING:** The project would not result in a significant increased need for safety or public services. Impacts would be less than significant.

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

**Regulatory Setting:**

National Trails System

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

The National Trails System includes four classes of trails:

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

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

The California Parklands Act

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

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

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

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

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

The 2004 El Dorado County General Plan Parks and Recreation Element establishes goals and policies that address needs for the provision and maintenance of parks and recreation facilities in the county, with a focus on providing recreational opportunities and facilities on a regional scale, securing adequate funding sources, and increasing tourism and recreation-based businesses. The Recreation Element describes the need for 1.5 acres of regional parkland, 1.5 acres of community parkland, and 2 acres of neighborhood parkland per 1,000 residents. Another 95 acres of park land are needed to meet the General Plan guidelines.

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

- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
- Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.

a. **Parks:** As discussed in the Population and Housing section, the project would not promote population growth. Increased use of existing neighborhood and regional parks or other recreational facilities would not be anticipated. There would be no impact.

b. **Recreational Services.** The project does not include recreational facilities or require the construction or expansion of recreational facilities. There would be no impact.

**FINDING:** The project would not result increase the use of existing neighborhood and regional parks or other recreational facilities. Nor would it require the construction or expansion of recreational facilities. There would be no impact.

| **XVII. TRANSPORTATION/TRAFFIC.** *Would the project:* | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | | 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.

**Discussion:** The Transportation and Circulation Policies contained in the County General Plan establish a framework for review of thresholds of significance and identification of potential impacts of new development on the County's road system. These policies are enforced by the application of the Transportation Impact Study (TIS) Guidelines, the County Design and Improvements Standards Manual, and the County Encroachment Ordinance, with review of individual development projects by the Transportation and Long Range Planning Divisions of the Community Development Agency. A substantial adverse effect to 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 (LOS) 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:** A traffic impact study (TIS) was prepared by KDAnderson & Associates analyzing potential trip generation during A.M. and P.M. peak hours as well as potential impacts to Levels of Service (LOS) for six existing intersections (Attachment 10). Several project configurations, including no project alternatives, were analyzed. Some alternatives included analysis of a pending submittal for a mixed use commercial center adjacent to the proposed self-storage facility that would be developed by the same applicants. The study found that all intersections, except the Green Valley Road/Shadowfax Lane intersection, would operate within acceptable El Dorado County and City of Folsom LOS thresholds. The project would add more than 10 trips to the Green Valley Road/Shadowfax Lane intersection in the p.m. peak hours, but would not trigger the peak hour signal warrant. The following mitigation measure would address increased traffic impacts at the affected area;

Mitigation Measure Trans-1: The project shall construct an 11-foot wide dedicated right turn lane, a five foot wide bike lane, a two foot wide bike buffer zone, Caltrans A2-6 curb and gutter, and an 8-foot wide Portland Cement concrete sidewalk along Green Valley Road from Shadowfax Lane to Sophia Parkway. The new lane shall conform to the existing right turn lane approaching Sophia Parkway.

Monitoring Requirement: Upon completion of the required improvements the applicant shall provide as-built plans to the County Engineer.

Monitoring Responsibility: El Dorado County Department of Transportation.

Impacts would be less than significant with the above prescribed mitigation.

b. **Levels of Service Standards:** The added traffic at the Green Valley Road/Shadowfax Lane intersection would degrade the LOS for that feature to LOS F. This would violate General Plan Policy TC-Xd specifying that 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. See section a. for prescribed mitigation measures. Impacts would be less than significant with mitigation.

c. **Air Traffic:** The project is not located within an airport land use plan or within two miles of a public airport or public use airport. There would be no impact.

d. **Design Hazards:** The project was reviewed by EDH FD and the Transportation Division for potentially hazardous conditions created by site access, on site circulation, and design features. All transportation related improvements would conform to the County Design and Improvement Standards Manual (DISM) and would not create new hazards. The project has been conditioned to limit landscaping along the driveway to vegetation no higher than 2 feet to provide visibility to oncoming traffic along eastbound Green Valley Road. Impacts would be less than significant.

e. **Emergency Access:** The project was reviewed by EDH FD for adequate emergency access and onsite circulation for emergency vehicles. The TIS also included analysis of onsite circulation; demonstrating that all turning radiuses are sufficient for emergency vehicles, all drive aisles are wide enough for emergency access while customers are parked near units for unloading, and all sight distances for entrances and exits are sufficient. EDH FD provided several comments and conditions to ensure sufficient emergency access including specified roadway grades, a prohibition on traffic calming devices, specifications for turning radiuses, and gate standards. The project driveway does not exceed 150-feet in length and thus a turnout is not required. An emergency only exit is proposed at the south west corner of the project onto Shadowfax Lane. As conditioned, impacts would be less than significant.

f. **Alternative Transportation.** The nearest bus station to the project site is approximately 1.5 miles away on El Dorado Hills Boulevard at Wild Oaks Park. Considering the nature of self-storage facilities the project is not likely to increase demand for public transportation service to the site. The prescribed mitigation measures in section a. include a five foot wide bike lane and two foot wide bike buffer zone. The project has also been conditioned to construct an eight foot wide Portland Cement Concrete sidewalk with appropriate pedestrian ramps with truncated domes conforming to Caltrans Standard Plan A88A for accessibility. The project would not conflict with adopted plans, policies, or programs relating to alternative transportation. As conditioned, impacts would be less than significant.

**FINDING:** With implementation of mitigation measures and conditions, the proposed project would not conflict with any applicable plans, ordinances, or policies regarding LOS standards, design hazards, emergency access, or alternative transportation. Impacts would be less than significant with mitigation.

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

| **XVIII. TRIBAL CULTURAL RESOURCES.** *Would the project:* | | | | |
|---|---|---|---|---|
| *Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:* | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
| subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | | | | |

**Regulatory Setting:**

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

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

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

Assembly Bill (AB) 52

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

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

a. 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.

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

b. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
c. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms 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. **California and local Registers of Historical Resources:** The project site does not contain any resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). There would be no impact.

b. **Public Resource Code Section 5024.1:** Under the AB52 notification process six Tribes were notified of the proposed project; the Ione Band of Miwok Indians, the Nashville-El Dorado Miwok, the T'si-Akim Maidu, the United Auburn Indian Community of the Auburn Rancheria, the Washoe Tribe of Nevada and California, and the Wilton Rancheria. No comments, requests for consultation, or proposed mitigation measures were received from consulting Tribes. No TCRs have been identified on the site. There would be no impact.

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

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

**Regulatory Setting:**

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

Energy Policy Act of 2005

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

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

California Integrated Waste Management Act of 1989

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

California Solid Waste Reuse and Recycling Access Act of 1991

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

California Integrated Energy Policy

Senate Bill 1389, passed in 2002, requires the California Energy Commission (CEC) to prepare an Integrated Energy Policy Report for the governor and legislature every 2 years (CEC 2015a). The report analyzes data and provides policy recommendations on trends and issues concerning electricity and natural gas, transportation, energy efficiency, renewable energy, and public interest energy research (CEC 2015a). The 2014 Draft Integrated Energy Policy Report Update includes policy recommendations, such as increasing investments in electric vehicle charging infrastructure at workplaces, multi-unit dwellings, and public sites (CEC 2015b).

Title 24–Building Energy Efficiency Standards

Title 24 Building Energy Efficiency Standards of the California Building Code are intended to ensure that building construction, system design, and installation achieve energy efficiency and preserve outdoor and indoor environmental quality (CEC 2012). The standards are updated on an approximately 3-year cycle. The 2013 standards went into effect on July 1, 2014.

Urban Water Management Planning Act

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

***Other Standards and Guidelines***

Leadership in Energy & Environmental Design

Leadership in Energy & Environmental Design (LEED) is a green building certification program, operated by the U.S. Green Building Council (USGBC) that recognizes energy efficient and/or environmentally friendly (green) components of building

design (USGBC, 2015). To receive LEED certification, a building project must satisfy prerequisites and earn points related to different aspects of green building and environmental design (USGBC, 2015). The four levels of LEED certification are related to the number of points a project earns: (1) certified (40–49 points), (2) silver (50–59 points), (3) gold (60–79 points), and (4) platinum (80+ points) (USGBC, 2015). Points or credits may be obtained for various criteria, such as indoor and outdoor water use reduction, and construction and demolition (C&D) waste management planning. Indoor water use reduction entails reducing consumption of building fixtures and fittings by at least 20% from the calculated baseline and requires all newly installed toilets, urinals, private lavatory faucets, and showerheads that are eligible for labeling to be WaterSense labeled (USGBC, 2014). Outdoor water use reduction may be achieved by showing that the landscape does not require a permanent irrigation system beyond a maximum 2.0-year establishment period, or by reducing the project's landscape water requirement by at least 30% from the calculated baseline for the site's peak watering month (USGBC, 2014). C&D waste management points may be obtained by diverting at least 50% of C&D material and three material streams, or generating less than 2.5 pounds of construction waste per square foot of the building's floor area (USGBC, 2014).

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

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- Demonstrate insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

a. **New, Relocated or Expanded Utility Infrastructure**: El Dorado Irrigation (EID) has provided an FIL (Attachment 11) specifying improvements that would be necessary to serve the project site. EDH FD has determined that the minimum fire flow needed for this project is 2,500GPM for a two hour duration with 20psi residual pressure. The existing system can only provide a maximum fire flow of 1,700GPM. In order to provide the needed fire flow EID has determined that the applicant must construct a water line extension looping the eight inch water line in Green Valley Road to the six inch water line in Shadowfax Lane. The developer has provided a Preliminary Utility Plan (Attachment 3) demonstrating that the water line extension would run along the eastern side of the site, and would be constructed in conjunction with general construction and grading already needed for the project. Impacts would be less than significant.

b. **Sufficient Water Supply:** The proposed project would require two Equivalent Dwelling Units (EDUs) of water supply. As determined by EID, as of January 1, 2017, there were approximately 15,591 EDUs of water supply available in the El Dorado Hills Water Supply Region. As discussed in section a, the existing infrastructure on the site is not adequate to provide the required fire flow, and on site improvements must be constructed. Impacts would be anticipated to be less than significant. Impacts would be less than significant.

c. **Adequate Wastewater Capacity:** Sewer services are not currently available at the site. The project would require two equivalent dwelling units of sewer service. The developer has provided a preliminary utility plan (Attachment 3) that proposes a new sewer pump lift station at the north east corner of the site that would also serve the currently vacant adjacent site once developed. Other considered alternatives included an extension of sewer lines to the Promontory no. 3 lift station off site, or the construction of a private lift station to serve three parcels. The developer has selected the two parcel lift station as the most feasible option with the least impact.

d-e. **Solid Waste Disposal and Requirements:** The El Dorado County Environmental Management reviewed the project for consistency with AB 341, AB 1826, CalGreen Section 5.410.1, and all other applicable federal, state, and local policies regarding solid waste. The project would not violate or impede the requirements of any federal, state, or local policy. Waste and recycling service must be set up through El Dorado Disposal. There would be no impact.

**FINDING:** No significant utility and service system impacts would be expected with the project, either directly or indirectly. For this Utilities and Service Systems category, the thresholds of significance would not be exceeded.

| XX. **WILDFIRE.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, *would the project:* | Potentially Significant Impact | Less than Significant with Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a. Substantially impair an adopted emergency response plan or emergency evacuation plan? | | | | X |
| b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | | | X | |
| c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | | | | X |
| d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | | | X | |

**Regulatory Setting**

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

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

California Department of Forestry and Fire Protection Wildland Fire Management

The Office of the State Fire Marshal and the California Department of Forestry and Fire Protection (CAL FIRE) administer state policies regarding wildland fire safety. Construction contractors must comply with the following requirements in the Public Resources Code during construction activities at any sites with 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).

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

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

around structures in fire hazard zones. The County's requirements on emergency access, signing and numbering, and emergency water are more stringent than those required by state law (Patton 2002). The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

El Dorado County General Plan

The General Plan includes standards intended to minimize the risk of wildfire. They are found under Objective 6.2.3 and include the following policies:

- Policy 6.2.2.1: Fire Hazard Severity Zone Maps shall be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard:
- Policy 6.2.2.2: The County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as "urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire," as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection:
- Policy 6.2.3.1: As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and firefighting personnel and equipment will be available in accordance with applicable State and local fire district standards:
- Policy 6.2.3.2: As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area:
- Policy 6.2.3.4: All new development and public works projects shall be consistent with applicable State Wildland Fire Standards and other relevant State and federal fire requirements:
- Policy 6.2.4.1: Discretionary development within high and very high fire hazard areas shall be conditioned to designate fuel break zones that comply with fire safe requirements to benefit the new and, where possible, existing development:
- Policy 6.2.4.2: The County shall cooperate with the California Department of Forestry and Fire Protection and local fire protection districts to identify opportunities for fuel breaks in zones of high and very high fire hazard either prior to or as a component of project review: and
- Policy 6.2.5.1: The County shall cooperate with the U.S. Forest Service, California Department of Forestry and Fire Protection, and local fire districts in fire prevention education programs.

El Dorado County Grading, Erosion and Sediment Control Ordinance (Chapter 110.14 of the County Ordinance Code)

Chapter 110.14 is enacted to regulate grading within the unincorporated area of El Dorado County to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses; and to ensure that the intended use of a graded site is consistent with the El Dorado County General Plan, any Specific Plans adopted thereto, the adopted Storm Water Management Plan, California Fire Safe Standards and applicable El Dorado County ordinances including the Zoning Ordinance (Title 130 of the County Ordinance Code) and the California Building Code. In addition to standard permitting requirements for grading/soil disturbance activities, this Chapter also provides allowances for emergency work, including grading activities to protect life or property or to implement necessary erosion control measures as a result of emergency situations. The Chapter also provides for approval of plans and inspection of grading construction. This ordinance does not supersede or otherwise preempt any applicable local, state, or federal law or regulation, but provides for additional regulation of soil disturbance at a local level.

**Discussion:** A substantial adverse effect from wildfire-related hazards would occur if implementation of the project would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;

- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

a. **Emergency Response Planning:** The project was reviewed by EDH FD, who did not provide any comments or concerns regarding the project impairing an adopted emergency response plan or emergency evacuation plan. As discussed in the Population and Housing section, the project does not propose population growth inducing factors that would necessitate a new emergency plan or amendment to an existing plan. There would be no impact.

b. **Site-Specific Risk Management:** The project site is in an area of moderate fire hazard for wildland fire pursuant to Figure 5.8-4 of the 2004 General Plan Draft EIR. The project was reviewed by EDH FD for wild fire hazards. No Wildland Fire Safe Plan is required for the project, however EDH FD did recommend several conditions regarding vegetative fire clearances, wildland adjacent non-combustible fencing, and fire hydrants. The project must comply with Public Resources Code 4291. As conditioned, impacts would be less than significant.

c. **Fire Safety Infrastructure:** The project would not require the installation of any infrastructure that may exacerbate fire risk. There would be no impact.

d. **Post-Fire Soil/Hydrologic Hazards**: The project site lies at a fairly level elevation with surrounding development. The existing wetland swale channels drainage into the Mormon Islands Wetlands which is an undeveloped natural drainage area equipped to handle seasonal fluctuations in drainage amount and run off. The project proposal includes drainage basins to protect the wetland swale. All projects in El Dorado County must comply with the Grading Erosion Control and Sediment Ordinance and the California Stormwater Pollution Prevention Plan (SWPPP) issued by the State Water Resources Control Board. Impacts would be less than significant.

**Findings:** The project has been conditioned to comply with recommended measures from EDH FD, and the statutory measures for fire management and project design standards. Impacts would be less than significant.

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

**Discussion:**

a. No substantial evidence contained in the project record has been found that would indicate that this project would have the potential to significantly degrade the quality of the environment. As conditioned and mitigated, and with adherence to County permit requirements, this project would not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of California history, pre-history, or tribal cultural resources. Any impacts from the project would be less than significant due to the design of the project and required standards that would be implemented with the grading and building permit process and/or any required project specific improvements on or off the property.

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

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

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

c. Based on the discussion contained in this document, no potentially significant impacts to human beings are anticipated to occur with respect to potential project impacts.

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

## ATTACHMENTS

The following attachments are referenced in this Initial Study/Environmental Checklist
Attachment 1: Preliminary Site Plan
Attachment 2: Preliminary Grading Plan
Attachment 3: Preliminary Utility Plan
Attachment 4: Elevations
Attachment 5: Preliminary Landscape Plan & Plant List
Attachment 6: Lighting Standards Appendix A
Attachment 7: Lighting Cut Sheets
Attachment 8: Preliminary Drainage Plan and Report
Attachment 9: Parking Calculation
Attachment 10: Traffic Impact Study
Attachment 11: Facility Improvement Letter (FIL)
Attachment 12: Mass Emissions Model Results
Attachment 13: Biological Resources Report
Attachment 14: Phasing Plan

## SUPPORTING INFORMATION SOURCE LIST

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