

APPLICANT/LANDOWNER: John & Roxana Hertzig, 9267 E Hwy 26, Mokelumne Hill CA 95245

PROJECT LOCATION: The subject property APN: 048-002-095 is located at the southwest corner of Campo Seco and Watertown Roads, in the SE 1/4 of Section 02, T04N, R10E, MDM.

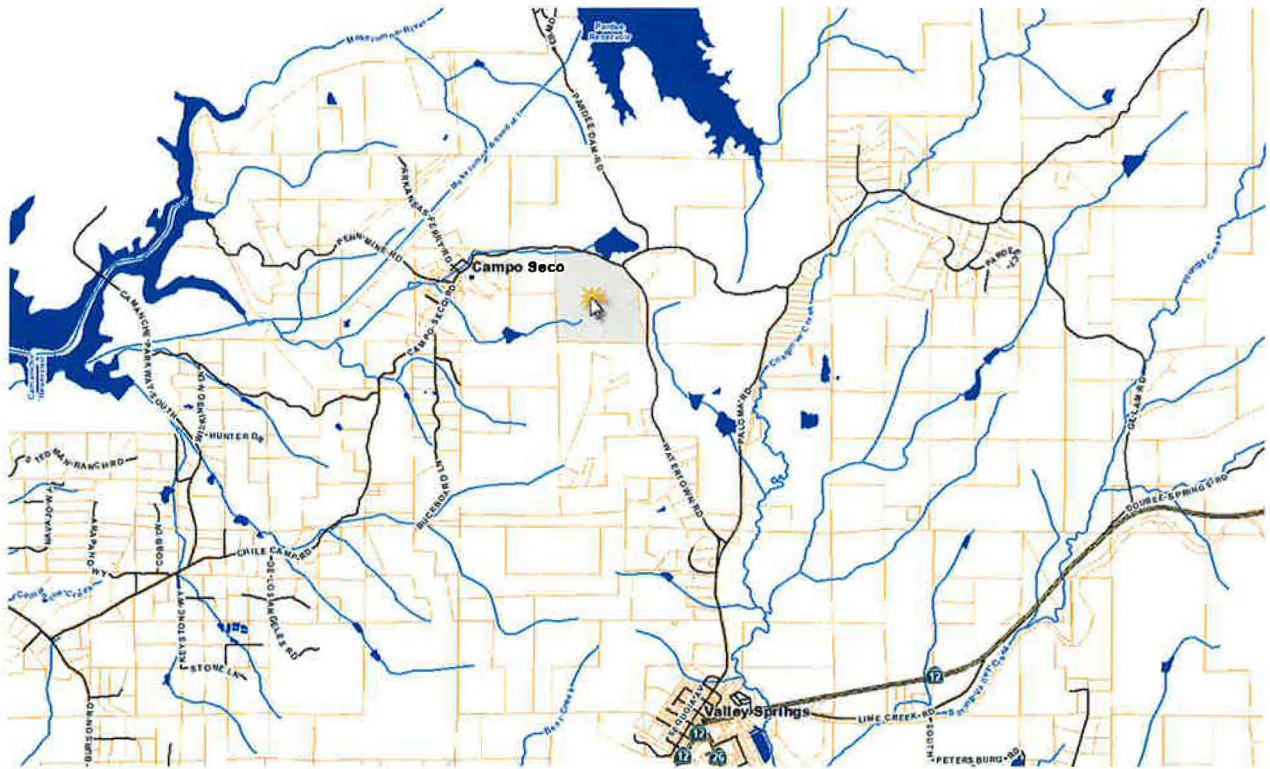


Figure 2 - Location Map

SITE AND SURROUNDING USES

Existing General Plan Designation: Resource Production

Existing Zoning District(s): General Agriculture (A1)

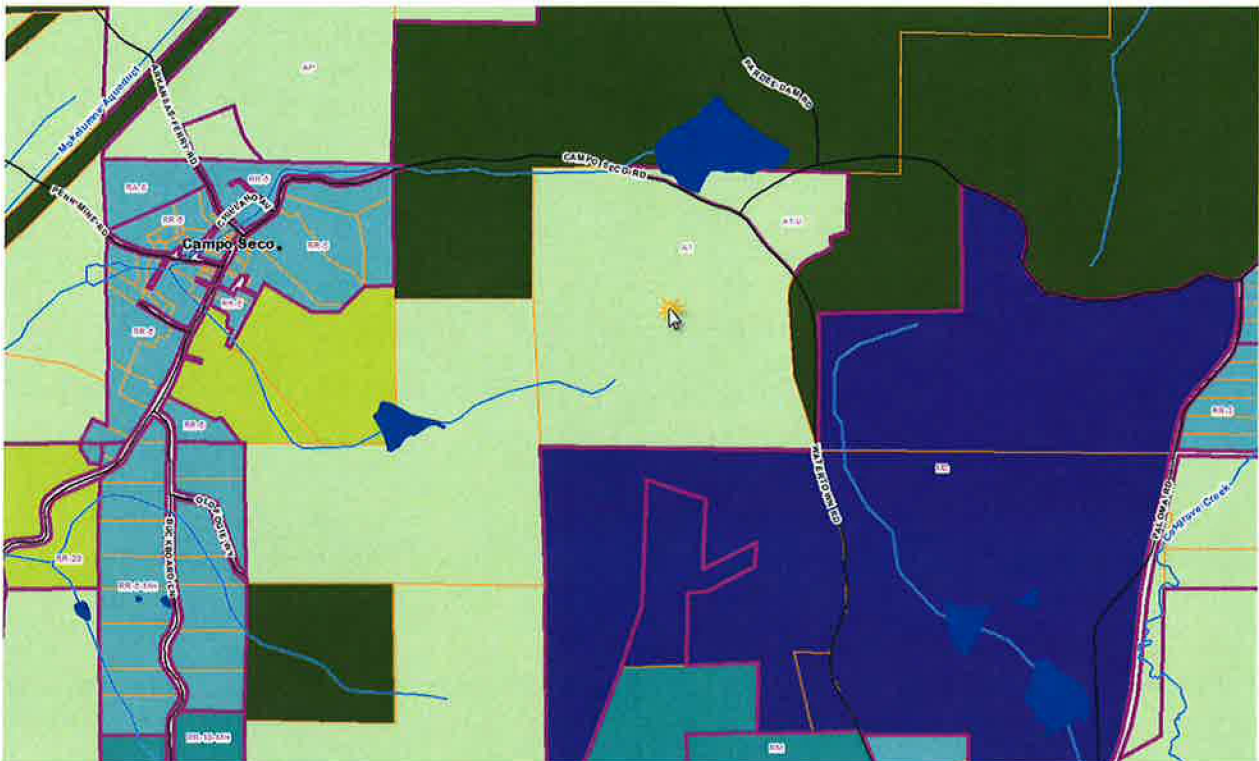


Figure 3 - General Plan and Zoning Map

Environmental Setting & Background: The subject parcel encompasses 132.3 acres, contains an old barn located in the southeastern portion of the parcel with existing rough graded roads to potential building sites. Currently, the parcel is being used as pastureland for cattle grazing. The project area is typical hilly foothill habitat with sparse pine and oak trees within grassland. Most of the property is gently sloped ranging from 0-30% with a few hill tops ranging between 36%-40% slopes. There are two seasonal drainages on the subject parcel both flowing from east to west, one located along Campo Seco Road at the northwest corner of the land, the second near the southwest corner of the subject parcel which is dammed to create two man-made ponds. The surrounding lots in the area are primarily 20 - 300 acres in size.

The parcel is not located within a water or sewer district, so newly created parcels will be served by on-site wells and on-site wastewater systems. The parcel is not within the Eastern San Joaquin Sub-basin and has a low to moderate groundwater potential. The parcel is in a high to moderate fire hazard area of the County. Calaveras Consolidated Fire and CalFire both provide mutual aid for structure and wildland fires to this portion of Calaveras County. The subject parcel is not in a FEMA flood zone.

ANALYSIS

The subject parcel is designated in the County General Plan as Resource Production (RP). The RP designation identifies those lands capable of and primarily used for agricultural operations, timber production and/or mineral resource production; in order to maintain the land's viability and economic productivity and protect these lands from the intrusion of incompatible uses or activities. Resource Production Lands have the capability of being utilized for several resource production uses and/or compatible activities. The County's zoning code would allow for these multiple uses. This designation also includes, but is not limited to, lands with conservation easements and lands designated as critical habitat areas, agricultural preserves, and timber production (including lands zoned for timberland production pursuant to the California Timberland Productivity Act of 1982). The General Plan identifies Resource Production lands as parcels ranging in size from 40 acres to 160 acres in size.

The subject parcel is zoned General Agriculture (A1). Consistent with the Resource Projection Land Use Designation, the A1 zone is the main resource production zone in the County and is intended to classify areas for general farming and ranching practices and assign such uses the primary emphasis for the area. It is the purpose of the A1 zone that residential uses are placed in a position of secondary importance when compared to the commercial scale production of food and fiber. Chapter 17.16.070 requires newly created parcels in the A1 zone to maintain a minimum parcel size of 20 acres. Pursuant to Chapter 17.16, the A1 zone permits a wide range of agricultural operations and support uses in addition to a single-family residence and one accessory dwelling unit. The parcel was rezoned in 2000 from Agricultural Preserve (AP) to A1 when the Williamson Act contract for the property was non renewed. The proposed lot sizes are consistent with the minimum parcel size requirements in both the County General Plan¹ and the County Zoning Code.

The application was circulated to various County Departments, local, State and Federal Agencies in addition to special interest organizations. As a result, we received relevant comments from the County Public Works Department requiring regulatory compliance with applicable regulations of the County Road Ordinance, the Storm Water Quality Ordinance, the Grading and Drainage Ordinance as well as the Subdivision Map Act. Memos from the County's Environmental Management Agency and the County Building Department were received indicating that no further requirements apply for parcels of 40+ acres in size.

Initially, access to proposed parcel 3 was via the existing encroachment off Watertown Road. The existing roadway crosses a short segment of land owned by East Bay Municipal Utility District (MUD). After the project applicant could not obtain legal access by way of deeded easement or purchase of the East Bay MUD property, the tentative map was revised which now includes access to parcel 2 and parcel 3 by way of a 50' common access and Public Utility Easement (PUE) through parcel 2 from the existing encroachment off Watertown Road. The Public Works Department submitted revised comments which now include the requirement to not only improve the encroachments to a minor collector approach, but to improve the proposed access road for parcels 2 and 3 to a minimum

service (Template G) roadway standard.

Environmental Review:

Pursuant to California Environmental Quality Act (CEQA) guidelines an Initial Study and Negative Declaration was prepared. The Initial Study/Negative Declaration was noticed for a 30-day review and comment period from December 29, 2021, to January 31, 2022. No comments were received. The prepared Initial Study/Negative Declaration was completed in accordance with the CEQA and reflects the independent judgment and analysis of the preparer.

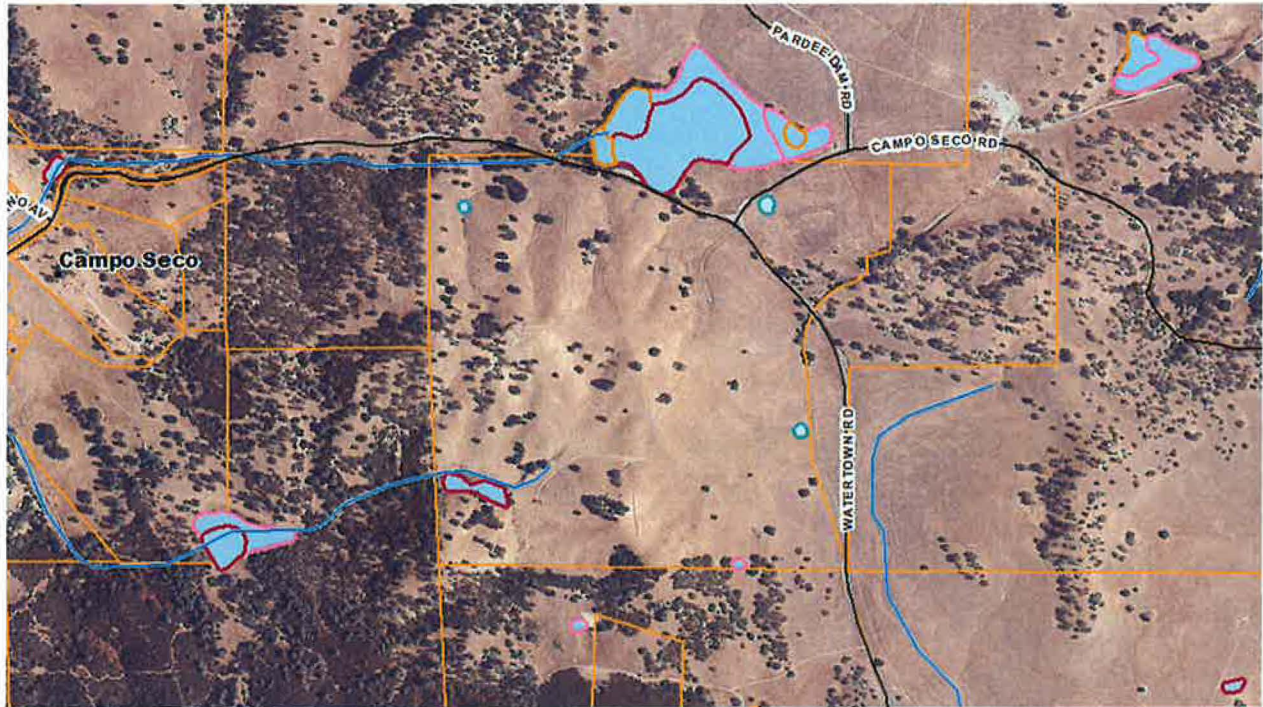


Figure 4- National Wetland Inventory Map

Biological Resources / Wetlands

Because of the presence of a blue line stream and mapped wetlands on the parcel, biological surveys and a wetland assessment was conducted by Walter Tordoff, Ph.D. Professor Emeritus of Biology, California State University, Stanislaus in 2014 and again in 2018 (see Exhibits A and B of Attachment 3). The initial Reconnaissance-Level biological survey was completed in October 2014 to assess potential special status species and habitat on the subject parcel. This survey included a review of the California Natural Diversity Database (CNDDB) in addition to other relevant sources and field surveys on July 21 and October 17, 2014. The 2014 Surveys determined that there were four protected species listed as having "Possible" occurrences, which might be found in the vernal pools on the subject parcel: vernal pool fairy shrimp, California tiger salamander, western spadefoot, and delta button celery.

During the field survey, two seasonal drainages were observed, one in the northwestern portion of proposed Parcel 1, and another in the southwestern portion of proposed Lot 3.

The drainage in proposed Parcel 1 drains from the pond located on the adjacent parcel on the north side of Campo Seco Road and crosses into the subject parcel near an existing encroachment. The smaller drainage begins on proposed Parcel 3 and contains two man-made earthen dams forming two ponds, which are lined with cattails. These farm ponds provide water for the cattle, but according to the survey, do not contain water year-round under drought conditions.

The 2014 surveys initially identified three vernal pools; however, the biologist stated that further surveys should be conducted during the wet season to determine whether any of the listed special status species are present in the vernal pools. In 2018, the biologist completed a species-specific biological survey. After the first rain of the season, site visits were conducted beginning on October 21, 2016, and continued at approximately 2-week intervals until the pools had dried up at the end of June. Following these site visits and further analysis, the biologist determined that only two vernal pools existed on the site: one on proposed Parcel 3 (Pool 1) and one on proposed Parcel 2 (Pool 2). He also clarified in a subsequent statement (Exhibit C of Attachment 3), that the farm ponds in the southwestern portion are not vernal pools and that the third pool he identified in the 2014 survey was just a depression adjacent to one of the farm ponds. The biologist observed only bullfrogs inhabiting the pools regularly and did not observe any evidence of the presence of any of the protected species identified above.

The 2018 Survey recommended that the access road to proposed Parcel 1 should be moved further away from the drainage; however, following his subsequent site visits, Mr. Tordoff submitted a Clarification of Assessment on August 5, 2021, which states that the stream enters the property by passing under Watertown Road about 20 feet from the gate and having the gate and access road remain where they are should pose no more of a threat to the stream than Watertown Road currently does. Mr. Tordoff therefore rescinded his original recommendation to re-locate the gate and access road. The 2018 Survey also recommended that to protect Vernal Pool 1 in proposed Parcel 3, the access road in proposed Parcel 3 needed to be moved 200 feet down slope. With the inclusion of the 50' common access and PUE to service parcel 3, re-location of the existing encroachment and road segment is no longer relevant.

Ian Ralston, Environmental Scientist with the California Department of Fish and Wildlife reviewed all the biological reports and concurred with the conclusions and recommendations.

General Plan Consistency:

The project is consistent with General Plan Land Use Policy LU 3.6, adhering to the density, land use intensity, and water and sewage disposal standards set forth in Table LU-1. The proposed project is also consistent with General Plan Policies COS 3.1 (use site planning techniques to protect biological resources), COS 3.2 (avoid impacts to habitats), COS 3.3 (require new development to identify and mitigate impacts to wildlife habitat) and Implementation Measure COS-4H (require project applicants to enlist the services of a qualified biologist and to minimize, avoid and/or mitigate significant impacts to special-status species). There are no other General Plan implementation measures that apply to

development projects that are applicable to this project.

SUMMARY

The project is consistent with relative key policies and implementation measures of the Calaveras County General Plan, Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance). The project has been adequately conditioned to meet the applicable requirements of the County Code. The lots meet the minimum requirements for A1 zoned parcels served by individual wells and on-site septic systems. There is no substantial evidence that the project as designed and conditioned will have a significant effect on the environment.

RECOMMENDATION

Staff recommends the Planning Commission take the following action:

1. Adopt Resolution 2022-001 approving Tentative Parcel Map 2014-023 based on the findings in the staff report; and
2. Adopt the Negative Declaration

ATTACHMENTS

Attachment 1 – Draft Resolution No. 2022-001

Attachment 2 – Tentative Parcel Map 2014-023

Attachment 3 – Initial Study and Negative Declaration

Attachment 1

Draft Resolution 2022-001

COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION

RESOLUTION NO. 2022-001

**>>A RESOLUTION ADOPTING THE NEGATIVE DECLARATION AND APPROVING
TENTATIVE PARCEL MAP 2014-023 FOR JOHN AND ROXANA HERTZIG**

WHEREAS, the Planning Department of the County of Calaveras received an application from John and Roxana Hertzig, requesting to divide 132.3 acres into three (3) parcels, 40.11 acres, 40.51 acres and 51.69 acres in size; and

WHEREAS, the Planning Commission set consideration of the project request pursuant to the Calaveras County General Plan, Title 17 Zoning Code, Title 16 Subdivision Ordinance, and the procedures of the Planning Commission; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, off of Campo Seco Road and Watertown Road, in Campo Seco, and more particularly described as APN: 048-002-095, in the Southeast ¼ of Section 2, T04N, R10E, MDM; and

WHEREAS, an Initial Study and Negative Declaration was prepared and available for public review for 30 days, pursuant to the requirements of the California Environmental Quality Act, which adequately addressed any potentially significant impacts associated with the proposed project; and

WHEREAS, during a duly noticed public hearing held on June 23, 2022, the Planning Commission considered all the information presented to it, including its staff report, and information presented by the project proponent; and

BE IT THEREFORE RESOLVED, that the Planning Commission adopts the Negative Declaration and approves the Tentative Parcel Map based upon the following findings and Exhibit "A", Tentative Parcel Map, of this resolution:

CEQA Findings

1. Based on the whole record, there is no substantial evidence that the project as designed and conditioned will have a significant effect on the environment. A Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA). The Negative Declaration reflects the independent judgment and analysis of the preparer.

Evidence: Pursuant to CEQA guidelines, County staff prepared an Initial Study/Negative Declaration. The Initial Study/Negative Declaration was distributed for a 30-day review and comment period from December 29, 2021, to January 31, 2022. No comments were received.

Tentative Parcel Map Findings

1. The proposed map is consistent with the General Plan, any applicable Specific, Special or Community Plan, County Zoning Ordinance, and the County Subdivision Ordinance.

Evidence: The subject parcel is currently designated in the County General Plan as Resource Production, identifying lands for agricultural operations, timber production and/or mineral resource production, and is zoned General Agriculture (A1). The A1 zone is intended to be the main resource production zone, for general farming and ranching practices. The proposed parcels meet the minimum site development standards of the A1 zone pertaining to lot size. In addition, the project is consistent with standards set forth in the subdivision ordinance and conforms with Chapter 12.02 pertaining to roads as verified and conditioned by Public Works. The project is consistent with applicable policies and implementation measures of the General Plan including General Plan Policies LU 3.6 (conforms to density, land use intensity and water and sewage disposal standards set forth in table LU-1), COS 3.1 (use site planning techniques to protect biological resources), COS 3.2 (avoid impacts to habitats), COS 3.2 (avoid impacts to habitats), COS 3.3 (require new development to identify and mitigate impacts to wildlife habitat) and Implementation Measure COS-4H (require project applicants to enlist the services of a qualified biologist and to minimize, avoid and/or mitigate significant impacts to special-status species). The subject parcel is not located within a Special, Specific or Community Plan area. Other General Plan Implementation Measures that are specific to discretionary project review are found not applicable to this project.

2. The site is physically suitable for the proposed density and the type of development.

Evidence: The subject parcel encompasses approximately 132.3 acres, contains an old barn located in the southeastern portion, and is being used as pasture for cattle. The parcel map proposes to subdivide the site into three (3) parcels ranging in size from 40.11 acres to 51.69 acres. The minimum lot size for parcels in the A1 zone served by individual wells and on-site septic systems is 20 acres. This parcel map is physically suitable to accommodate the future construction of one single family residence as well as permitted accessory structures, while still retaining enough acreage for agricultural uses. The purpose of the parcel map is to create smaller parcels to sell. No development is proposed with this application; however, any future development for compliance with building setbacks and height will be reviewed during the building permit process.

3. The project will not cause substantial environmental damage nor substantially injure fish or wildlife or their habitat and will not cause serious public health problems.

Evidence: Biological Surveys were conducted by Walter Tordoff, Ph.D. Professor Emeritus of Biology, California State University, Stanislaus in 2014 and 2018, to review the potential for the possible occurrence of sensitive species found

associated with vernal pools, streams and wetlands. The biologist determined that only two vernal pools existed on the site: one on proposed Parcel 3 (Pool 1) and one on proposed Parcel 2 (Pool 2); however only bullfrogs were observed inhabiting the pools regularly, and there was no evidence of the presence of any protected species. Based on the recommendations of the surveys, the parcel map was amended to ensure avoidance of Pool 1. The proposed TPM as conditioned will not be the cause of discharged pollutants or hazardous materials that may cause substantial injury to fish and wildlife. Standard map requirements will protect the health and safety of the public.

4. The project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Evidence: Parcels 1 and 2 will be accessed via existing encroachments directly off Campo Seco Road and Watertown Road, respectively, and Parcel 3 will be accessed from an existing paved easement on Watertown Road. Access to the proposed parcels will require the improvement of the current encroachments. An encroachment permit will be required prior to improving encroachments and a grading permit prior to commencing any grading activity on the parcels. The applicant will be required to meet the provisions of all applicable County Codes in effect, including the County's Road, Grading, Storm Water Quality and Subdivision Ordinances.

5. The conditions imposed on the TPM are necessary to provide safe access, adequate water and wastewater disposal and protect public health, safety and general welfare.

Evidence: Imposed conditions are based on review by local and state agencies and departments responsible for access, water, wastewater, public health, safety and general welfare. The project does not create any hazardous roadways, reduce response times, or impact existing emergency services provided in the area. The Environmental Management Agency and Onsite Septic System Department have no requirements for proposed parcels 40 acres or larger in size.

6. The proposed subdivision provides, to the extent possible, for future passive or natural heating/cooling opportunities for the proposed new parcels.

Evidence: The lots are sufficient size to accommodate homes to utilize passive or natural heating and cooling.

BE IT FURTHER RESOLVED, the Planning Commission recommends approval of Tentative Parcel Map 2014-023 based on the following conditions:

I GENERAL CONDITIONS

- I-1 The Applicant(s) and Owner(s); and their Heirs, Successors, and Assigns shall abide by all terms of the Indemnification Agreement on file in the Planning Department's records for 2014-023.
- I-2 The Tentative Parcel Map approval is valid for a period of 36 months or until February 24, 2025. An extension of time may be granted pursuant to Title 16 if a request and required fees are submitted to the Planning Department prior to expiration of the map.

II PLANNING DEPARTMENT CONDITIONS/MITIGATION MEASURES

- II-1 Within five (5) calendar days from the date of approval, the applicant shall pay all applicable County Administrative fees (\$50) and State Department of Fish and Wildlife fees (\$2,548.00) to the County Recorder's Office to facilitate the filing of the Notice of Determination.
- II-2 The recorded map shall be in substantial conformance to the submitted tentative map included as Exhibit A of this resolution for project 2014-023.

III PUBLIC WORKS

The applicant shall meet all applicable requirements of the County Road Ordinance (Chapter 12.02), the Storm Water Quality Ordinance (Chapter 13.01), the Grading and Drainage Ordinance (Chapter 15.05), the Subdivision Ordinance (Chapter 16), and the requirements of other agencies having jurisdiction, including without limitation the following:

- III-1 Applicant shall improve encroachments and internal road based on the following design criteria:
 - a. Obtain an encroachment permit and improve a minor collector road approach off Campo Seco Road for the access to Parcel 1.
 - b. Obtain an encroachment permit and improve a minor collector road approach off the intersection of Campo Seco Road/Watertown Road for the access to Parcels 2 and 3.
 - c. Improve access road to Parcel 3 to modified minimum service (Template G) roadway standards from access at Campo Seco Road/Watertown Road intersection with a 20-ft roadbed width (Fire and Life Safety Standard California Code of Regulations §1273.01). Shoulders and drainage ditches shall be improved outside of the 20-ft travel lane.

- d. Improve a turnaround at the end of the roadway at Parcel 3. Turnaround roadbed diameter shall be 84 feet with a road surface diameter of 80 feet.
- e. The structural section shall be 4" Class II A.B. (per §12.02.180) capable of supporting 75,000 pounds (per Title 14. Natural Resources, Division 1.5. Department of Forestry and Fire Protection, Chapter 7. Fire Protection, Subchapter 2. SRA Fire Safe Regulations, Article 2. Emergency Access and Egress, §1273.02).

III-2 Provide the following information on the Final Map:

- a. A 64-foot road and PUE for Campo Seco Road and Watertown Road is to be dedicated through the extent of the project property owned by the applicant and fronting those roads.
- b. A 50-foot common access and PUE is to be shown/dedicated for access to Parcel 3.
- c. A 100-foot diameter turnaround access and PUE at Parcel 3 is to be shown/dedicated.
- d. Delineate and cite all existing road and PUEs including setbacks.
- e. All proposed road and PUEs are to be offered for dedication unless roads are to be private. The rights-of-way or easements are to extend five (5) feet beyond the top of cuts or toe of fills.
- f. All areas subject to inundation due to a 100-year storm event are to be shown on the Final Map. If there are no such areas, a statement certified by a Registered Civil Engineer is to be placed on the Final Map stating so.
- g. Omission of roads or easements from Final Map does not constitute abandonment of any legally existing rights. If applicant wishes owners of affected easements to abandon such rights, the action must be formalized or have all affected parties sign such agreement on the Final Map.
- h. All roads shall be named on the Final Map subject to the approval of the County Technology Services Department.
- i. For disclosure purposed, the existence and location of and/or reference to recording data, if so recorded, for any maintenance arrangement shall be noted on the Final Map.

III-3 Submit the following prior to recording the Final Map:

- a. Hydrology/hydraulics analysis in support of determination of areas of inundation from 100-year storm if areas of inundation occur.
- b. A complete set of improvement plans approved by Public Works.
- c. An engineer's estimate of probable costs that includes 5% engineering costs, 20% prevailing wage rates, 10% contingencies and 3% administrative costs for the Project Improvement.

- d. If the Applicant wishes to record the Parcel Map prior to construction of any improvements, a Project Improvement Agreement together with appropriate securities will be required per Road Ordinance §12.02.340. Securities may be in the form of a performance bond and a labor and materials bond, each in the amount of 100% of the engineer's estimate of probable cost.
- III-4 Improvement plans must be submitted to and approved by Public Works prior to the beginning of construction or filing of the Parcel Map, whichever comes first. Improvement plans must include without limitation the following:
- a. A grading plan showing existing and proposed contours.
 - b. Utilities.
 - c. Drainage plan signed by a Registered Civil Engineer including hydrology/hydraulics analysis in support of design and analysis of pre and post project condition to verify that downstream drainage appurtenances can handle the flows. All incremental increases in peak flows from the development must be detained onsite.
 - d. Erosion control plan showing application of project specific Best Management Practices for Storm Water Pollution Prevention.
 - e. The removal/re-location of all fences from within the road rights-of-way.
 - f. Wetland areas and areas of inundation by the 100-year storm even, if any.
 - g. Soils/geotechnical report in support of design.
 - h. The developer is required to apply for all necessary approval or permits including permits from Fish and Wildlife, Regional Water Quality Control Board, and Army Corps of Engineers. The Waste Discharge ID Number shall be placed on the plans as evidence that the developer has complied with the State Storm Water Regulations for construction activity. Permits from other agencies shall be submitted to the County along with the improvement plans.
 - i. Construction Quality Assurance Plan.
 - j. Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) as required and obtain a State Water Resources Control board National Pollutant Discharge Elimination System (NPDES) permit for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (General Permit No. CAS000002).
 - k. Implement Best Management Practices (BMPs) to manage storm water quality during project operations and post-construction. Identified BMPs shall be compliant with General Permit No. CAS000002 requirements, and may consist of, but would not be limited to measures to detain storm water on the project site; measures to attenuate the concentration time of storm water; measures to attenuate peak flows at the boundary of the project; measures to prevent contamination of storm water within the project; measures to actively treat storm water; and measures to passively treat storm water.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on June 23, 2022, on a motion by Commissioner _____ and seconded by Commissioner _____

AYES:

NOES:

ABSTAIN:

ABSENT:

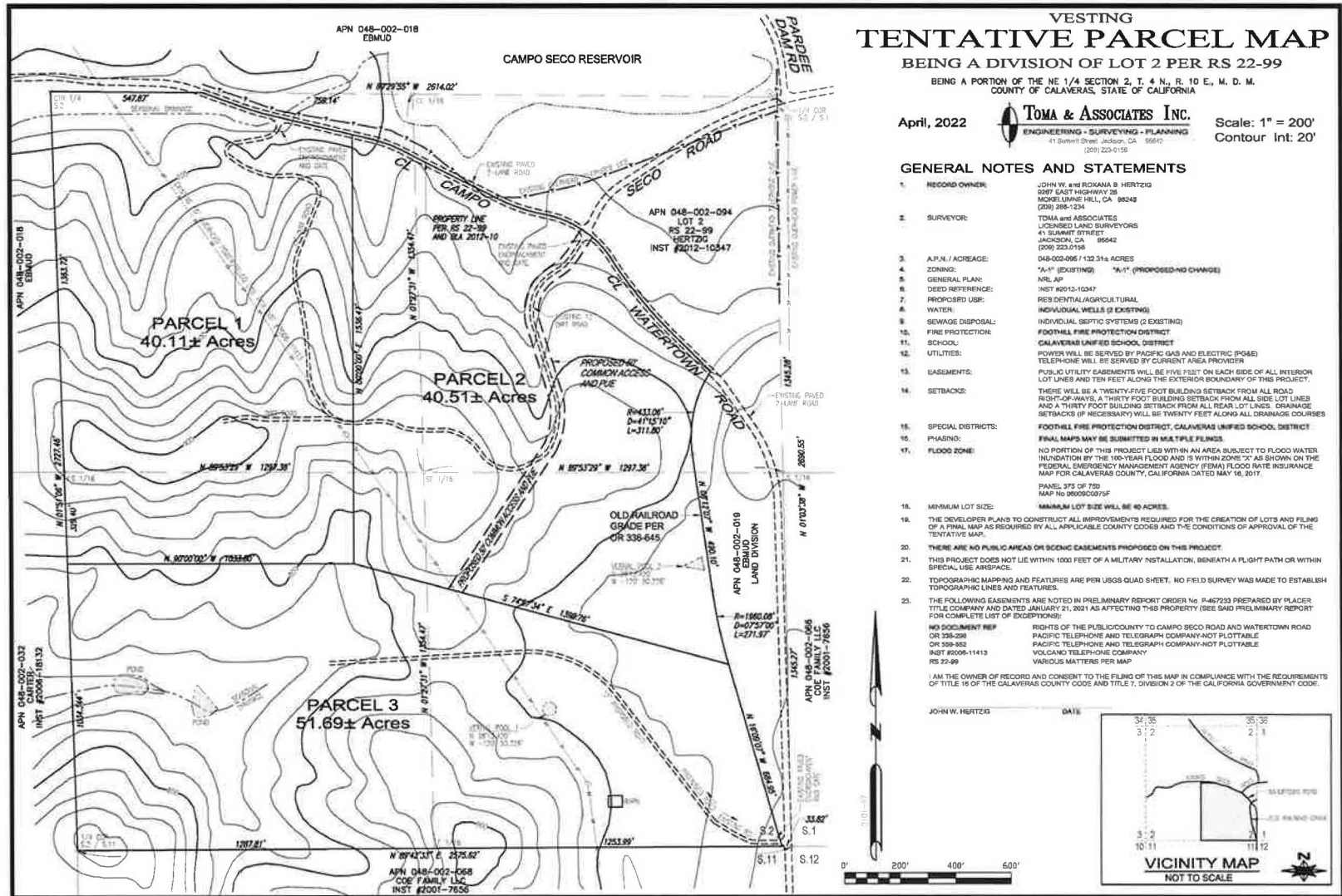
Chair, Planning Commission

ATTEST:

Gina Kathan, Planner IV

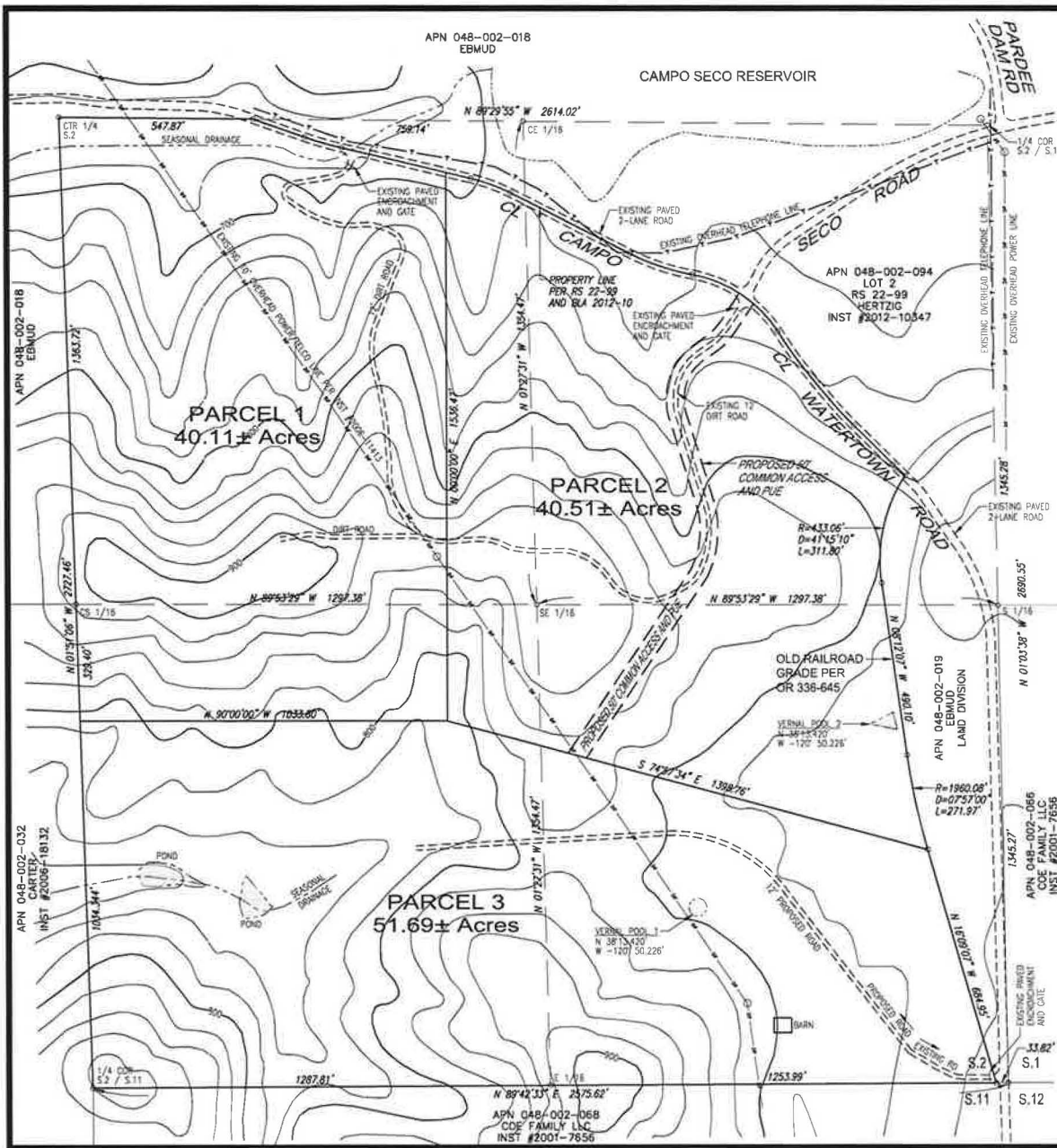
The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

EXHIBIT "A"



Attachment 2

Tentative Parcel Map



VESTING TENTATIVE PARCEL MAP

BEING A DIVISION OF LOT 2 PER RS 22-99

BEING A PORTION OF THE NE 1/4 SECTION 2, T. 4 N., R. 10 E., M. D. M.
COUNTY OF CALAVERAS, STATE OF CALIFORNIA

April, 2022



TOMA & ASSOCIATES INC.
ENGINEERING - SURVEYING - PLANNING
41 Summit Street, Jackson, CA 95842
(209) 223-0155

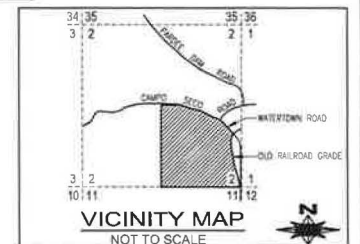
Scale: 1" = 200'
Contour Int: 20'

GENERAL NOTES AND STATEMENTS

- RECORD OWNER:** JOHN W. and ROXANA B. HERTZIG
9267 EAST HIGHWAY 26
MOKELUMNE HILL, CA 95245
(209) 286-1204
- SURVEYOR:** TOMA and ASSOCIATES
LICENSED LAND SURVEYORS
41 SUMMIT STREET
JACKSON, CA 95842
(209) 223-0155
- A.P.N. / ACREAGE:** 048-002-095 / 132.31a ACRES
- ZONING:** 'A-1' (EXISTING) 'A-1' (PROPOSED-NO CHANGE)
- GENERAL PLAN:** NTL AP
- DEED REFERENCE:** INST #2012-10347
- PROPOSED USE:** RESIDENTIAL/AGRICULTURAL
- WATER:** INDIVIDUAL WELLS (2 EXISTING)
- SEWAGE DISPOSAL:** INDIVIDUAL SEPTIC SYSTEMS (2 EXISTING)
- FIRE PROTECTION:** FOOTHILL FIRE PROTECTION DISTRICT
- SCHOOL:** CALAVERAS UNIFIED SCHOOL DISTRICT
- UTILITIES:** POWER WILL BE SERVED BY PACIFIC GAS AND ELECTRIC (PG&E)
TELEPHONE WILL BE SERVED BY CURRENT AREA PROVIDER
- EASEMENTS:** PUBLIC UTILITY EASEMENTS WILL BE FIVE FEET ON EACH SIDE OF ALL INTERIOR LOT LINES AND TEN FEET ALONG THE EXTERIOR BOUNDARY OF THIS PROJECT.
- SETBACKS:** THERE WILL BE A TWENTY-FIVE FOOT BUILDING SETBACK FROM ALL ROAD RIGHT-OF-WAYS, A THIRTY FOOT BUILDING SETBACK FROM ALL SIDE LOT LINES AND A THIRTY FOOT BUILDING SETBACK FROM ALL REAR LOT LINES. DRAINAGE SETBACKS (IF NECESSARY) WILL BE TWENTY FEET ALONG ALL DRAINAGE COURSES.
- SPECIAL DISTRICTS:** FOOTHILL FIRE PROTECTION DISTRICT, CALAVERAS UNIFIED SCHOOL DISTRICT
- PHASING:** FINAL MAPS MAY BE SUBMITTED IN MULTIPLE FLINGS.
- FLOOD ZONE:** NO PORTION OF THIS PROJECT LIES WITHIN AN AREA SUBJECT TO FLOOD WATER INUNDATION BY THE 100-YEAR FLOOD AND IS WITHIN ZONE "X" AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD RATE INSURANCE MAP FOR CALAVERAS COUNTY, CALIFORNIA DATED MAY 16, 2017.
PANEL 375 OF 750
MAP No.06009C0375F
- MINIMUM LOT SIZE:** MINIMUM LOT SIZE WILL BE 40 ACRES.
- THE DEVELOPER PLANS TO CONSTRUCT ALL IMPROVEMENTS REQUIRED FOR THE CREATION OF LOTS AND FILING OF A FINAL MAP AS REQUIRED BY ALL APPLICABLE COUNTY CODES AND THE CONDITIONS OF APPROVAL OF THE TENTATIVE MAP.**
- THERE ARE NO PUBLIC AREAS OR SCENIC EASEMENTS PROPOSED ON THIS PROJECT.**
- THIS PROJECT DOES NOT LIE WITHIN 1000 FEET OF A MILITARY INSTALLATION, BENEATH A FLIGHT PATH OR WITHIN SPECIAL USE AIRSPACE.**
- TOPOGRAPHIC MAPPING AND FEATURES ARE PER USGS QUAD SHEET, NO FIELD SURVEY WAS MADE TO ESTABLISH TOPOGRAPHIC LINES AND FEATURES.**
- THE FOLLOWING EASEMENTS ARE NOTED IN PRELIMINARY REPORT ORDER NO. P-467233 PREPARED BY PLACER TITLE COMPANY AND DATED JANUARY 21, 2021 AS AFFECTING THIS PROPERTY (SEE SAID PRELIMINARY REPORT FOR COMPLETE LIST OF EXCEPTIONS):**
NO DOCUMENT REF RIGHTS OF THE PUBLIC/COUNTY TO CAMPO SECO ROAD AND WATERTOWN ROAD
OR 338-096 PACIFIC TELEPHONE AND TELEGRAPH COMPANY-NOT PLOTTABLE
OR 558-552 PACIFIC TELEPHONE AND TELEGRAPH COMPANY-NOT PLOTTABLE
INST #2005-11413 VOLCANO TELEPHONE COMPANY
RS 22-99 VARIOUS MATTERS PER MAP

I AM THE OWNER OF RECORD AND CONSENT TO THE FILING OF THIS MAP IN COMPLIANCE WITH THE REQUIREMENTS OF TITLE 16 OF THE CALAVERAS COUNTY CODE AND TITLE 7, DIVISION 3 OF THE CALIFORNIA GOVERNMENT CODE.

JOHN W. HERTZIG DATE



Attachment 3

Initial Study / Negative Declaration

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: 2014-023 Tentative Parcel Map for Hertzig

Lead Agency: Calaveras County Planning Department

Contact Person: Madeleine Flandreau

Mailing Address: 891 Mountain Ranch Road

Phone: (209) 754-6394

City: San Andreas

Zip: 95249

County: Calaveras

Project Location: County: Calaveras

City/Nearest Community: Campo Seco

Cross Streets: Campo Seco Road and Watertown Road

Zip Code: 95252

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: 132

Assessor's Parcel No.: 048-002-095

Section: 02

Twp.: 04N

Range: 10E

Base: MDBM

Within 2 Miles: State Hwy #: _____

Waterways: unnamed

Airports: _____

Railways: _____

Schools: _____

Document Type:CEQA: ☐ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☒ Neg Dec

(Prior SCH No.) _____

☐ Draft EIS☐ Other: _____☐ Mit Neg Dec

Other: _____

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☒ Land Division (Subdivision, etc.)☐ Other: _____**Development Type:**☒ Residential: Units 3 Acres 40☐ Office: Sq.ft. _____ Acres _____

Employees _____

☐ Transportation: Type _____☐ Commercial: Sq.ft. _____ Acres _____

Employees _____

☐ Mining: Mineral _____☐ Industrial: Sq.ft. _____ Acres _____

Employees _____

☐ Power: Type _____ MW _____☐ Educational: _____☐ Waste Treatment: Type _____ MGD _____☐ Recreational: _____☐ Hazardous Waste: Type _____☐ Water Facilities: Type _____ MGD _____☐ Other: _____**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☒ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☐ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☒ Minerals☒ Soil Erosion/Compaction/Grading☒ Growth Inducement☐ Coastal Zone☒ Noise☒ Solid Waste☒ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☐ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: _____**Present Land Use/Zoning/General Plan Designation:**

Agricultural/ General Agricultural/ Resource Production

Project Description: (please use a separate page if necessary)

The applicant is requesting approval of a Tentative Parcel Map to divide a 132.3-acre parcel into three parcels ranging in size from 40.11 acres to 51.69 acres. The parcel is undeveloped. Parcels 1 and 2 will be accessed via existing encroachments directly off of Campo Seco Road and Watertown Road, Parcel 3 will be accessed from an existing paved easement on Watertown Road.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.



County of Calaveras Department of Planning

Gina Kathan ~ Interim Planning Director
Phone (209) 754-6394 Fax (209) 754-6540
www.planning.calaverasgov.us

Initial Study / Negative Declaration
Review Period: December 29, 2021 – January 31, 2022

INITIAL STUDY ENVIRONMENTAL CHECKLIST

For: John & Roxana Hertzig
TPM 2014-023
Assessor's Parcel No. 048-002-095

1. Project Title: 2014-023 Tentative Parcel Map for John & Roxana Hertzig
2. Lead Agency Name and Address: Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
3. Contact Person and Phone Number: Madeleine Flandreau, (209) 754-6394
4. Project Location: The subject property lies southwesterly from the intersection of Campo Seco & Watertown Road, 2.5 miles northerly from Valley Springs
5. Project Sponsor's Name and Address: John & Roxana Hertzig
9267 East Highway 25245
Mokelumne Hill, California 92128
6. General Plan Designation: Resource Production
7. Zoning: General Agriculture (A1)
8. Project Description: The applicant is requesting approval of a Tentative Parcel Map to divide a 132.3-acre parcel into three parcels ranging in size from 40.11 acres to 51.69 acres. The parcel is undeveloped. Parcels 1 and 2 will accessed via existing encroachments directly off of Campo Seco Road and Watertown Road, Parcel 3 will be accessed from an existing paved easement on Watertown Road. The subject property APN: 048-002-095 is in the SE 1/4 of Section 02, T04N, R10E, MDM.
9. Surrounding land uses and setting:

Location	General Plan Designation	Zoning	Land Use
North	Resource Production, Resource Management	General Agriculture (A1)	East Bay Municipal Utility District, vacant
South	Industrial	General Industrial (M2)	Vacant
East	Resource Management	General Agriculture (A1)	East Bay Municipal Utility District, vacant
West	Resource Production, Resource Management	General Agriculture (A1)	East Bay Municipal Utility District, vacant

10. Other public agencies whose approval is required: The applicant must apply for and obtain an encroachment permit and a grading permit and improvement plans for the improvement to the roads serving the project from the County Public Works Department.
10. Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? YES **NO**

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.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by Lead Agency):

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 original scope of the proposed project **COULD** have had a potentially significant effect on the environment, there **WILL NOT** be a significant effect because revisions/mitigations to the project have been made by or agreed to by the applicant. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a potentially significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** or its functional equivalent will be prepared.

☐ I find that the proposed project **MAY** have a potentially significant impact on the environment. However, at least one impact has been adequately analyzed in an earlier document, pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis, as described in the report's attachments. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the impacts not sufficiently addressed in previous documents.

☐ I find that, although the proposed project could have had a significant effect on the environment, because all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to applicable standards, and have been avoided or mitigated, pursuant to an earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, all impacts have been avoided or mitigated to a less-than-significant level and no further action is required



Madeleine Flandreau, Planner II
Project Planner

12/28/2021
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence 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 (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
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 Measures 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 significance

Figure 1 – Location Map

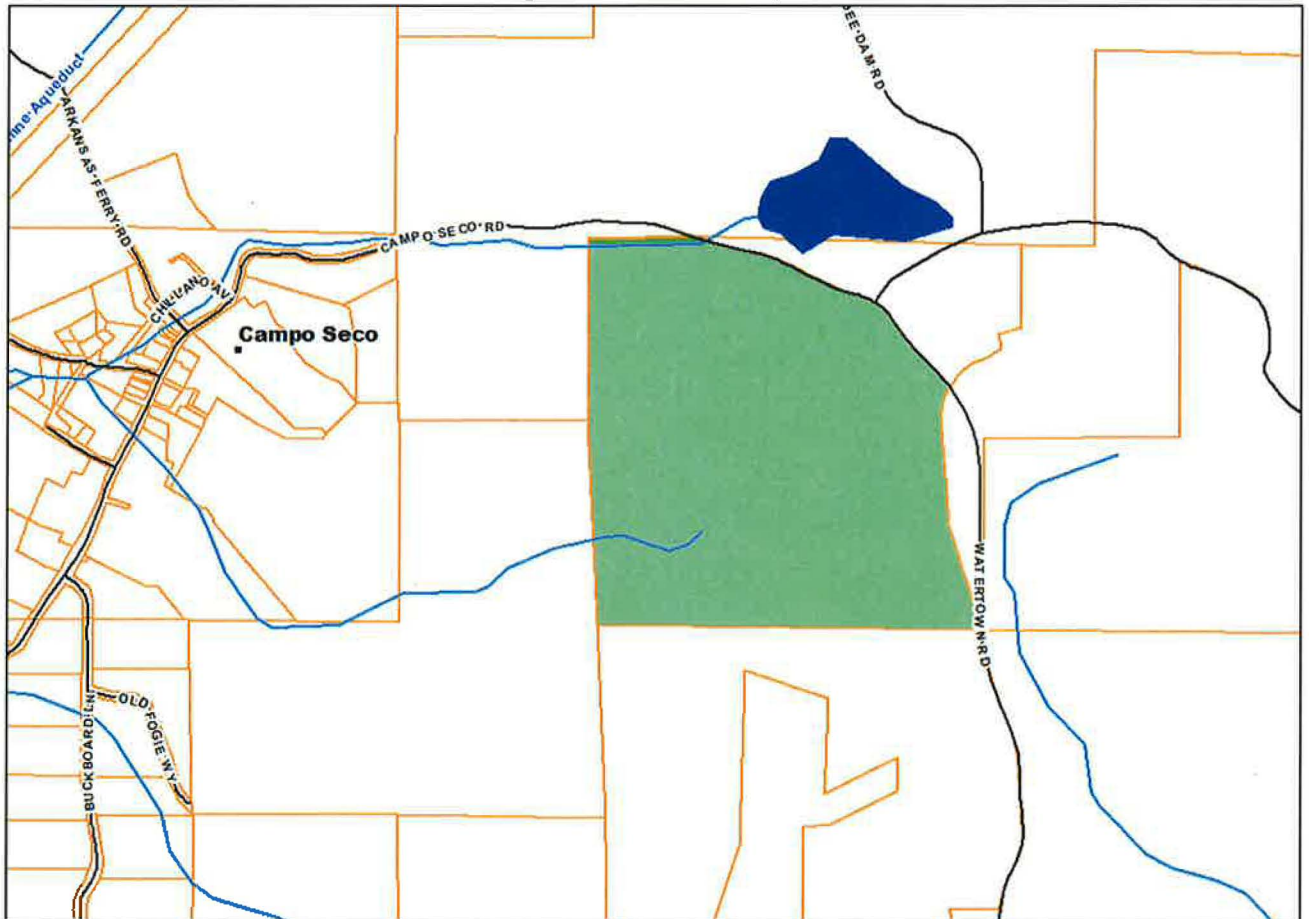


Figure 2 – June 2020 County Aerial Image (parcel boundaries are approximate)



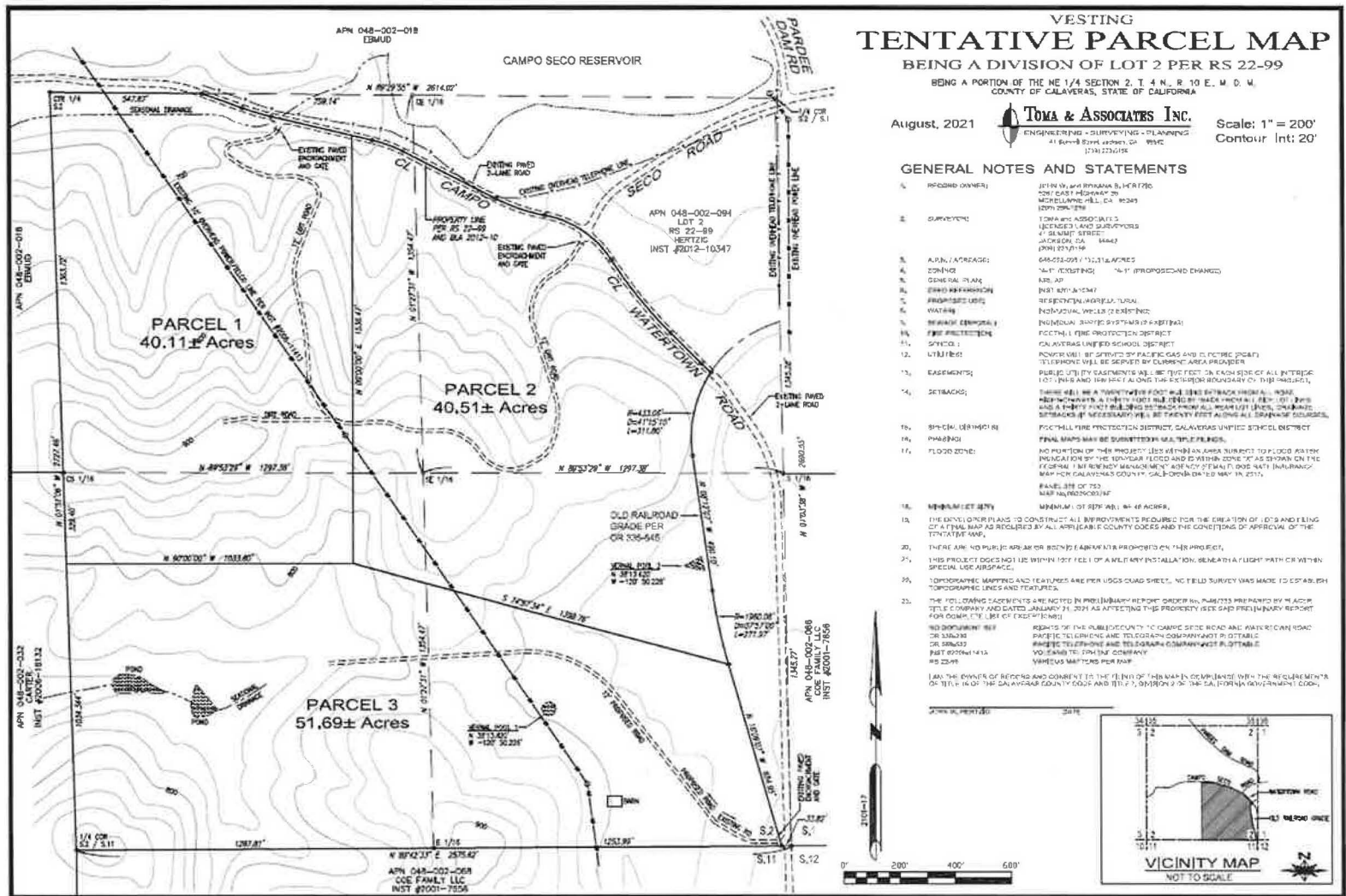


Figure 3 – Tentative Parcel Map

Environmental Impact Analysis:

The proposed project is an application for a Tentative Parcel Map to subdivide 132.3 acres into three parcels ranging in size from 40.11 acres to 51.69 acres. The subject parcel, APN: 048-002-095, is located at the intersection of Campo Seco Road and Watertown Road, in the SE 1/4 of Section 02, T04N, R10E, MDM. The parcel is undeveloped, with the exception of an old barn located in the southeastern portion of the property, and is being used as pasture for cattle. The site is made up of rolling terrain ranging from gently sloping land to moderately steep areas. Vegetation includes mostly grasslands and oaks and rough graded roads exist to building sites. There are two unnamed intermittent streams on the subject parcel both flowing from east to west, one is located along Campo Seco Road at the northwest corner of the land, the second is near the southwest corner of the subject parcel which is dammed to create two man-made ponds. Site photographs are included in Figure 4 below.

The proposed land division would allow for the future construction of one single family residence as well as accessory structures and other activities associated with construction such as grading, tree removal, road/driveway improvements and fire clearance measures, per parcel. Access to the proposed parcels will require the improvement of the current encroachments. The proposed lots will rely on private wells and on-site septic systems.

The parcel is designated in the General Plan as Resource Production (RP) and is zoned General Agriculture (A1). The parcel was rezoned in 2000 from Agricultural Preserve (AP) to A1 when the Williamson Act contract for the property was non-renewed. The proposed lot sizes are consistent with the minimum parcel size requirements in both the County General Plan¹ being 40 acres in the RP LUD, and the County Zoning Code, being a minimum of 20 acres in the A1 zone. A Reconnaissance-Level Biological Survey was conducted in 2014 and updated in 2018 by Walter Tordoff, Ph.D. Professor Emeritus of Biology from the California State University, Stanislaus, in order to assess the likelihood of sensitive species and/or habitats present on the subject parcel. In addition, a Cultural Resources Investigation was conducted in 2013 by Archaeological Services, Inc.

Figure 4- Site Photos

View from Watertown Road looking southwest



Man-made ponds



Existing barn



Encroachment to proposed Parcel 1



Encroachment to proposed Parcel 2



Encroachment to proposed Parcel 3



I. AESTHETICS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Except as provided in Public Resources Code §21099, would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) ***Less Than Significant Impact*** – The Conservation and Open Space element of the Calaveras County General Plan¹ considers scenic vistas to include forests, rolling hills, ranches, agricultural land, historic landscapes, oak woodlands, rock formations, and other unique topographical features, river corridors, lakes, and streams. A scenic vista is generally considered a view that has remarkable or unique scenery, or resources that are indigenous to a specific area. The parcel is located within a rural area outside of the small community of Campo Seco, and consists of rolling hills with lowland foothills grassland with sparse pine and oak trees, and two seasonal drainages. The elevation ranges from 650 to 900 feet above sea level. Large primarily undeveloped parcels with a mix of rural/agricultural, and natural landscapes characterizes the region of the proposed project. While the proposed project area does contain scenic resources, such as the existing mature landscape including oak trees, it is not considered to provide a scenic vista. No scenic vistas have been designated by the Calaveras County General Plan in the proposed project area. The purpose of the subdivision is for sale and potential future residential construction; however, with the proposed parcels being over 40 acres in size, all three lots will be large enough to develop residentially while still retaining the natural landscape necessary to maintain the rural character and scenic beauty of the property.

- b) ***Less Than Significant Impact*** – Residential development on the three 40 acre parcels will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings, and is not adjacent to any State Scenic Highway as identified by Caltrans. The parcel was historically cleared of much of the trees, and currently consists of grasslands with sparse oaks. the proposed 40 acre lot sizes are still great enough to develop while still maintaining resources.
- c) ***Less Than Significant Impact*** – Construction activities may take place on the project site in the future for development of single family dwellings, accessory dwellings, and accessory structures. These temporary activities would involve construction workers and use of construction equipment, vehicles, and building materials. The proposed parcels are still large enough that even after they are developed, there is still sufficient land that will remain undeveloped. Any future development on the newly created parcels would be in accordance with the permitted uses of the General Agriculture zoning district and would therefore have a less than significant impact on the current character or quality of the site and its surroundings.
- d) ***Less Than Significant Impact*** – The addition of two new parcels, and therefore a potential new light source – being a single-family residence – would not add a significant increase to the light or glare that currently exists in the area, nor would any views be adversely affected by the addition of any light that would be associated with a single-family residence on the property. Outdoor lighting for future development would be subject to Building Code, which requires that residential lighting be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way. With the adherence to outdoor lighting regulations at the time of development, the proposed project would not create new sources of substantial lighting or glare that would generate a significant impact.

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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of

	<u>LESS THAN</u> <u>SIGNIFICANT</u>	<u>LESS THAN</u> <u>SIGNIFICANT</u>	<u>NO</u>
<u>POTENTIALLY</u> <u>SIGNIFICANT</u> <u>IMPACT</u>	<u>IMPACT</u> <u>WITH</u> <u>MITIGATION</u>	<u>IMPACT</u>	<u>IMPACT</u>

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:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

- a-e) **No impact-** The subject parcel has a General Plan land use designation of Resource Production which identifies those lands capable of and primarily used for agricultural operations, timber production and/or mineral resource production; in order to maintain the land's viability and economic productivity and protect these lands from the intrusion of incompatible uses or activities. The proposed project site was rezoned in 2000 from Agriculture Preserve (AP) to General Agriculture (A1) when the Williamson Act contract for the property was non-renewed. The A1 zone is intended to be the main resource production zone. It is to classify areas for general farming and ranching practices, and assign such uses the primary emphasis for the area. It is the purpose of the A1 zone that residential uses are placed in a position of secondary importance when compared to the

commercial scale production of food and fiber. The proposed project will not be in conflict with its existing General Agriculture (A1) zone.

Although the proposed land division, if approved, will create smaller parcels, the proposed parcels are not being converted to non-agriculture land. The proposed 40+ acre parcels may not be adequate to continue the utilizing the land to graze a commercial size cattle operation, but will still be conducive to a wide range of agricultural operations.

The project area is not on any Prime Farmland, Unique Farmland, or Farmland of Statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping Monitoring Program of the California Resources Agency. No prime farmland will be converted as a result of this project.

The parcel is not compatible with forestry uses and has historically not been used as such. The project site is not considered to be forest land by the County's General Plan or Zoning Ordinance, and therefore, the proposed project would not result in loss or conversion of forest land to a non-forest use.

III. AIR QUALITY

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

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Calaveras County is part of the Mountain Counties Air Basin (MCAB). Air quality within the County is under the jurisdiction of the Calaveras County Air Pollution Control District (CCAPCD). The County has been classified as a non-attainment area for the State and Federal ozone

standards (1-hour and 8-hour) and particulate matter standards (PM2.5 and PM10). To become designated as a non-attainment area for the State and Federal standards, there must be at least one monitored violation of the ambient pollutant standards within the area's boundaries. An area is designated in attainment of the State standard if concentrations for the specified pollutant are not exceeded. An area is designated in attainment for the Federal standards if concentration for the specified pollutant is not exceeded on average more than once per year.

- a) **Less Than Significant Impact** - The California Environmental Quality Act (CEQA) requires that projects be consistent with the local management plan and the State Implementation Plan (SIP). A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the County General Plan and the SIP in the following ways: (1) it fulfills the CEQA goal of fully informing local agency decision-makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are fully addressed; and (2) it provides the local agency with ongoing information assuring local decision-makers that they are making real contributions to clean air goals contained in the SIP. Projects that are consistent with the local general plan are, therefore, considered consistent with the air quality management plan. No significant air quality impacts have been identified for either construction or operation of the project. As such, the project is consistent with the goals of County General Plan, the SIP, and does not present a significant air quality impact.
- b) **Less Than Significant Impact - Construction Impacts:** – As noted, the project involves the division of a 132 acre parcel into three parcels 40+ acres in size for the purpose of sale. The creation of two additional parcels would allow for construction of single-family residential units, accessory dwelling units and accessory structures. Air quality impacts may occur during site preparation and construction activities required to implement the proposed land use. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during site preparation and grading activities, and the emission of ROG's during the painting of the structures. CCAPCD's Rule 205 governs fugitive dust emissions from construction projects. This rule includes Dust Management techniques that must be undertaken for all construction projects to ensure that no dust emissions from the project are visible beyond the property boundaries. Adherence to Rule 205 is mandatory and as such, does not have to be denoted as mitigation under CEQA. The following analysis assumes the use of the minimal measures specified in Rule 205. The emissions associated with the heavy equipment for paving activities are considered by the model in the construction of the project. Note that all emissions are well within their respective threshold values and the impact is less than significant.

Table 1 below represents the established CCAPCD thresholds for land use.

Table 1- Draft Thresholds of Significance (lbs / day)

	ROG	NOx	PM ₁₀
Construction Emissions	150	150	150

Operational Emissions	150	150	150
-----------------------	-----	-----	-----

Table 2 represents the estimated emissions for the project. The emissions listed are the estimated values from the CalEEMod program (version 2016.3.2) supplied by the California Air Resources Board which is the accepted program for calculating such values. As the specific parameters for construction of each residence has not been identified at this stage, a representative residence was used to estimate the emissions during construction. This model assumes that construction will take ~200 days with an assumed square footage of 3500 square feet, and includes a driveway, garage, patio, and landscaping.

Table 2 – Estimated Project Emissions

Source	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10 Total	PM2.5 Dust	PM2.5 Exhaust	PM2.5 Total
Site Preparation										
Off Road Diesel	1.28	13.44	8.5	0.02	0.55	0.74	1.32	0.3	0.68	0.95
Worker Trips	0.04	0.06	0.61	0	0.09	0	0.09	0.02	0	0.02
Totals	1.32	13.5	9.11	0.02	0.64	0.74	1.41	0.32	0.68	0.97
Grading										
Off Road Diesel	1.03	10.98	7.05	0.01	0.44	0.6	1.09	0.25	0.5	0.8
Worker Trips	0.04	0.06	0.61	0	0.09	0	0.09	0.02	0	0.02
Totals	1.07	11.04	7.66	0.01	0.53	0.6	1.18	0.27	0.5	0.82
Building Construction										
Off Road Diesel	1.8	10.74	7.5	0.02	0	0.75	0.75	0	0.7	0.7
Vendor Trips	0	0	0	0	0	0	0	0	0	0
Worker Trips	0	0	0	0	0	0	0	0	0	0
Totals	1.8	10.74	7.5	0.02	0	0.75	0.75	0	0.7	0.7
Asphalt Paving										
Off Road Diesel	0.7	7.3	4.5	0.01	0	0.44	0.44	0	0.41	0.41
Worker Trips	0.07	0.09	0.99	0	0.15	0	0.15	0.04	0	0.04
Totals	0.77	7.39	5.49	0.01	0.15	0.44	0.59	0.04	0.41	0.45
Coating										
Off-Gas	1.4	0	0	0	0	0	0	0	0	0
Off Road Diesel	0.2	1.22	0.95	0	0	0.11	0.11	0	0.11	0.11
Worker Trips	0	0	0	0	0	0	0	0	0	0
Coating Totals	1.6	1.22	0.95	0	0	0.11	0.11	0	0.11	0.11
Totals										
Totals All	6.56	43.89	30.71	0.06	1.32	2.64	4.04	0.63	2.4	3.05
Daily Threshold	150	150	x	x	x	x	150	x	x	x
Exceeds	No	No	No	No	No	No	No	No	No	No

As shown in the Table 2, the project falls well below the established thresholds that were used to determine if impacts would be created or air quality standards violated, therefore, it would have a less than significant impact related to the items discussed above.

- c) **Less Than Significant Impact** - The proposed project, which upon build out, can have two residential units per legal parcel, which do not typically expose sensitive receptors (i.e. schools, residential neighborhoods, etc.) to substantial pollutant concentrations. Construction activities, such as improvements of the access road and the development of residential units will create temporary emissions of dust and automobile exhaust (i.e. construction equipment). However, these activities are not considered to be significant and are temporary in nature. Future development of the site would be required by CCAPCD to have best management practices in place for construction to minimize dust and construction emissions.
- d) **No Impact** - The proposed project would not create any objectionable odors and is not near any sensitive receptors.

IV. BIOLOGICAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

a-c) **Less Than Significant Impact** – Biological Surveys were conducted by Walter Tordoff, Ph.D. Professor Emeritus of Biology, California State University, Stanislaus in 2014 and 2018 (see Exhibits A and B). The initial Reconnaissance-Level Biological Survey was completed in October 2014 to assess potential special status species and habitat on the subject parcel. A review of the California Natural Diversity Database (CNDDDB) was conducted as well as other relevant sources, and a reconnaissance level field survey. Site visits were conducted during the 2014 Biological Survey on July 21 and October 17, 2014. Based on the review of the CNDDDB, the Biological Survey reviewed the potential for the possible occurrence of sensitive species found associated with vernal pools, streams and wetlands. The 2014 Survey determined that there were four protected species listed as having "Possible" occurrences, which might be found in the vernal pools on the subject parcel: vernal pool fairy shrimp, California tiger salamander, western spadefoot, and delta button celery.

There are two seasonal drainages on the subject parcel, one in the northwestern portion of proposed Parcel 1, and another in the southwestern portion of proposed Lot 3. The drainage in proposed Parcel 1 drains from the pond located on the adjacent parcel on the north side of Campo Seco Road and crosses into the subject parcel near an existing encroachment. The only vegetation observed was California blackberry, and two small scrub oak trees. The smaller drainage begins on proposed Parcel 3 and contains two man-made earthen dams forming two ponds, which are lined with cattails. These farm ponds provide drinking water for the cattle, and according to Survey, under the current drought conditions, do not have water in them year-round.

The 2014 Survey initially identified three vernal pools; however, the biologist stated that further surveys would need to be completed during the wet season to determine whether any of the special status species are present and using the vernal pools. In 2018, a Species Specific Biological Survey was completed by Mr. Tordoff. After the first rain of the season, site visits were conducted beginning on October 21, 2016 and continued at approximately 2 week intervals until the pools had dried up at the end of June. Following these site visits and further analysis, the biologist determined that only two vernal pools existed on the site: one on proposed Parcel 3 (Pool 1) and one on proposed Parcel 2 (Pool 2). He also clarified in a subsequent statement (Exhibit C), that the farm ponds in the southwestern portion are not

vernal pools and that the third pool he identified in the 2014 Survey was just a depression adjacent to one of the farm ponds. The biologist observed only bullfrogs inhabiting the pools regularly, and did not observe any evidence of the presence of any of the protected species identified above.

The 2018 Survey recommended that the access road to proposed Parcel 1 should be moved further away from the drainage; however, following his subsequent site visits, Mr. Tordoff submitted a Clarification of Assessment on August 5, 2021. He clarified that as the stream enters the property by passing under Watertown Road about 20 feet from the gate and that having the gate and access road remain where they are should pose no more of a threat to the stream than Watertown Road currently does. He does not recommend re-locating the gate and access road. The 2018 Survey also recommended that in order to protect Vernal Pool 1 in proposed Parcel 3, the access road in proposed Parcel 3 needed to be moved 200 feet down slope. The applicant has since amended the Tentative Parcel Map by moving the access road 200 feet to the northeast in order to avoid Vernal Pool 1.

Ian Ralston, Environmental Scientist with the California Department of Fish and Wildlife reviewed all of the biological reports and concurred with the conclusions and recommendations.

- d) **No Impact** – No migratory wildlife corridors, or native wildlife nursery sites are known to exist on the property. The property is currently undeveloped and used for grazing. The proposed subdivision to three 40+ acre parcels will not interfere with the movement of local wildlife as the parcels are still large enough to maintain a significant amount of open space through the proposed parcels. In addition, there are hundreds of acres of open space surrounding the project site to allow unobstructed movement of species in the surrounding area.
- e) **No Impact** – There are currently no local ordinances that apply to this project concerning preserving or conserving biological resources.
- f) **No Impact** – The proposed project is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved regional or statewide conservation plan.

V. CULTURAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

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DISCUSSION

a-c) **No Impact** – A Cultural Resources Investigation (Investigation) was conducted by Archaeological Services, Inc. on the subject parcel and completed on November 25, 2013 (see Appendix B). In accordance with CEQA guidelines, the Investigation analyzed if any cultural resources would be effected by the approval of the TPM. Pre-field research consisted of a records search of the cultural resource records and base maps, and prior investigation reports on file at the California Historical Resource Information Center's Central California Information Center at the California State University, Stanislaus. No cultural resources have been previously recorded within the subject parcel or within a quarter mile of it. However, the subject parcel was judged to have a moderate to high archaeological sensitivity based on the likelihood of discovering ranch-related cultural resources, ditches, historic era transportation routes, prospect pits, and prehistoric sites along drainages. An intensive field investigation was conducted that included use of parallel transects not wider than 10 to 30 meters. During the field investigation, three potential resources were located on the project parcel: two historical stock ponds within the project parcel which were not judged to be eligible for the California Register under any of the criteria owing to a lack of historical association; and the remains of the railroad right-of-way built during construction of Pardee Dam are immediately east of the parcel. However these three cultural resources are not historical resources as defined by the Public Resources Code, and were judged to not be eligible for inclusion on the California Register.

The project application was circulated to the local Native American representatives with no response. Local Native American groups were involved in the application and CEQA process for which no potential resource were noted to exist. There is always potential with the development of any land that buried archaeological remains could be present. As earth-moving activities commence on the site, the potential to unearth human buried remains increases. Standard construction practices prevail and all earth movement would be halted immediately and appropriate authorities notified. Authorities would include the County Coroner if human remains are discovered or a qualified archaeologist if prehistoric or historic-period artifacts are found.

VI. ENERGY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of

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energy resources, during project construction or operation?

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ☐ ☐ ☐ ☒

DISCUSSION

- a) **No Impact** –The proposal is to create two additional parcels. The parcel is currently undeveloped, additional parcels would allow for construction of single-family residential units, accessory dwelling units and accessory structures. All new homes in California must comply with energy efficient building standards, reducing energy usage.
- b) **No Impact** – Calaveras County has not adopted a local renewable energy or energy efficient plan. All new construction must comply with adopted State Regulations.

VII. GEOLOGY AND SOILS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				

DISCUSSION

- a) **Less Than Significant Impact** – Calaveras County is in an area of historically low seismic activity within the Sierra Block of Seismic Risk Zone 3. The County is not in, adjacent to, or crossed by, an Alquist-Priolo Earthquake Fault Zone. The County's potentially active faults include the Bear Mountain and Melones Fault Zones, part of the Foothills Fault System, which pass through the western County near Valley Springs, Mokelumne Hill and south of Copperopolis. More distant is the Sierra Frontal Fault System along the eastern edge of the Sierra Nevada Range with a low likelihood of generating seismic activity in the County. Although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes have been recorded within the County. Based on estimates of the Probabilistic Seismic Hazard Assessment for California completed by the California Geological Survey, PGA in Calaveras County could reach or exceed less than 0.1 to 0.2 g (1 chance in 475 of being exceeded each year). Such levels of ground shaking would equate to an intensity value of I, which few people recognize as earthquakes when felt⁵. Based on the information above and the topography of the parcel, permitted uses in the A1 zone would have a less significant impact on causing seismic actions or landslides.
- b) **Less Than Significant Impact** – According to the National Resource Conservation Service, the soil type mapped on the subject parcel consists of the Copperopolis-Whiterock complex 2-8% and 15-30% slopes. The Copperopolis-Whiterock complex consists of 0 to 14 inches of channery loam overlaying paralithic bedrock, and is the dominant soil type mapped on subject parcel. Soil erosion and loss of topsoil is expected during future construction/development of the site. Existing codes and Best Management Practices that regulate erosion control would be implemented during wet winter months and during future grading and development of the property in compliance with Title 8 as it pertains to the County's grading ordinance and improvement standards. The project site would undergo some grading and potentially fill in certain areas and soil erosion from water runoff is very remote. If there are site specific concerns by Public Works, further investigations would be required during the grading, improvement and building permit process. The project site will utilize separate on-site wastewater disposal systems.

Environmental Health has not indicated via a comment letter that the project is unable to support wastewater disposal systems.

- c) **Less Than Significant Impact** – The areas of particular landslide concern are those that include high elevations with steep ravines and gulches associated with river and stream channels. Located between 700 and 900 feet in elevation, the parcel consists of two hill tops in the center with slopes coming down in all directions. Soils groups on the property do have a moderate erosion potential, but the property in general is not characteristic of lands with a high hazard for erosion. If erosion of soils were to occur, the risk of loss, injury or death is low because the development potential is limited. Any grading that is needed at any point will require the utilization of Best Management Practices (BMP's) to reduce the risk of erosion.
- d) **Less Than Significant Impact** – During the plan check process, building plans are examined for compliance with the uniform building code. This process requires a soils report be submitted with all construction plans to ensure the proposed structure will not be compromised do to unstable soil conditions.
- e) **Less Than Significant Impact** – Prior to the approval of the final map, the Applicant shall meet the County Environmental Management Agency's conditions of approval. The Applicant must receive written approval from the Onsite Wastewater Department that the waste disposal requirement of "acceptable individual waste disposal systems" has been completed pursuant to Ordinance 2921 & Resolution 10-147.
- f) **No Impact** – The site does not consist of any rock outcroppings or geologic features. See discussion under Cultural Resources above for further details.

VIII. GREENHOUSE GAS EMISSIONS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) **Less Than Significant Impact** – Any future development of new single-family residences or agricultural uses would result in the generation of greenhouse gas emissions due to the

energy usage inherent in a dwelling and by the additional daily vehicle trips to and from the home. However, these additional emissions would be a minimal increase to the area and not have a significant impact, nor will they conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

- b) **Less than Significant Impact** – Based on the air quality modeling estimate for residential housing units, short-term construction impacts would not result in significant impacts. In terms of proposed Project construction related impacts and operations related local impacts, the proposed Project would not conflict with any applicable state or county plan, policy, or regulation currently in place, or violate any air quality standard, or contribute substantially to an existing or projected air quality violation. An incremental increase in greenhouse gas emissions may be generated through construction due to construction equipment operations and heating and cooling of residences after construction. Building standards contained in Title 24 of the California Code of Regulations (California Building Standards Code) dictate high-efficiency, materials and construction for residential and non-residential buildings. Emissions from new construction are therefore already reviewed under the standards contained in Title 24. However, auto emissions are the primary source of greenhouse gas (GHG) emissions in Calaveras County. Pursuant to policy COS 4.4 of the 2019 General Plan, Calaveras County is in the process of developing a comprehensive strategy of reducing GHG emissions consistently with state goals, but no specific county regulations are currently in effect. While the County has not yet developed such a plan, construction of a single family residence and accessory structures would have an insignificant impact by itself.

IX. HAZARDS AND HAZARDOUS MATERIALS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

significant hazard to the public or the environment?

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

a-b) **Less than Significant Impact** – The General Agriculture zoning will permit various agricultural operations to be conducted on the property. Hazardous materials are not routinely used in livestock/small scale farming operations and therefore, will not create a significant hazard to the public. Materials such as pesticides and fertilizers may be routinely used in general farming activities. Pesticide use is regulated by permit through the County Agricultural Commissioner's office to ensure safe handling of the materials. Depending on the operation, a Waste Discharge Permit may be required through the Central Valley Regional Water Quality Control Board.

c) **No Impact** – There are no existing or proposed schools within one quarter mile of the subject parcel.

d) **No Impact** – There are no closed, illegal or abandoned (CIA) Solid Waste Sites on the parcel.

e) **No Impact** – The subject parcel is not within an airport land use plan or within 2 miles of a public airport or public use airport.

f) **No Impact** – This action will not physically interfere with an adopted emergency response plan or an approved evacuation plan.

g) **Less than Significant Impact** – According to The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP), this area of the county has a moderate to high fire risk. Topography and natural vegetation in the form of dry grasses pose fire hazards, especially to structures located near wildlands if adjacent clearing is not done. However, introduction of residential development could reduce the amount of fire fuels on the property. At the time of a building permit and/or grading permit, the Building Department and

Public Works Department will ensure structures and driveways are in compliance with current fire and safety regulations.

X. HYDROLOGY AND WATER QUALITY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) **Less than Significant Impact** – The action of the creating two additional agricultural zoned parcels would not have a direct impact to water quality; however the potential of future development could result in minimal runoff and small amounts of erosion. These issues could occur with the grading and/or construction of a residence or outbuildings. The County's Public Works Department and Environmental Management Agency have reviewed the proposed project, and provided conditions that will ensure the project complies with water quality standards and waste discharge requirements. These conditions will be placed on the proposed project's Tentative Parcel Map. The General Agriculture zone permits various agricultural operations, some of which may need a waste discharge permit from the Central Valley Water Quality Control Board. If the agriculture operation will result in the discharge of waste, the property owner shall consult with the Board to determine if a permit is needed.
- b) **Less than Significant Impact** – The subject parcel is currently served by a domestic well which draws from the East San Joaquin Groundwater Basin, an alluvial aquifer. Although now new wells are proposed as a part of this project, the two additional parcels each proposed parcel is required to have a domestic well drilled and wastewater disposal system prior to issuance of a building permit. The East San Joaquin Groundwater Basin is estimated to cover 70 square miles of the County and is part of the larger San Joaquin Valley Basin as identified in the Department of Water Resources Bulletin 118-80. The basin is currently in a state of overdraft. According to the Calaveras County Local Agency Ground Water Protection Program, all of the wells reaching into the East San Joaquin Groundwater Basin are very similar in regard to depth to water and yield. The domestic wells are not anticipated to have a significant effect on groundwater supplies. However, the County Environmental Management Agency does not have water supply requirements for parcels 40 acres or larger in size.
- c) **Less than Significant Impact** – Any future grading on-site must comply with the Calaveras Grading and Drainage Ordinance, which addresses standards for all grading construction. The Ordinance helps to maintain safe grading conditions and erosion control in order to avoid potentially significant impacts related to property, the public, and environmental health. Impacts resulting from residential and accessory structures would be minimal on three 40+ acre parcels.
- d) **No Impact** – The proposed project is not located near any large body of water that would result in inundation by seiche, tsunami, or mudflow.
- e) **Less than Significant Impact** – In 2014, the California Legislature passed the Sustainable Groundwater Management Act (SGMA) which tasked local agencies authorities with managing their groundwater resources in a sustainable manner. The SGMA requires preparation of a Groundwater Sustainability Plan to address measures necessary to attain sustainable conditions in the Subbasin. The East San Joaquin Groundwater Authority was created to develop and implement the Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan to insure ongoing SGMA compliance within the Basin. The GSP does not propose or require the monitoring of

domestic wells, and therefore, the project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a-b) **No Impact** – The proposed project is located at the intersection of Campo Seco Road and Watertown Road, in a sparsely developed area just east of the town of Campo Seco. The subject parcel is surrounded by large, privately owned ranches and East Bay Municipal Utility District lands and therefore, the project will not physically divide an established community. The proposed project is consistent with the existing land use and zoning designations and is not requesting any changes or deviations. The proposed land division is consistent with the current County General Plan and Zoning Ordinance.

XII. MINERAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a-b) **No Impact** – USGS Topographical Map indicates a mine shaft located along the southern access road. However, according to the County Assessor's Maps, no mines or mining features are located on the subject parcel; the nearest mapped historic mines lie on adjacent parcels to the south. The mineral resources figures in the General Plan do not indicate the presence of a known mineral resource on the subject parcel. The project site is currently zoned A1 and does not include the mineral extraction (ME) zoning combining district; therefore, surface and subsurface mining operations is not permitted. Mineral resource extraction is not proposed with this project. The project would not cause a direct impact to the loss of any known resource locally or region and state wide.

XIII. NOISE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a-b) **Less than Significant Impact** – The County's General Plan Noise Element identifies major noise sources as traffic noise, railroad noise, airport noise, and fixed noise sources (i.e. industrial related process). Noise levels contributed by the proposed project would include temporary construction noise during future build-out of the resultant parcels. Construction noise associated with development will primarily be from the use of heavy equipment, generators, and power tools which would be temporary, and would not result in long-term noise impacts. Potentially, ground borne vibrations and/or noise could occur during preparation of construction or agricultural uses which would also be temporary. Other than existing residential dwellings, there are no known potential noise generators in the area.

- c) **No Impact** – The subject property is not located in the airport land use plan, nor is there a public or private airstrip within 2 miles.

XIV. POPULATION AND HOUSING

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) **Less than Significant Impact** – The proposed project will create two additional parcels that, upon subdivision, will permit residential and agricultural development in accordance with Chapter 17.16 of the County's Zoning Ordinance. Chapter 17.16 permits the development of one primary residence per parcel and one accessory dwelling, limited to 1,200 square feet in size as well as usual and customary accessory structures and uses associated with a residence. Based on a review of the County's Housing Element of the General Plan, dated September, 2019, the County's household size is 2.32 persons per household. Therefore, the proposed project may result in the population increase of six persons ($2.32 \times 2 = 4.64$). The increase in population created as a result of the proposed project is not considered significant.
- b) **No Impact** – The project does not involve the demolition or relocation of any existing housing on or adjacent to the project site. Therefore, the proposed project will not result in the displacement of the local population.

XV. PUBLIC SERVICES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

Less Than Significant Impact – The proposed project could result in additional residential units, which could affect fire and police services. The proposed project is located within the jurisdiction of the Calaveras Consolidated Fire District, and is provided police services by the Calaveras County Sheriff's Department. The improvements to the access road will comply with the County's Road Ordinance with respect to providing adequate access for emergency fire equipment. Any new construction of residences as a result of the proposed project will be required to pay the appropriate school impact fees required by the State. These fees are intended to mitigate any impacts created as a result of new students entering the impacted School District. The proposed project is located within a rural portion of the county where there are no parks or other public facilities in the vicinity.

XVI. RECREATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) **Less Than Significant Impact** – Increase in the demand for recreational facilities is typically associated with substantial increases in population. The proposed project will generate minimal growth when residential units are constructed on the resultant parcels.

The project may result in a less than significant increase in the use of county parks and recreational facilities.

- b) **No impact** – The proposed project does not include plans for additional recreational facilities, nor would it require expansion of existing recreational facilities. Therefore, the project would not result in any adverse physical effects on the environment from construction or expansion of recreational facilities.

XVII. TRANSPORTATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) **No Impact** – The project will not conflict with any adopted policies, plans or programs related to public transit, bicycle or pedestrian features. Goals, policies and implementation programs regarding Calaveras County's transportation system, including transit, roadway, bicycle, and pedestrian facilities are contained with the Circulation Element of the 2019 General Plan. Public transit is provided by Calaveras Transit. However, there are no transit stops in the project vicinity. There are no sidewalks or bike lanes in the project vicinity, so there would not be any loss, nor are these facilities required as part of this project. In addition, the project has been reviewed for consistency with the applicable road standards found in Title 12 and 15 of the County Code.
- b) **Less Than Significant Impact** – The proposed project has the potential to introduce new residences as well as accessory uses which would generate long-term changes in traffic volumes. On average one home could generate 10 trips per day which in this case would have an increase of 20 trips. Public Works did not indicate that this increase in traffic would require any further studies (such as a traffic study). Although the Calaveras County Council

of Governments (CCOG) is in the process of preparing SB 743 vehicle miles traveled (VMT) implementation guidelines, no CEQA thresholds have been adopted at this time. However, the County's Traffic Impact Study Guidelines includes an existing daily forecast of Vehicle Miles Travelled per Capita of 42.6. As this project will only create two additional A1 zoned parcels, and allow for only two additional single family residences, and two accessory dwelling units, this increase is not considered significant, and no further analysis related to vehicle miles traveled is required.

- c) **Less Than Significant Impact** – The subject parcel currently has three improved encroachments, one onto Campo Seco Road, one at the intersection of Campo Seco and Watertown Road, and one onto Watertown Road. The project proposes that the new lots will be accessed via these existing encroachments. Prior to recordation of the final map, the applicant will be required to meet the provisions of all applicable County Codes in effect at the time. These include the Road Impact Mitigation fee, County Road Ordinance (Chapter 12.02), the Encroachment Ordinance (Chapter 12.08), the Storm Water Quality Ordinance (Chapter 13.01), and the Grading and Drainage Ordinance (Chapter 15.05). Compliance with these will ensure that the project will not increase traffic hazards due to visibility.
- d) **Less Than Significant Impact** – The encroachments have been designed and constructed in accordance with all applicable regulations contained in Titles 12 and 15 of the County Code and the California Fire Code to allow for sufficient emergency vehicle access. The Calaveras Consolidated Fire Protection District and Sherriff's Department reviewed the proposed project and no objection was provided regarding the creation of two additional parcels significantly altering response times or other performance objectives.

XVIII. TRIBAL CULTURAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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:				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

DISCUSSION

a-b) **No Impact** – In accordance with AB 52, County staff initiated consultation with tribes that have requested formal notification of proposed projects within their geographic area of traditional and cultural affiliation per AB 52 Notification Request, Public Resources Code Section 21080.3(b). The Calaveras Band of Miwok Indians, the California Valley Miwok Tribe, and the Lone Band of Miwok Indians have been notified of this project. No responses were received from the tribes.

XIX. UTILITIES AND SERVICE SYSTEMS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

a-e) **Less than Significant Impact** – The resultant parcels are not currently serviced by a water or waste water treatment facility, and shall therefore require the construction of on-site domestic wells and on-site septic systems. Prior to the recordation of the map, the proposed project shall comply with all conditions from the Environmental Health and Onsite Wastewater Departments and submit information that an adequate water supply can be developed. The project site is located in a rural area and is not serviced by a storm water drainage facility, nor shall any such facilities be constructed. There are no on-site utilities that will need to be re-located or otherwise impacted by the project.

The Paloma Transfer Station is the nearest disposal site to the project site. The facility has adequate capacity to serve the solid waste disposal needs of the additional residential parcels. The project would not require expansion of the facility to accommodate its needs. Calaveras County Code Title 8, Chapter 8.20 requires the property owner/occupant to appropriately collect, store, and arrange for the disposal of solid waste generated on-site. This project may result in an incremental increase in materials deposited at local transfer stations and to landfills, but it is not expected to occur on a scale that would impact the capacity of landfills accepting waste. The proposed project will comply with all federal, state, and local statutes and regulations related to solid waste. Therefore, the proposed project will have a less than significant impact.

XX. WILDFIRE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 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?

☐☐☒☐

DISCUSSION

In 2021, the Multi-Jurisdictional Hazard Mitigation Plan (Plan) for Calaveras County was updated which provides mitigation solutions to minimize each jurisdiction's vulnerability to the identified natural hazards and reduce vulnerability and make the communities of Calaveras County more disaster resistant and sustainable. The Plan includes existing information on typical hazards such as earthquakes, flooding and fire, and provides risk assessments of each hazard and the potential for occurrence in the County. Mitigation actions provided in the Plan range from improving water supply systems and conveyance systems for potential fire needs, initiating fuel reduction and fuel breaks in high-priority areas, to updating existing and preparing new fire protection and evacuation plans.

Although there are existing plans, programs, ordinances, and regulations in place within the County, wildland fire risks and the potential for future fire hazards occurring within the County is considered high (Calaveras County 2021).

- a) **Less than Significant Impact** – The project site is located with a State Responsibility Area and is rated as a moderate fire hazard severity zone. This rating is based on factors of slope, vegetation, and annual summer weather patterns. These zones, referred to as Fire Hazard Severity Zones, provide the basis for application of various mitigation strategies to reduce risks to buildings associated wildland fires. The zones also relate to the requirements for building codes designed to reduce the ignition potential to buildings in the wildland-urban interface zone. Agricultural operations and residential development on two additional General Agriculture zoned parcel will not impair existing emergency response or evacuation plans. The project will not result in the re-location of existing roads or be required to build new roads to serve the project. The proposed parcels will be served by individual encroachments required to meet fire life safety standards set forth in Section 8.10.34 of County Code.
- b) **Less than Significant Impact** – The creation of two new parcels will result in the reduction of fire fuels which will slow or stop the spread of wildfire. The parcel was historically cleared of much of the trees, and currently consists of grasslands with sparse oaks. Building sites were previously cleared and access roads developed. The current use of the parcel for cattle has also maintained much of the flammable vegetation. Although defensible space is required to be maintained at all times, homeowners are more likely to maintain defensible space because doing so will improve their homes survival of a wildfire.
- c) **Less than Significant Impact** – The project will not result in conditions to further maintenance of infrastructure which might exacerbate the risk of fire.
- d) **Less than Significant Impact** – As previously discussed under “Geology and Soils” and “Hydrology and Water Quality,” runoff occurs naturally at the project site and flooding and

landslide events are not common within the project area. Areas with slopes greater than 20% may be susceptible to erosion, instability, or landslides, especially during periods of high rainfall or snowmelt. In respect to areas recently affected by wildfires, steep slopes can be the site of fast-moving, highly destructive debris flows in response to heavy rains. Slopes on the project site vary between 2 - 30%; however, the project parcel and surrounding areas has not been subject to burns such that downslope areas would be affected by future development.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) **Less than Significant Impact** – Through the use of best management practices and compliance with established County Code, the project does not have the potential to significantly degrade the quality of the environment. As discussed in the biological resources section of this document, the access roads have been altered to ensure avoidance of potential wetlands. In addition, the wetlands were determined to not support habitat for special wildlife species or rare plant life.

- b) **Less than Significant Impact** – The project would not create a cumulative impact to any of the items discussed above. The proposed land division is consistent with the General Plan land use designation and zoning. The impacts discussed above are either minor in nature or can be addressed either through the implementation of best management practices or compliance with County standards. Any impacts to the area are minor in nature and do not trip established thresholds or create significant and unavoidable impacts.
- c) **Less than Significant Impact** – The analysis of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial adverse effects on human beings, either directly or indirectly. Best management practices, compliance with standard regulations, and conditions of approval will reduce any impacts to a level of less than significant.

REFERENCES

1. Calaveras County General Plan adopted November 12, 2019.
2. Calaveras County Municipal Code.
3. Calaveras County Planning Department. Land Use Application completed by John and Roxana Hertzig, dated June 11, 2014.
4. Reconnaissance-Level Biological Survey, Calaveras County, CA, by Walter Tordoff, Ph.D., Professor Emeritus of Biology, California State University, Stanislaus dated October 27, 2014.
5. Species Specific Biological Survey, Calaveras County, CA, by Walter Tordoff, Ph.D., Professor Emeritus of Biology, California State University, Stanislaus dated March 18, 2018.
6. Clarification of Assessment, Reconnaissance-Level Biological Survey, Calaveras County, CA, by Walter Tordoff, Ph.D., Professor Emeritus of Biology, California State University, Stanislaus dated August 5, 2021
7. Cultural Resources Investigation of a 160-Acre Minor Subdivision Just East of Campo Seco, completed by Archaeological Services, Inc., dated November 25, 2013.
8. Calaveras County Planning Department. *Tentative Parcel Map completed by Toma & Associates, Inc., dated August 2021.*
9. California Department of Transportation. California Scenic Highway Mapping System <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>
10. California Department of Forestry. *Fire Hazard Severity Zones in State Responsibility Areas*. Adopted by CAL FIRE on November 7, 2007.
11. 2021 Calaveras County Multi-Jurisdictional Hazard Mitigation Plan.
12. California Department of Conservation, Division of Mines and Geology. *Probabilistic Seismic Hazard Assessment for the State Of California; CDOC/DMG Open File Report 96-08 and USDI/USGS Open File Report 96-706; prepared in cooperation with the U.S. Department of the Interior, U.S. Geological Survey; 1996.*
13. Calaveras County Air Quality Management District, *Best Management Practices*, 2004.
14. California Air Resources Board (CARB). *State and National Area Designations Maps of California*, 2004. Internet address: www.arb.ca.gov/desig/adm/adm.htm



County of Calaveras Department of Planning

Gabriel Elliott ~ Director of Planning
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NEGATIVE DECLARATION

PROJECT NUMBER: 2014-023

PROJECT TITLE: Tentative Parcel Map

PROJECT LOCATION: APN: 048-002-095, SW corner of Campo Seco & Watertown Roads, Calaveras County

APPLICANT: John & Roxana Hertzig
9267 E Hwy 26
Mokelumne Hill CA 95245

LANDOWNER: Same

PROJECT DESCRIPTION: The applicant is requesting approval of a Tentative Parcel Map to divide a 132.3-acre parcel into three parcels ranging in size from 40.11 acres to 51.69 acres.

GENERAL PLAN LAND USE DESIGNATION: Resource Production

ZONING DESIGNATION: General Agriculture (A1)

FINDING FOR NEGATIVE DECLARATION: On the basis of the whole record including the Initial Study and comments received, there is not substantial evidence in the public record that the project may cause a significant effect upon the environment and the Negative Declaration reflects the Lead Agency's independent judgment and analysis.

EVIDENCE: There is no substantial evidence in the light of the whole record, including the Initial Study and written correspondence that the project will have a significant effect on the environment.

PREPARED BY: _____
Gina Kathan, Project Planner, gkathan@co.calaveras.ca.us

LIST OF EXHIBITS

Exhibit A- Reconnaissance-Level Biological Survey, Walter Tordoff, Ph.D., October 27, 2014.

Exhibit B- Species Specific Biological Survey, Calaveras County, CA, Walter Tordoff, Ph.D., March 18, 2018.

Exhibit C- Clarification of Assessment, Reconnaissance-Level Biological Survey, Calaveras County, CA, Walter Tordoff, Ph.D., August 5, 2021 (Confidential- not available for public review)

Exhibit A

Reconnaissance-Level Bio Survey 10/27/14

**RECONNAISSANCE - LEVEL BIOLOGICAL SURVEY
CALAVERAS COUNTY, CA
(A.P.N. 048-002-095)**

**PREPARED FOR
JOHN AND ROXANA HERTZIG
9267 EAST HIGHWAY 26
MOKELUMNE HILL, CA 95246**

**SUBMITTED TO
WIEBE LAND SURVEYING
8395 DOGTOWN ROAD
SAN ANDREAS, CA 95249**

**PREPARED BY
WALTER TORDOFF, Ph.D.
PROFESSOR EMERITUS OF BIOLOGY
CALIFORNIA STATE UNIVERSITY, STANISLAUS
TURLOCK, CA 95382
(Curriculum Vitae Attached)**

OCTOBER 27, 2014

RECEIVED

NOV 19 2014

Calaveras County
Planning Department

BACKGROUND

The property involved in this project (A.P.N. 048-002-095) is located north of Valley Springs in Calaveras County, California west of Watertown Road and south of Campo Seco Road. It is about 132 acres in size and it is currently being used as pasture for cattle. It is hilly foothill habitat with sparse pine and oak trees within grassland. There are two seasonal drainages on the property both flowing from east to west. The major one is along Campo Seco Road at the northwest corner of the land. A second one is near the southwest corner of the property.

The owners are proposing to split the property into three lots, two of about 40 acres each, and a third of about 51 acres. The Calaveras County Planning Department has requested that a biological survey be done prior to approval of the split.

A reconnaissance level biological survey is one in which an assessment is made of the likelihood of a particular species or habitat being present on a piece of land. Preliminary field work is conducted to determine the habitats present. Once this is done, an assessment of the suitability of the land to be inhabited by a particular species may be made. This report presents the results of this survey

CALIFORNIA NATURAL DIVERSITY DATABASE

The first step in conducting this survey was to search the California Natural Diversity Database (CNDDB) maintained by the California Department of Fish and Wildlife which lists all federally and California state protected species of animals, plants, and habitats within California, listed by 7.5' topographic quadrangles. This property is located in the northern half of the Valley Springs Quadrangle. To make sure that all species in the vicinity were considered, those species listed not only in the Valley Springs quadrangle but also in the eight surrounding quadrangles (Ione, Jackson, Mokelumne Hill, Wallace, San Andreas, Salt Springs Valley, Jenny Lind, and Valley Springs Southwest). The results of this search are presented in Table 1 below.

Table 1 – Protected Species Listed as Occurring in the Nine Quadrangles Centered on the Valley Springs Quadrangle in the CNDDB, their status, and habitat

Species*	Quadrangle(s)**	Status***	Habitat	Possibility of Occurrence On project site based on This survey
Species found associated with vernal pools, streams, and wetlands				
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i>	VS,SW,J	US -Th	Vernal Pools	Possible
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i>	SW,W,I,J	US-Th	Elderberry	Not Possible

Table 1(continued) – Protected Species Listed as Occurring in the Nine Quadrangles Centered on the Valley Springs Quadrangle in the CNDDDB, their status, and habitat

Species*	Quadrangle(s)**	Status***	Habitat	Possibility of Occurrence On project site based on This survey
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Species found associated with vernal pools, streams, and wetlands(continued)

California Roach <i>Lavinia symmetricus</i> ssp.1	M	DFG-SSC	Intermittent Streams	Unlikely
Hardhead <i>Mylopharodon conocephalus</i>	M, SW	US-Th	Streams, Rivers, Lakes	Not Possible
Steelhead <i>Onchorhynchus mykiss iridia</i>	VS, SW, JL	US-Th	Streams, Rivers, Lakes	Not Possible
Chinook Salmon <i>Oncorhynchus tshawytscha</i>	SW	DFG-SSC	Streams, Rivers, Lakes	Not Possible
California Tiger Salamander <i>Ambystoma californica</i>	VS, J, W, SW	US, Ca – Th DFG-SSC	Vernal Pools	Possible
Western Spadefoot <i>Spea hammondi</i>	SW, W	DFG-SSC	Vernal Pools Grasslands	Possible
Red-legged Frog <i>Rana draytoni</i>	VS	DFG-SSC	Permanent water	Not Possible
Western Pond Turtle <i>Emys marmorata</i>	J, I	DFG-SSC	Aquatic	is in ponds
Yellow-breasted Chat <i>Icteria virens</i>	I	DFG-SSC	Thickets, usually near water	Highly Unlikely
Tricolored Blackbird <i>Agelaius tricolor</i>	W, SW, JL	DFG-SSC	nest in cattails feeds in feedlots	Highly Unlikely
Delta Button Celery <i>Eryngium racemosum</i>	SS, JL	CA-En	Vernal Pools, Wetlands	Possible

Species found in grasslands and forests

Coast Horned Lizard <i>Phrynosoma blainvillii</i>	M	DFG-SSC	Grassland, Forest Scrub Habitat	Possible
Golden Eagle <i>Aquila chrysaetos</i>	VS, W	DFG-FP,WL	Woodlands	Unlikely
Swainson's Hawk <i>Buteo swainsoni</i>	SW	CA-Th	nest in Riparian forage in Grassland	Unlikely

Table 1(continued) – Protected Species Listed as Occurring in the Nine Quadrangles Centered on the Valley Springs Quadrangle in the CNDDDB, their status, and habitat

Species*	Quadrangle(s)**	Status***	Habitat	Possibility of Occurrence On project site based On this survey
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Species found in grasslands and forests (continued)

White-tailed Kite <i>Elanus leucurus</i>	W	DFG-FP	Forages in Grasslands Nests in Woodlands	Unlikely
Prairie Falcon <i>Falco mexicanus</i>	SW	DFG-SSC	Forages in Grasslands Nests on Cliffs	highly unlikely
Bald Eagle <i>Haliaeetus leucocephalus</i>	VS, W	US-En, DFG-FP	Nests in Forests	highly unlikely
Burrowing Owl <i>Athene cunicularia</i>	SW	DFG-SSC	Grasslands	unlikely
Ione Manzanita <i>Arctostaphylos myrtifolia</i>	VS, I, SA, M, W	US-Th	Ione Substrate Soils	does not occur
Ione Buckwheat <i>Eriogonum apricum</i> var. <i>apricum</i>	I	US, CA-En	Ione Substrate Soils	does not occur

Table 1 footnotes:*(Species) Common Name and Scientific Name (Italics)

** (Quadrangle name):VS = Valley Springs; I = Ione; J = Jackson; M = Mokelumne Hill; W = Wallace; SA = San Andreas; SW = Valley Springs Southwest; JL = Jenny Lind; SS = Salt Springs Valley

*** (Status) US= Federal; CA=California ;DFG=California Department of Fish and Wildlife; En=Endangered; Th=Treatened; SSC=Species of Special Concern; FP=Fully Protected; WL=species not currently protected but has been in the past and is being watched

FIELD WORK

I visited the property twice, on July 21 and on October 17, 2014. On the first visit, I drove over the entire property to get a general impression of the habitats, and to observe species which were readily visible. On the second visit, after I had searched the CNDDDB, I walked over much of the property and looked closely for specific habitats and the protected species associated with them.

RESULTS AND DESCRIPTION OF THE HABITAT

There are three gates onto the property, the first off of Watertown Road at the southeast corner of the land. The second is at the junction of Watertown and Campo Seco Roads, and the third is south of Campo Seco Road about 500 feet east of the northwest corner of the property. There are dirt roads leading into the property from each of these gates and

it is the owners' intent that they will provide driveway access to each of the proposed parcels.

This property is typical central Sierra Nevada foothill habitat. Most of it is hilly savannah (grassland with widely dispersed trees). Its elevation ranges from 650 feet at the northwestern corner to a few feet above 900 at the tops of the two major hills, one in lot 1 along the western edge of the land midway between the north and south boundaries, and the second in lot 3 near the southern boundary about half way between the eastern and western fences. There is a third hill of almost 900 feet in elevation near the southwest corner of lot 2.

The predominant tree species is blue oak, *Quercus douglasii*, with a few California foothill pines, *Pinus sabiniana*, at higher elevations along the southern boundary. There are no chaparral elements or shrubs of any kind on site, although just west of the property there are scattered chamise, *Adenostoma fasciculatum*, and buckbrush, *Ceanothus* sp., shrubs.

There are two seasonal drainages on the property, both flowing east to west. The larger one is at the northwest, where it enters the area just west of the westernmost gate and flows just south of the fence until it exits the property at the northwest corner. The only vegetation characteristic of a streamside habitat is a patch of California blackberry, *Rubus ursinus*, covering less than an acre of land where the stream enters the property. There are also two small scrub oak trees, *Quercus dumosa*, in this area.

The lesser drainage begins on the property where it drains the southwestern quarter of the land. It exits the property at the western fence about 600 feet north of the southwest corner. Two man-made earthen dams along this stream 50 and 450 feet east of the western fence form two ponds which, under normal rainfall conditions, would contain water year-round. Cat-tails, *Typha*, ring the westernmost of these ponds. When I visited the property on July 21, the easternmost pond was already dry but there was still water in the westernmost filling about 1/3 of the area to the historic high water mark. At that time, there were numerous bullfrogs, *Rana catesbeiana*, in the water. I also observed three western pond turtles, *Emys marmorata*, and one garter snake, *Thamnophis* sp., in the water. On the October 17 visit, this pond had shrunk to less than 1/10 its maximum size. I again observed bull frogs in the water.

There are three vernal pools on the southern third of the property in proposed lot 3. From east to west, there is one about 150 feet south of the old railroad grade cut through the rocks on the eastern boundary of the property. This pool measures 75" (east to west) by 50" (north to south). The second is just south of the access road to lot 3 at coordinates N 38 13.420', W 120 50.226' and is 50 feet in diameter. The last one is along the drainage in lot 3 upstream from the ponds at N 38 13.437', W 120 50.446'. It is 300 feet east to west, and 100 feet north to south. None of these vernal pools had any characteristic vegetation around them and probably none of them developed in the past year's drought.

The only other notable feature on the property is the old railroad grade road cut through the rocks along the eastern boundary of the property in lot 2 just north of its boundary with lot 3.

ASSESSMENT OF SUITABILITY OF PROPERTY AS HABITAT FOR PROTECTED SPECIES

Animals observed on the property were few other than those mentioned above in the pond. There are a few burrows of California ground squirrels, *Spermophilus beecheyi*, and a few pocket gopher burrows, *Thomomys* sp.. A few birds were observed flying about including Lewis' woodpecker, *Melanerpes lewis*, acorn woodpecker, *Melanerpes formicivorus*, western scrub jay, *Aphelocoma californica*, northern raven, *Corvus corax*, and white-crowned sparrow *Zonotrichia leucophrys*.

Four of the protected species (vernal pool fairy shrimp, California tiger salamander, western spadefoot, and delta button celery) might be found in the vernal pools on the property. It is not possible to determine, at the present time, whether any of these species utilize these vernal pools. Further surveys would have to be done when there is water in these pools to determine if any of them are there. However, federal and state authorities specify that vernal pools need to be protected, usually to a distance of at least 50 feet from the high water mark regardless of what species are present.

Three of the four fish species listed in Table 1 (hardhead, steelhead, and Chinook salmon) won't occur on this property because they require permanent bodies of water. The California roach potentially could be found at appropriate times of the year in the two ponds and/or the northern seasonal stream. However, it is unlikely that it would occur in the ponds because of the presence of the bullfrogs, which are voracious predators. Bullfrogs will eat almost anything which they can fit into their mouths. This includes adult and young fish. Thus, even if any of the roach succeeded in getting into the ponds, it could not successfully breed.

Because of the presence of bullfrogs, California tiger salamanders, western spadefoots, and red-legged frogs cannot occur in the ponds. Red-legged frogs, like bullfrogs, require permanent water bodies in which to live and the ponds would be suitable for them, except for the presence of the bullfrogs. One of the main reasons that the California red-legged frog is listed as a species of special concern by the California Department of Fish and Wildlife is that it has disappeared from much of its native habitat due to bullfrog predation. The western pond turtle does occur in the ponds.

The two bird species are listed as being associated with wetlands because of their nesting habitat requirements. The yellow breasted chat, a wood warbler, nests in dense

undergrowth, usually in the vicinity of streams. However, the only suitable habitat for this species on the property is the small patch of blackberries near the Campo Seco Road gate and this is probably too small to be attractive to this species. The tri-colored blackbird, a colonial nester, nests almost exclusively in cat-tails and there are not enough cat-tails around the farm ponds to provide sufficient habitat for this species.

The valley elderberry longhorn beetle is always found associated with elderberry (*Sambucus* sp.) bushes. These bushes are usually found near streams or ponds, although they may be found in more upland areas. To protect habitat for the beetles, elderberry bushes are protected and mitigation must be done should any be disturbed or killed. There are no elderberries on or near this property.

Most of the protected upland species listed in Table 1 are birds of prey which might either nest or forage on the land. This survey was not done during the breeding season for any of these species. However, I did not observe any nests in any of the trees so they are not nesting here. The bald eagle usually nests in trees 30 to 60 feet tall, and uses the same nest year after year. As such, these nests get very big and are very hard to miss. Eagles usually feed and forage around the edges of water bodies such as the Pardee Reservoir about one mile north of this site or New Hogan Lake three miles to the southeast. While bald eagles can probably be observed flying over this property at times during the year, they would not use this land. Golden eagles also build large nests which are readily apparent in the trees. This property could be used for foraging by this species. Prairie falcons nests on cliff faces, of which there are none here. While they could forage on the property, they generally prefer more open and extensive grasslands such as those found fifteen or more miles to the west in the central valley. Likewise, the white-tailed kite prefers more open grassland areas and would be unlikely to rely on this property for its food supply. Swainson's hawks usually nest in riparian areas along rivers or near lakes and they, like the kite and prairie falcon, forage in grasslands. While the trees on this property could be used for nesting, there are much better areas in the vicinity, and like the other species, more open grasslands would be preferred for foraging. Finally, the burrowing owl is a species found on prairies and grasslands where it nests in ground squirrel burrows. It is highly unlikely that they would be found this far away from the central valley grasslands, its preferred habitat.

Coast horned lizards lives in scrub habitats where they are usually found in areas of loose rocks or burrows where they can retreat for safety. This property is possible habitat for the lizards.

The two upland plant species, Ione manzanita and Ione buckwheat do not presently occur in this area. While neither of these plants would be blooming when I did the survey, both are conspicuous and would be readily observed were they present.

CONCLUSIONS AND RECOMMENDATIONS

There are seasonal waterways and vernal pools on this property. Since there was no water in any of these except one of the ponds, it was not possible to verify whether any of the protected wetland species utilize this land. However, it is possible that one or more of

these species could occur here. Further studies would need to be done when there is water in these streams and vernal pools. In the interim, these areas need to be protected to at least a 50 foot distance from the high water marks. The stream at the north part of the property already has signs on the fences indicating that it is a protected habitat.

The gate to the access road in lot 1 along Campo Seco Road is virtually on top of the northern stream where it enters the property. If this road is paved, care must be taken to avoid dumping any paving materials or byproducts into this waterway. There are no problems with the access road to lot 2.

Presumably, a house will be built on each of the three proposed lots on top of the highest hill in each lot. The access roads onto lots 1 and 2 already reach to the tops of these hills so they would not have to be rerouted. In order to protect the vernal pool which is along the access road to lot 3, this access road will need to be rerouted to the north to bypass this vernal pool by at least 50 feet. It will also have to be extended to reach the top of the hill in lot 3 but this should not cause any problems.

With the exception of the recommendations above, approving this project will not have a significant impact on any protected plants, animals, or biological resources. Building houses on the high points of each lot would not alter the overall habitat from what it is now. However, should the new owners of these lots want to make further alterations to the property, the County may want to require further biological reviews and surveys.

Exhibit B

Species Specific Bio Survey 3/18/18

**SPECIES SPECIFIC BIOLOGICAL SURVEY
CALAVERAS COUNTY, CA
(A.P.N. 048-002-095)**

**PREPARED FOR
JOHN AND ROXANA HERTZIG
9267 EAST HIGHWAY 26
MOKELUMNE HILL, CA 95246**

**SUBMITTED TO
WIEBE LAND SURVEYING
8395 DOGTOWN ROAD
SAN ANDREAS, CA 95249**

**PREPARED BY
WALTER TORDOFF, Ph.D.
PROFESSOR EMERITUS OF BIOLOGY
CALIFORNIA STATE UNIVERSITY, STANISLAUS
TURLOCK, CA 95382
(Curriculum Vitae Attached)**

MARCH 18, 2018

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**Calaveras County
Planning Department**

BACKGROUND

The property involved in this project (A.P.N. 048-002-095) is located north of Valley Springs in Calaveras County, California west of Watertown Road and south of Campo Seco Road. It is about 132 acres in size and it is currently being used as pasture for cattle. It is hilly foothill habitat with sparse pine and oak trees within grassland. There are two seasonal drainages on the property both flowing from east to west. The major one is along Campo Seco Road at the northwest corner of the land. A second one is near the southwest corner of the property.

The owners are proposing to split the property into three lots, two (Lots 1 and 2) of about 40 acres each, and a third (Lot 3) of about 51 acres (Tentative Parcel Map, June 2014). The Calaveras County Planning Department has requested that a biological survey be done prior to approval of the split. A reconnaissance level biological survey was conducted in 2014 (Tordoff, 2014) which identified four species of concern which could possibly occur on the property:

Delta Button Celery, *Eryngium racemosum*;

Vernal Pool Fairy Shrimp, *Branchinecta lynchi*;

California Tiger Salamander, *Ambystoma californica*;

Western Spadefoot, *Spea hammondi*.

All of these species would be found in or around the two vernal pools located on the property, at least during the wet part of the year. The 2014 survey was conducted at a time of year when vernal pools did not contain water. The present study was undertaken to survey the vernal pools for the presence of the species from the time of their filling in the Fall until they dry up in late Spring or early Summer.

DESCRIPTION OF THE HABITAT

This property is typical central Sierra Nevada western foothill habitat. Most of it is hilly savannah (grassland with widely dispersed trees). Its elevation ranges from 650 feet at the northwestern corner to a few feet above 900 at the tops of the two major hills, one in lot 1 along the western edge of the land midway between the north and south boundaries, and the second in lot 3 near the southern boundary about half way between the eastern and western fences. There is a third hill of almost 900 feet in elevation near the southwest corner of lot 2.

The predominant tree species is blue oak, *Quercus douglasii*, with a few California foothill pines, *Pinus sabiniana*, at higher elevations along the southern boundary. There are no chaparral elements or shrubs of any kind on site, although just west of the property

BIOLOGICAL SURVEY CALAVERAS COUNTY, CA (A.P.N. 048-002-095) page 2

there are scattered chamise, *Adenostoma fasciculatum*, and buckbrush, *Ceanothus* sp., shrubs.

There are two seasonal drainages on the property, both flowing east to west. The larger one is near the northwest corner, where it enters the area just west of the westernmost gate and flows just south of the fence until it exits the property at the northwest corner. The only vegetation characteristic of a streamside habitat is a patch of California blackberry, *Rubus ursinus*, covering less than an acre of land where the stream enters the property. There are also two small scrub oak trees, *Quercus dumosa*, in this area.

The lesser drainage begins on the property where it drains the southwestern quarter of the land in proposed Lot 3. It exits the property at the western fence about 600 feet north of the southwest corner. Two man-made earthen dams along this stream 50 and 450 feet east of the western fence form two ponds which, under normal rainfall conditions, would contain water year-round. Cat-tails, *Typha*, ring the westernmost of these ponds. There are many bullfrogs, *Rana catesbeiana*, inhabiting this pond.

My 2014 survey identified three “possible” vernal pools on the southern third of the property in proposed lot 3. From east to west, there is one about 150 feet south of the old railroad grade cut through the rocks on the eastern boundary of the property. This pool measures 75” (east to west) by 50” (north to south). The second is just south of the access road to lot 3 at coordinates N 38 13.420’, W 120 50.226’ and is 50 feet in diameter. The last one is along the drainage in lot 3 upstream from the ponds at N 38 13.437’, W 120 50.446’. It is 300 feet east to west, and 100 feet north to south. None of these vernal pools had any characteristic vegetation around them and probably none of them developed in the past year’s drought.

The only other notable feature on the property is the old railroad grade road cut through the rocks along the eastern boundary of the property in lot 2 just north of its boundary with lot 3.

FIELD WORK

The first rain of the season fell on the weekend of October 14 to 15, 2016. I made my first visit to the site on October 21. There was water in two of the vernal pools, the one south of the road, henceforth referred to as Pool A, and the larger one near the old railroad cut, henceforth referred to as Pool B. There was no water in the third pool and none accumulated during the season. This location is not a vernal pool but a slight depression in the drainage into the ponds.

I established my survey routine for the season, which was to slowly walk around the perimeter of each pool looking for evidence of any of the four species of concern in or

adjacent to the pool, also noting any other features, either biological or physical which could have a bearing on those species. On each visit, I also checked on the farm ponds at the western edge of the property and the stream that runs onto the property at the northwest corner. I summarize my findings in the next section of the report.

After my first visit, I made additional visits at approximately two week intervals until both pools had dried completely at the end of June. Visits were made on October 21, November 5, 17, and 28, December 18, 2016, January 5, 17, and 31, 2017, February 13, March 1, 14 and 31, April 15 and 28, May 12, and 26, June 14, and July 7.

RESULTS

Physical Characteristics of the Pools

The pools filled slowly at first. On my first visit (October 21, 2016) the water in each covered an area of about 20 by 50 feet at a maximum depth of less than 12 inches. By March 1, the pools had reached their greatest size. Pool A was 60 feet by 35 feet and about 24 inches deep. Pool B was in the shape of an isosceles triangle, two sides 125 feet and the third side 100 feet. Its maximum depth was again about 24 inches. After March 1, despite occasional continued rains, the pools steadily decreased in size but did not totally dry up until the end of June.

Pool A is steeper sided than Pool B, being contained by the hills and the roadway whereas Pool B is in a flatter area with much of the area of the pool near the edge being only a few inches deep.

Cattle were not present on the property until my December 18 visit. After that, there were about two dozen present although they were not always near or in the vernal pools. Prior to the grass on the property drying in April the cattle were only occasionally in or in the vicinity of the pools. However, once the rains ceased at the end of April, they used both pools as a source of water and they were either in one pool or the other when I arrived or were in the immediate vicinity.

The water in the pools was clear at the beginning but, after the cattle were present, became increasingly murky until after March 31 they could best be described as mud holes and visibility in the water was a few inches or less.

Biological Characteristics of the Pools

As was to be expected, as the pools filled with water, both aquatic plants and animals began to appear in them. Vegetation began to grow at the bottom in the center by November 5 and it was long enough to reach the surface by the beginning of 2017.

Duckweed was present on the surface starting at the end of January and shortly after, it covered about one half of the surface. However, with increasing use of the pools by the cattle, the surface vegetation began to decrease and it was no longer present by the end of March.

The edges of the pools remained largely devoid of plants largely because of the activity of the cattle. No rings of flowers around the edges, characteristic of many vernal pools, appeared as the waters receded.

Aquatic beetles and water boatmen were in the pools by November 5. Various insect larvae and worms began to appear in the water and at the bottom by the end of 2016.

The only vertebrates which inhabited the pools regularly were bullfrogs, *Rana catesbeiana*. They were in both pools by November 5 and were present also on my last visit to the area when there was water in the pools on June 14, 2017. I observed anywhere from two to 15 basking around the edges or on the surface of the water. These were always subadult animals, less than three inches snout-vent length. On two occasions (April 28, May 12) I observed an adult Pacific treefrog, *Pseudacris regilla*, at the edge of Pool A. I do not know if this was the same individual on both visits.

On each visit to the property, I carefully checked the aquatic vegetation for any amphibian egg masses or larvae in the pools. There never were any.

RESULTS OF THE SURVEY OF THE VERNAL POOLS FOR THE PRESENCE OF PROTECTED SPECIES

I did not detect any evidence of the presence of any of the protected species in question in or around the vernal pools.

Delta Button Celery, *Eryngium racemosum*

This species would grow at the edges of the vernal pools during the late spring and summer. I had looked for this species when I did the original study in 2014, but that work was done at the end of July and the middle of October in a drought year at times of the year when this species would have been dead, although dead plants could have been in evidence. I examined the edges of the pools in October 2016 for any dead plants from the 2015-2016 vernal pool cycle. I also looked for delta button celery in Spring and Summer of 2017. It was not observed.

Vernal Pool Fairy Shrimp, *Branchinecta lynchi*

The presence of fairy shrimp in a vernal pool can be determined in a number of ways: 1/ direct observation of them swimming in the water; 2/ capturing them with a net; or 3/ collecting dried soil from the bottom of a dry vernal pool, adding water, and seeing if fairy shrimp grow. Federal permits, which I do not possess, are required for numbers 2 and 3, so I was limited to direct observation.

I have had the opportunity, while doing other studies, to observe fairy shrimp and I have taken a class in fairy shrimp identification so I am familiar with them. Nevertheless, I did not observe any fairy shrimp in these pools.

California Tiger Salamander, *Ambystoma californica*

California tiger salamander, were it present on this property would be expected to enter the vernal pools almost immediately upon their beginning to fill with water. Although the adults would have been present in or near the pools for only a short time, long enough to mate and lay eggs, egg masses and larvae would have been observable for weeks. Egg masses would have been observed attached to vegetation below the surface and larvae swimming in the water. No egg masses or larvae were seen.

Western Spadefoot, *Spea hammondi*.

The use of vernal pools in the life cycle of the spadefoot is essentially the same as that of the salamander, adults entering the pools almost immediately upon their formation, quickly mating and laying eggs and then leaving. As with the salamander, no egg masses or larvae were observed.

RESULTS OF THE SURVEY OF THE FARM PONDS FOR THE PRESENCE OF PROTECTED SPECIES

This is a permanent pond which has a large population of bullfrogs. I found no evidence of any of the protected species and, further, since it is a permanent body of water, it is not suitable habitat for any of these species.

RESULTS OF THE SURVEY OF THE STREAM FOR THE PRESENCE OF PROTECTED SPECIES

The seasonal stream at the northwest corner of the property is a drainage stream from the large permanent pond north of the property across Campo Seco Road and between

Campo Seco Road and Pardee Dam Road. Because it would not have water in it until that Pond rises enough for water to pass through the culvert under Campo Seco Road, it did not have water in it until the middle of December. By the beginning of June the stream was dry. The pond which supplies its water also has a permanent population of bullfrogs and bullfrogs swim through the culvert and inhabit the stream. I did not observe any evidence of any of the protected species in this stream.

ASSESSMENT AND RECOMMENDATIONS

I found no evidence of any of the four protected species on the property. However, since I was not able to conduct a thorough, approved, survey for fairy shrimp, I cannot absolutely exclude this species from the two vernal pools. Vernal pools and vernal pool habitat are decreasing in California and authorities are trying to protect all remaining habitat, and thus would want to protect the vernal pools on this property.

Many human activities are compatible with vernal pool habitat including the grazing of farm animals and gardening in the vicinity of vernal pools. However, restrictions which minimize adverse effects are often put in place prior to approving new uses for land. The Calaveras County Planning Commission has already specified that access road to the proposed Lot 1 must be moved further away from the stream which enters the property along Campo Seco Road. This can be easily accomplished by having this access road enter the property at the intersection of Lots 1 and 2 at Campo Seco Road.

To protect Vernal Pool A in proposed Lot 3, the current access road will need to be moved north from where it currently passes this vernal pool. If it is moved close to the boundary between Lots 2 and 3, it should be about 200 feet down slope from Pool A and still about 400 feet from Pool B. It would then need to be kept near this boundary almost to the intersection of the three lots before proceeding south to ascend to the high point of Lot 3.

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- 2003b. Tordoff, W. Wetlands Delineation Study - APN 75-14-04. Browman Development Company, Inc., Oakland, CA

Wildlife Surveys Completed (continued)

- 2003c. Tordoff, W. Wetlands/Wildlife Survey - Hughes' Riverbank Annexation. Benchmark Engineering, Oakdale, CA
- 2003d. Tordoff, W. Vernal Pool Survey - Galas Property. Russell A. Newman, P.L.C., Modesto, CA
- 2003e. Tordoff, W. Swainson's Hawk Foraging Habitat Survey - Village One, Precise Plan Areas 2, 15, 16, 17. Associated Engineering Group, Inc., Modesto, CA
- 2004a. Tordoff, W. Supplemental Wetlands/Wildlife Survey – Hughes/Hayes Riverbank Annexation. Benchmark Engineering, Inc., Oakdale, CA
- 2004b. Tordoff, W. Swainson's Hawk Foraging Habitat Survey - Village One, Precise Plan Area 13. Associated Engineering Group, Inc., Modesto, CA
- 2004c. Tordoff, W. Vernal Pool Survey - Galas Property – Proposed Access Roads. Russell A. Newman, P.L.C., Modesto, CA
2005. Tordoff, W. Elaboration of endangered species concerns relating to construction of second half of loop trail. City of Riverbank, CA
- 2006a. Tordoff, W. Biological Survey of Claribel Ranch (tentative Parcel Map PM 2005-34) (APN 010-20-22). Keith Fraser et.al., Hughson, CA
- 2006b. Tordoff, W. Biological and Wetlands Review: Stanislaus County Building Review BLD2005-0253. Ronald Martella, Hughson, CA
- 2006c. Tordoff, W. Biological Survey and Assessment: 1618 Scenic Drive, Modesto, California (APN: 034-014-010 (in part); 034 -014-011). Robert Crabtree, Modesto, CA.
- 2006d. Tordoff, W. Jacob Myers Park Trails Project: Proposal to Deal with Concerns about Protecting Elderberry Bushes Adjacent to the Trail to be Paved through the Recreational Trails Grant. City of Riverbank, CA.
- 2006e. Tordoff, W. Elderberry Survey: Jacob Myers Trails Project. City of Riverbank, CA.
- 2006f. Tordoff, W. Biological Survey: Stanislaus Almond Ranch, 26600 Lake Road, LaGrange, CA. LCP Services, INC., Pomona CA.

Wildlife Surveys Completed (continued)

- 2006g. Tordoff, W. Elderberry Bush Survey – Jacob Myers Trail Project. City of Riverbank, CA
- 2007a. Tordoff, W. Stanislaus Almond Ranch 4 – Preliminary Biological Assessment. LCP Services, INC., Pomona, CA
- 2007b. Tordoff, W. Reconnaissance Level Biological Survey – A.P.N. 020-005-008 . Hashen Naraghi, Escalon, CA.
- 2007c. Tordoff, W. Biological Survey: LCP Services Almond Ranch 3. LCP Services, Pomona CA.
- 2007d. Tordoff, W. Biological Survey: 4007 Kentucky Avenue, Riverbank, California, 95367 (A.P.N. 062-022-027). Lyn Tremain, Classic Home Construction, Waterford, CA.
- 2007e. Tordoff, W. Biological Survey: Campbell Ranch. Louis Brichetto, Oakdale, CA.
- 2007f. Tordoff, W. Biological Survey: Koy Ranch. LCP Services, Inc., Pomona CA.
- 2007g. Tordoff, W. Biological Survey: 4701 McHenry Avenue, Modesto, California. Gidel and Kocal, Campbell, CA.
- 2007h. Tordoff, W. Biological Survey: Roen Ranch. Associated Engineering, Modesto, CA.
- 2007i. Tordoff, W. Biological Survey: 17467 Cemetery Road, Knights Ferry, CA., David and Laura Simons, Knights Ferry, CA.
- 2007j. Tordoff, W. Constraints-Level Biological Investigation: Turlock Christian School Property, NW Corner of Monte Vista Ave and Quincy Rd., Stanislaus County, California. Mid-Valley Engineering, Modesto, CA.
- 2007k. Tordoff, W. Reconnaissance-level Biological Survey: Cozart Ranch, Oakdale, CA. Mid-Valley Engineering, Modesto, CA.
- 2008l. Tordoff, W. Biological Survey and Assessment: 1618 Scenic Drive, Modesto, California (APN: 034 -014-011). Robert Crabtree, Modesto, CA.

Wildlife Surveys Completed (continued)

2009. Tordoff, W. Reconnaissance-level Biological Survey: Shiraz Ranch (Parcel Application 2007-12) (A.P.N.'s 026-013-034, 026-013-047, and 026-013-049) Newman, Stanislaus County, California. Robert Braden Consulting, Modesto, CA.
- 2010a. Tordoff, W. Vernal Pool Survey – Roen Ranch (A.P.N. 015-015-034), Waterford, Stanislaus County, California. Pringle Tractor, Inc., Salinas, CA.
- 2010b. Tordoff, W. Biological Survey – Rose Ranch (A.P.N.'s 001-011-032-000, 001-011-034-000, 001-011-036-000, and 001-011-037-000), Oakdale, Stanislaus County, California. Pringle Tractor, Inc., Salinas, CA.
- 2010c. Tordoff, W. Biological Survey – Cozart/Trinitas Property Access Route. Oakdale, CA. Mid-Valley Engineering, Modesto, CA.
- 2011a. Tordoff, W. Biological Resource Study, Property South of South Gulch Road, Calaveras County, California. George Rose, Oakdale, CA.
- 2011b. Tordoff, W. Biological Survey – 17480 Twenty-six Mile Road, Farmington, California. Larry Gillum, Farmington, CA.
- 2012a. Tordoff, W. Biological Survey – Dhawk Lane, Calaveras County, California. Jeffries Engineering, San Andreas, CA.
- 2012b. Tordoff, W. Vernal Pool Survey – Galas Property, Frankenheimer Road, Stanislaus County, California. Michael Purnell, Modesto, CA.
- 2012c. Tordoff, W. Biological Survey – Patterson Alternative Education Site, Patterson, California. Stanislaus County Office of Education, Modesto, CA.
- 2012d. Tordoff, W. Biological Evaluation/Assessment (BE/BA), Meadowview Estates, Calaveras County, CA. (A.P.N.'s 48-009-024, 48-011-008, 48-011-009, and 48-0110010). Jeffries Engineers, Inc., San Andreas, CA.
- 2013a. Tordoff, W. Biological Assessment, Bruinville Development, Riverbank, California (A.P.N.'s 062-005, 062-010, 062-019, 062-025, 062-027). MVE, Inc.
- 2013b. Tordoff, W. Biological Assessment, D&M Land Development Near Orland, Glenn County, CA (A.P.N.'s 027-04-0-014-0, 047-22-0-001-0, 047-220-0-002-0, 047-22-4-005-0). Bradford Munson.

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- 2013c. Tordoff, W. Biological Survey, Campbell Ranch, 19200 Warnerville Road, Oakdale, California (A.P.N.s 011-004-013, 011-006-039, 011-006-040, 011-006-041, 011-006-042, 011-006-045, 011-006-046, 011-006-047, 011-006-048, 011-006-049, 011-006-050). Louis Brichetto.
2014. Tordoff, W. Reconnaissance-level Biological Survey, Calaveras County, CA (A.P.N. 048-002-095). John and Roxana Hertzig.

Project Monitoring

2007. Monitoring Construction of Jacob Myers Trail – Phase II to insure no damage to elderberry bushes. Ragsdale and Son, Construction Co., Waterford, CA.

Exhibit C

Clarification of Assessment,
Reconnaissance-Level Bio Survey 8/05/21

CLARIFICATION OF ASSESSMENT
RECONAISSANCE - LEVEL BIOLOGICAL SURVEY
CALAVERAS COUNTY, CA
(A.P.N. 048-002-095)

PREPARED FOR
JOHN AND ROXANA HERTZIG
9267 EAST HIGHWAY 25
MOKELUMNE HILL, CA 95246

PREPARED BY
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AUGUST 5, 2021

CLARIFICATION OF ASSESSMENT REGARDING THE ROAD INTO THE PROPERTY FOR LOT 1

There is only one species which could possibly occur in the stream at the northwest of the property, the California roach (*Lavinia symmetricus*). While I listed this species as being unlikely to occur, it is actually very highly unlikely to be found in the stream for the following reasons. This is a species found exclusively in streams, but streams that have deep pools along them to maintain the fish during the summer when most of the stream dries up. This stream does not have any deep pools anywhere near this property. Furthermore, this stream is fed entirely from the Campo Seco Reservoir just across Watertown Road from the property. Predators such as bullfrogs (observed on the shore of Campo Seco Reservoir) and other fish species would also enter the stream from the reservoir. Thus, even if the roach traveled upstream from a pool downstream, it and its eggs would be eaten by the predators. Finally, there is no record of this species anywhere in the Valley Springs quadrangle, just a single record from the Mokelumne Hill quadrangle.

With respect to the gate and access road into lot 1, the stream enters the property by passing under Watertown Road about 20 feet from the access road, not “virtually on top of” as I stated in my 2014 report, giving an erroneous impression. Having the gate and access road remain where they are should pose no more of a threat to the stream than Watertown Road currently does. Care should be taken to prevent any materials used in upgrading the access road from getting into the stream bed but that will not be hard to accomplish. If this is done, I see no problem with leaving the gate and access road where they are.