



CALAVERAS COUNTY PLANNING DEPARTMENT
891 Mountain Ranch Road,
San Andreas, California 95249
(209) 754-6394

Planning Commission Staff Report

| | |
|------------------------------------|--|
| Hearing Date | May 25, 2023 |
| Project Number/Name | 2022-016 Modification to Existing Permit |
| Supervisory District Number | D1, Gary Tofanelli |
| Assessor's Parcel Number(s) | 048-051-035, -036 & -037 |
| Planner | Madeleine Flandreau, Planner III |

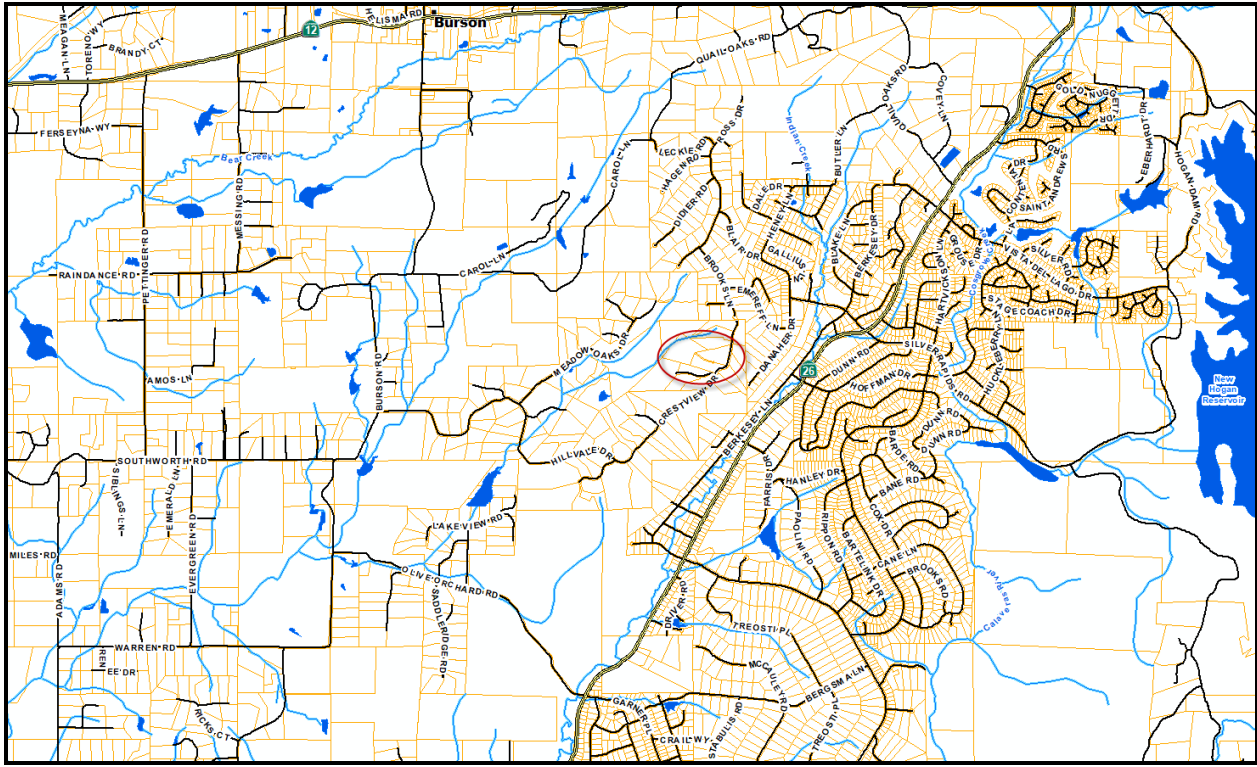
Date: May 5, 2023

PROJECT DESCRIPTION: The Calaveras County Planning Department is initiating a Modification to Existing Permit to amend the conditions of approval for Tentative Parcel Map 03-33, which was approved by the Planning Commission on July 17, 2003.

LANDOWNERS:

| | | |
|---------------------|----------------------------|--------------------------|
| Dorothy Ann Skarles | Robert and Shirley Redding | Willard and Ora Chalmers |
| 2025 Jerry Lane | 1511 Purdue Court | 3150 Crestview Drive |
| Lodi, CA 95242 | Union City, CA 94587 | Valley Springs, CA 95252 |

PROJECT LOCATION: APNs: 048-051-035, 048-051-036 & 048-051-037 are described as lots 1, 2 & 3, respectively, of Parcel Map Book 11 Page 180, a re-subdivision of Lot 16 of the Valley Hill Estates Subdivision. The three parcels are located off Crestview Drive, 2.5 miles east of the Burson Road and Hilddale Drive intersection southeast of the community of Burson. The parcels are in Section 33, T04N, R10E, MDM.



BACKGROUND:

In 2003, the Planning Commission approved Tentative Parcel Map 03-33 (TPM 03-33), for the subdivision of a vacant, 26.7-acre parcel into three parcels. The size of each lot is as follows: Parcel 1 – 5.9 acres; Parcel 2 – 7.3 acres; and Parcel 3 – 13.5 acres. The parcels are zoned RA-5 (Residential Agriculture – 5-acre minimum parcel size).

TPM 03-33 was recorded in 2005 (see Attachment 4). As provided under §66411.1 of Government code, a note was placed on the face of the recorded map deferring road improvements at the time of the next permit or other grant of approval for each parcel developed. The note was placed for the sole purpose of deferring the road improvements to the first permit so that the applicant of TPM 03-33 wasn't responsible for making the improvements prior to the recordation of the map.

Since 2005, only Parcel 1 has been developed with a single-family home. At the time of the construction of the home, the required road improvements were not enforced by the county prior to issuance of a building permit and, subsequently, a certificate of occupancy for the home. The residential construction included an encroachment off Crestview Drive in an alternative location to the proposed access road on the recorded map, so none of the required road improvements were completed.

Subsequently, Parcel 1 was purchased by a new owner, who came in with a building permit application to place an accessory structure on the parcel, which brought to light the fact that the road improvements had not been enforced by the County. As Parcel 1 was developed several years ago with an alternative encroachment, this created an issue whereby the next

building permit that is applied for would require the construction of the access road only for Parcels 2 and 3.

PROJECT DESCRIPTION:

Upon closer review, the Public Works Director determined that the site access issue was moot since other alternatives exist to provide access to the remaining two undeveloped parcels (Parcels 2 and 3). As depicted on the recorded map, access control rights along the frontage of the parcels – except for Parcel 3 – were granted to the County. The developed parcel improved an encroachment across the access-controlled area. The right-of-way depicted on the map (access road) will remain as the driveway serving Parcel 3. As the County has determined that access to the parcels can be provided without the road improvements, the Planning Department is therefore modifying the map to remove the following Public Works conditions:

#111-1, Improve the access road to Crestview Drive R.O.W. to proposed Parcel 3 along the existing road to a Local Road Template “F,” 24’ wide paved surface with 2” A.C. and 4” Class 2 A.B.

#111-2, Construct a turning circle in accordance with Section 12.02.230 at Parcel 1, with a roadbed diameter of 84 feet. A hammerhead, constructed to County Standard Detail, may be used as an alternate to a turning circle with concurrence of the responsible fire protection agency.

#111-3, Improve the existing encroachment for Crestview Drive to County Road Standards of a Local Approach.

#111-4, Provide road name sign for the access road.

#111-12, A declaration is to be signed by the applicant creating a road maintenance agreement for the access road to proposed Parcel 3.

#111-13, The proposed access for Parcel 3 shares access with Parcels 1 and 2 will require the construction of a Local Road from the easterly boundary of Parcel 3 to Crestview Drive. A local road approach will need to be constructed for the intersection of the access road with Crestview Drive.

The modification will not require a change, modification, or addition to the conditions of approval other than removal of conditions #111-1, #111-2, #111-3, #111-4, #111-12, and #111-13, and the addition of a “reminder” condition that is recommended to be added by Public Works merely as a reminder of the ongoing requirement for an encroachment permit should Parcel 2 be developed in the future.

MAP MODIFICATION:

Government Code §66472.1 allows amendments to a recorded final map if authorized by local ordinance, so long as the County finds: 1) that there are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary, 2) that

the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and 3) that the map as modified conforms to Gov. Code §66474, which contains the usual findings for tentative map approval:

- The map and the design or improvement of the subdivision are consistent with the General Plan and any applicable specific plan.
- The site is physically suitable for the type and density of the proposed development.
- The design of the subdivision or improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- The design of the subdivision or improvements are not likely to cause serious public health problems.
- The design of the subdivision or improvements will not conflict with public access or use easements on it. (This finding may be made if substantially equivalent public access or use easements are substituted for the original easements).

County Code §16.13.010 is the local ordinance allowing for map amendments as described in Gov. Code §66472.1, and it echoes the findings described above.

The original tentative map was approved with conditions imposed, as authorized by Gov. code §66434.2. Gov. Code §66469, in turn, specifically authorizes map amendments to alter conditions imposed pursuant to §66434.2 so long as the correction does not impose any additional burden on the present fee owners of the real property and does not alter any right, title, or interest in the real property reflected on the recorded map. All current owners of the parcels created through this tentative map were notified of the proposed modification, and none had objections. A finding will therefore be added that the modification will not impose a burden on the present fee owners.

The public hearing on the map modification was noticed as required by Gov. Code §66451.3. Per Gov. Code §66472.1, the County “shall confine the hearing to consideration of, and action on, the proposed modification.”

ENVIRONMENTAL REVIEW:

Pursuant to California Environmental Quality Act (CEQA) guidelines, an Initial Study and Negative Declaration (IS/ND) was prepared in 2003 and circulated for 30 days for the previously approved TPM (see Attachment 3). No comments on the 2003 IS/ND were received. The Initial Study analyzed the environmental impacts and determined that the proposed project will not have a significant environmental impact. The prepared IS/ND was completed in accordance with the California Environmental Quality Act (CEQA) and reflects the independent judgment and analysis of the preparer. The IS/ND was adopted with the approval of TPM 03-33 on July 17th, 2003.

The proposed project is the same as the project analyzed in the 2003 IS/ND, because the road improvements recommended by Public Works as conditions were not included in the project description. The proposed removal of these now-obsolete Public Works conditions is therefore a minor technical change to the project that does not affect the environmental analysis or the conclusions of the 2003 IS/ND. Since adoption of the 2003 IS/ND, the

CEQA Guidelines have undergone several changes, including comprehensive updates, which created four new sections to the CEQA Checklist: Energy, Greenhouse Gas Emissions, Tribal Cultural Resources, and Wildfire.

The potential impacts of the project were evaluated in a previously adopted IS/ND, none of the factors triggering additional environmental review under CEQA Guideline 15162 are present, and the IS/ND provides a sufficient and adequate analysis of the environmental impacts. Thus, the County determined that an addendum pursuant to CEQA Guideline 15164 is the appropriate environmental document for the proposed project. An Addendum to the Negative Declaration was prepared and can be found in Attachment 2. While, as discussed in more detail in the addendum, the fact that the State updated Appendix G after the County approved the 2003 ND does not itself constitute a “change” or “new information” requiring a subsequent EIR, staff did utilize the updated Appendix G criteria when analyzing whether an addendum was the appropriate environmental document for this updated project.

CONCLUSION:

The project is a modification to the conditions of approved TPM 03-33, removing conditions #111-1, #111-2, #111-3, #111-4, #111-12, and #111-13. The required findings for a map modification per County Code 16.13.030 can be made. There were no objections to the approval of the MEP from any landowners of the subject parcels, nor from any landowners within 300 feet of the subject parcels. The potential impacts of the project were evaluated in a previously adopted IS/ND, and the IS/ND provides a sufficient and adequate analysis of the environmental impacts. Thus, the County determined that an addendum is the appropriate environmental document for the proposed project. The IS/ND and the Addendum reveal this project as modified will continue to have a less than significant impact on the environment.

RECOMMENDATION:

Staff recommends the Planning Commission approve Resolution 2023-005 approving Modification of Existing Permit 2022-016 to remove Public Works’ conditions of approval #111-1, #111-2, #111-3, #111-4, #111-12, and #111-13 for Tentative Parcel Map 03-33, based on the findings and conditions contained therein.

ATTACHMENTS:

- 1) Planning Commission Resolution No. 2023-005
- 2) 2023 Addendum to the 2003 Negative Declaration
- 3) 2003 Initial Study/Negative Declaration
- 4) Parcel Map 03-33
- 5) Planning Commission Resolution No. 03-68

Attachment #1

Planning Commission Resolution 2023-005

**COUNTY OF CALAVERAS CALIFORNIA
PLANNING COMMISSION RESOLUTION NO. 2023-005**

**>>A RESOLUTION APPROVING A MODIFICATION TO EXISTING PERMIT 2022-016
FOR TENTATIVE PARCEL MAP 03-33**

WHEREAS, on July 17, 2003, the Planning Commission conditionally approved Tentative Parcel Map 03-33 to subdivide a vacant, 26.76-acre lot into three (3) parcels; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APNs: 048-051-035, 048-051-036 & 048-051-037, and are described as lots 1, 2 & 3 of Parcel Map Book 11 Page 180, a re-subdivision of Lot 16 of the Valley Hill Estates Subdivision. The three parcels are located off Crestview Dr, 2.5 miles east of the Burson Road / Hilldale Drive intersection southeast of the community of Burson; and

WHEREAS, subject to the requirements of the Calaveras County Road Ordinance, conditions were placed in a note on the face of the final map for the sole purpose of deferring the road improvements to the issuance of the first building permit so that the applicant wasn't responsible for making the improvements prior to the recordation of the map; and

WHEREAS, on June 15, 2005, the final map resulting from Tentative Parcel Map 03-33 was recorded.

WHEREAS, the existing single-family home located at 3150 Crestview Road, Valley Springs, was constructed pursuant to a building permit, without the required access improvements in the notes on the recorded map; and

WHEREAS, based on the assessment by the Public Works Director, the access to the three parcels can now be provided without need for the required access improvements; and

WHEREAS, a Negative Declaration was adopted on July 17, 2003, pursuant to the California Environmental Quality Act (CEQA) for Tentative Parcel Map 03-33

WHEREAS, staff prepared an addendum to the Negative Declaration which was considered by the Planning Commission; and

WHEREAS, during a noticed public hearing on May 25, 2023, the Planning Commission considered all the information presented to it, including a staff report and attachments, and information presented by members of the public at the meeting; therefore,

BE IT RESOLVED, that the Planning Commission approves the addendum to the July 17, 2003, Negative Declaration, and approves the modification to Tentative Parcel Map 2003-33 by removing the Public Works Department conditions #111-1, #111-2, #111-3, #111-4, #111-12, and #111-13 based on the following findings:

1. The addendum to the 2003 Initial Study/Negative Declaration (IS/ND) for Project 2022-016 complies with the requirements of CEQA. Having considered the prior adopted negative declaration along with the addendum, the Planning Commission finds that there is substantial evidence in the record supporting the Planning Department's determination that an addendum is appropriate, that all potential project impacts were studied in the 2003 IS/ND, that use of the addendum prepared by the Planning Department is sufficient, and that none of the factors described in CEQA Guideline 15162 is present that would trigger a requirement to prepare a subsequent EIR or subsequent negative declaration.

Evidence: Pursuant to California Environmental Quality Act (CEQA) guidelines, an Initial Study and Negative Declaration (IS/ND) was prepared and circulated for 30 days and adopted on July 17, 2003, with the approval of TPM 2003-33 (see Attachment 3). The Initial Study analyzed the project's environmental impacts and determined that proposed project will not have a significant effect on the environmental. The IS/ND is included with the staff report prepared for this item, and it is incorporated by reference into this resolution.

Pursuant to Section 15164 of the State CEQA Guidelines, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred. The following are the provisions from Guidelines Section 15162 referenced above describing when a subsequent EIR must be prepared:

- (a) *When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The road improvements required by Public Works Conditions #111-1, #111-2, #111-3, #111-4, #111-12, and #111-13 were not included as part of the analysis in the 2003 IS/ND. Therefore, the proposed removal of these now obsolete Public Works conditions is a minor technical change to the project that does not affect the environmental analysis or the conclusions of the 2003 IS/ND. The potential impacts of the project were evaluated in a previously adopted IS/ND, none of the factors triggering additional environmental review under CEQA Guideline 15162 are present, and the IS/ND provides a sufficient and adequate analysis of the project's environmental impacts. Alternative access options preclude the need to develop road access as originally required. Thus, the County determined that an addendum pursuant to CEQA Guideline 15164 is the appropriate environmental document for the proposed project. An Addendum to the Negative Declaration was prepared and can be found in Attachment 2 of the staff report. While, as discussed in more detail in the addendum, the fact that the State updated Appendix G after the County approved the 2003 ND does not itself constitute a "change" or "new information" requiring a subsequent EIR, staff did utilize the updated Appendix G criteria when analyzing whether an addendum was the appropriate environmental document for this updated project. No new information or substantial changes have been identified in the addendum that would require a subsequent IS/ND, and the change to the project would not result in a new potentially significant impact or worsen the severity of a previously identified significant impact.

2. There are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary.

Evidence: Parcel 1 was developed by its prior owner and approved by the County several years ago with an alternative encroachment than what was required by the conditions of approval, and without requiring the road improvements noted on the map to first be constructed. This created an issue whereby the next building permit applied for on any of the three parcels within the subdivision would require the construction of the access road only for Parcels 2 and 3. The County has determined that access to Parcels 2 and 3 can be provided without the road improvements, making these map conditions unnecessary. As depicted on the recorded map, access control rights along the frontage of Parcels 1 and 2 were granted to the County. The right-of-way depicted on the map (access road) will remain as the driveway serving Parcel 3. The developed parcel improved an encroachment across the access-controlled area. Alternative access now exists to provide access.

3. The modifications do not impose any additional burden on the fee owners of the real property.

Evidence: The modification was initiated when the current owner of Parcel 1 applied for a Building permit for an accessory structure, and it was determined that the existing residence had been constructed with an alternative encroachment off Crestview Drive, not the required road access improvements per the conditions. The removal of the conditions requiring the access road will remove the burden on the owners of Parcels 2 and 3 to construct a road that is no longer necessary for access to the parcels. The owners of the other parcels in the subdivision were notified of the proposed modification, and no objections were raised.

4. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map.

Evidence: The modification will not change the zoning, land use designation, size of the parcels, permitted uses, or alter the right, title, or interest of Parcels 1, 2 and 3. The removal of the conditions for the access road improvements will be of benefit to the landowners, removing the requirement for costly road improvements.

5. The map as modified conforms to Gov. Code 66474.

Evidence: The map is consistent with the applicable General Plan. The site remains physically suitable for the type and density of development. The amended parcel map removes an obligation to construct a new road and is therefore not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat. For the same reasons, the amended parcel map is not likely to cause serious public health problems. The amended map will not conflict with easements of record, acquired by the public at large, for access through or use of property within the parcel map.

6. The proposed modification is substantially consistent with the previously approved project, TPM 2003-033.

Evidence: The modification will not require a change, modification, or addition to the conditions of approval other than removal of conditions #111-1, #11-2, #111-3, #111-4, #111-12, and #111-13, and the addition of a “reminder” condition as follows:

- #111-1, Improve the access road to Crestview Drive R.O.W. to proposed Parcel 3 along the existing road to a Local Road Template “F,” 24’ wide paved surface with 2” A.C. and 4” Class 2 A.B.
- #111-2, Construct a turning circle in accordance with Section 12.02.230 at Parcel 1, with a roadbed diameter of 84 feet. A hammerhead, constructed to County Standard Detail, may be used as an alternate to a turning circle with concurrence of the responsible fire protection agency.
- #111-3, Improve the existing encroachment for Crestview Drive to County Road Standards of a Local Approach.
- #111-4, Provide road name sign for the access road.
- #111-12, A declaration is to be signed by the applicant creating a road maintenance agreement for the access road to proposed Parcel 3.
- #111-13, The proposed access for Parcel 3 shares access with Parcels 1 and 2 will require the construction of a Local Road from the easterly boundary of Parcel 3 to Crestview Drive. A local road approach will need to be constructed for the intersection of the access road with Crestview Drive.

A general condition is recommended to be added by Public Works merely as a reminder of the ongoing requirement for an encroachment permit should Parcel 2 be developed in the future.

BE IT FURTHER RESOLVED, that the Planning Commission approves the modification to TPM 2003-33 to remove conditions #111-1, #11-2, #111-3, #111-4, #111-12, and #111-13 based on the following conditions:

I GENERAL CONDITIONS

I-1 An Encroachment Permit from Public Works is required when Parcel 2 is improved, as the access control rights delineated on the map remain in place.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on May 25, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Planning Commission

ATTEST:

Madeleine Flandreau
Planner III

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.

Attachment #2

2023 Addendum to the 2003 Negative Declaration

May 2023 – **Negative Declaration Addendum**

**ADDENDUM TO THE
NEGATIVE DECLARATION
FOR MODIFICATION OF TENTATIVE PARCEL MAP 2003-033**

Calaveras County

Prepared by:

Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
(209) 754-6394



PURPOSE OF THE ADDENDUM

This document has been prepared as an Addendum to the previously adopted 2003 Negative Declaration prepared for Project No. 2003-033 Tentative Parcel Map (TPM) in accordance with the California Environmental Quality Act (CEQA). The purpose of this Addendum is to determine whether the approval of a modification to the recorded map would result in new or substantially more severe significant environmental impacts compared to the impacts disclosed in the 2003 Initial Study/Negative Declaration (IS/ND).

BACKGROUND

In 2003, the Planning Commission approved Tentative Parcel Map 03-33, for the subdivision of a vacant, 27.6-acre parcel into three parcels. The size of each lot is as follows: Parcel 1 – 5.9 acres; Parcel 2 – 7.3 acres; and Parcel 3 – 13.5 acres. APNs: 048-051-035, 048-051-036 & 048-051-037 are described as lots 1, 2 & 3, respectively, of Parcel Map Book 11 Page 180, a re-subdivision of Lot 16 of the Valley Hill Estates Subdivision. The three parcels are located off Crestview Dr, 2.5 miles east of the Burson Road and Hilldale Drive intersection southeast of the community of Burson.

The final map was recorded in March 2005. Per the conditions of approval from Public Works (see Planning Commission Resolution No. 03-68 attached), a note was placed on the face of the recorded map (PM 11-180) which listed deferred improvements stating:

“The following shall be completed at the time of the next permit or other grant of approval for each parcel developed, T.P.M. #03-33 Conditions of Approval

#111-1, Improve the access road from Crestview Drive R.O.W. to proposed Parcel 3 along the existing road to a Local Road Template “F”, 24’ wide paved surface with 2” A.C. and 4” Class 2 A.B.

#111-2, Construct a turning circle in accordance with Section 12.02.230 at Parcel 1, with a roadbed diameter of 84 feet. A hammerhead, constructed to County Standards Detail, may be used as an alternate to a turning circle with concurrence of the responsible fire protection agency.

#111-3, Improve the existing encroachment for Crestview Drive to County Road Standards of a Local Approach.

#111-4, Provide road name sign for the access road.

#111-13, The proposed access for Parcel 3 shares access with Parcels 1 and 2 will require the construction of a Local Road from the easterly boundary of Parcel 3 to Crestview Drive. A local road approach will need to be constructed for the intersection of the access road with Crestview Drive.”

PROPOSED PROJECT

Due to a County error, Parcel 1 was developed with a single-family residence and alternate encroachment off Crestview Drive was constructed without the required access

improvements, thus rendering the conditions to improve the local access road obsolete. The Department of Public Works has determined that access to the parcels can be provided without the road improvements, and therefore, the Planning Department is initiating modification the map to remove the Public Works the conditions #111-1, 111-2, 111-3 and 111-13, as well as:

#111-12, A declaration is to be signed by the applicant creating a road maintenance agreement for the access road to proposed Parcel 3.

The required road improvements were not analyzed as part of the project description in the 2003 IS/ND, but were included as conditions of approval in Planning Commission Resolution No. 03-68. Therefore, the proposed project is the same as the project analyzed in the 2003 IS/ND, and the modification of the map to remove these conditions does not affect the environmental analysis or conclusions in the 2003 IS/ND.

Book 11 Page 180



CEQA ANALYSIS

The Initial Study/Negative Declaration was prepared and circulated for comments from June 10 to July 10, 2003, and adopted by the Planning Commission with the approval of TPM 03-33. No comments were received during the 30-day review period, and a finding of no significant adverse impacts was made and no mitigation measures were included as conditions approval.

Under CEQA Guidelines Section 15164, an addendum to a Negative Declaration shall be prepared if some changes or additions are necessary, but none of the conditions identified in Guidelines Section 15162 have occurred. The following discussion concludes that the conditions set forth in Section 15162 are not present, and that an addendum is appropriate for the proposed project.

Discussion

The discussion in this addendum confirms that the proposed project has been evaluated for significant impacts pursuant to CEQA. As demonstrated below, the potential impacts of the project were evaluated in a previously adopted IS/ND, and the IS/ND provides a sufficient and adequate analysis of the environmental impacts. Thus, the County determined that an addendum is the appropriate environmental document for the proposed project.

Pursuant to Section 15164 of the State CEQA Guidelines, "An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred."

The following are the provisions from Guidelines Section 15162 referenced above describing when a subsequent EIR must be prepared:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

(3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

(A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

(B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

(C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

(D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

The discussion below addresses whether any of these events have occurred.

Environmental Analysis

This section evaluates the potential for the proposed project to result in new or substantially more severe significant impacts compared to the impacts disclosed for the previously approved TPM that was analyzed as the “proposed project” in the adopted IS/ND. The environmental analysis provided in this section describes the information that was considered in evaluating the questions contained in the CEQA Checklist in Appendix G of the CEQA Guidelines.¹

Since adoption of the 2003 IS/ND, the CEQA Guidelines have undergone several changes, including a comprehensive update in 2018, which created new sections to the CEQA Checklist: Energy, Greenhouse Gas Emissions, Tribal Cultural Resources, and Wildfire. A discussion of these sections is included below.

¹ Note that since adoption of the 2003 IS/ND, the CEQA Guidelines have undergone several changes, including a comprehensive update, effective December 28, 2018. These changes are not considered new information for purposes of Public Resources Code section 21166 and CEQA Guidelines section 15162. (See *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 426 [“once an EIR is finally approved, a court generally cannot...compel an agency to perform further environmental review if new regulations or guidelines for evaluating the project’s impacts are adopted in the future”]; *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788, 808 [CEQA Guidelines enacted after an EIR is certified are not “new information within the meaning of [PRC] section 21166, subdivision (c)” and therefore do not trigger preparation of a subsequent EIR nor require consideration in an addendum]).

Energy

This section was created during the 2018 update to the CEQA Appendix G Checklist, and asks whether the project would result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation; and whether it would conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As this project is a modification to conditions of approval for three RA zoned parcels, the only potential impacts would be from future construction of single-family residences on the undeveloped parcels, as well as accessory dwelling units and accessory structures. Any future construction on the parcels must comply with California Building Standards Code which sets requirements for energy conservation, and must comply with adopted State Regulations. In addition, Calaveras County has not adopted a local renewable energy or energy efficiency plan. No new information or substantial change has been identified that would require a subsequent IS/ND.

Greenhouse Gas Emissions

This section was created during the 2018 update to the CEQA Appendix G Checklist, and asks whether the project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The removal of the Public Works conditions would not have any impacts. Calaveras County has no adopted policies, plans or regulations relating to the reduction of GHG, and the project does not violate any state or federal plan. No new information or substantial change has been identified that would require a subsequent IS/ND.

Tribal Cultural Resources

This section was created during the 2018 update to the CEQA Appendix G Checklist, and asks if 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: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in 5020.1(k); or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

In 2003, the Planning Department notified the Mi-Wuk Council, and did not receive a response. The Calaveras Band of Miwuk 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.

Wildfire

This section was created during the 2018 update to the CEQA Appendix G Checklist, and asks if the project site is located in or near state responsibility areas or lands classified as very high fire hazard severity zones, whether the project would: substantially impair an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The project site is located in an area of the county classified as a high fire hazard area. Any future residential construction on the parcels will not impair an emergency response or evacuation plan due to the site location. Current emergency response and evacuation plans revolve around community evacuation in the response of forest fires. The parcels will all take access directly off of Crestview Drive, with the exception of Parcel 3 which will need to have an easement recorded. These encroachments will not affect any transportation evacuating the area.

The Calaveras Consolidated Fire Station is located approximately 8.7 miles from the project site. The project will not exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Conclusion

The proposed Modification to Existing Permit would not result in new significant environmental impacts, or impacts that would be substantially more severe than those identified in the 2003 IS/ND. Based on the above analysis and discussion, no substantive revisions are needed to the 2003 IS/ND because no new significant impacts or substantially more severe impacts would result from the proposed project; because there have been no changes in circumstances in the project area that would result in new significant environmental impacts or substantially more severe impacts; and because no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the 2003 IS/ND. Therefore, no further evaluation is required, and no subsequent IS/ND is needed pursuant to State CEQA Guidelines Section 15162. This ND Addendum has therefore appropriately been prepared, pursuant to Section 15164.

Attachment #3

2003 Initial Study/ Negative Declaration

ENVIRONMENTAL EVALUATION

For 2003-33 TPM for Mr. & Mrs. Kurt Cosgrove ½ & Mr. Jerry Frey ½

REFERENCES FOR INFORMATION

(See numbers in parentheses for items on checklist)

1. Calaveras County General Plan (December 9, 1996)
2. Calaveras County Zoning Ordinance (RA-5-PD per Ord. # 1860)
3. Application / Site Plan
4. FEMA Flood Maps, Community Panel 060633 - 0150B 9/5/1990
5. Other

All of the above documents can be reviewed at the Calaveras County Community Development, Planning Division, 891 Mountain Ranch Road, San Andreas, California 95249 (phone 209-754-6394)

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"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geological / Soils |
| <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 and Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Significance | Findings of <input type="checkbox"/> |

ENVIRONMENTAL ISSUES

(and Supporting Information Sources):

| | Potentially Significant Impact | Potentially Significant impact unless Mitigation incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| I. AESTHETICS. <i>Would the proposal:</i> | | | | |
| a) Have a substantial adverse effect on a scenic vista? (1, p III-24) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (3, p 2) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Create light or glare? (4, p 368) | <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? (2, p 368) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project will not have a substantial adverse effect on a scenic vista or substantially damage scenic resources since it is not located in an area designated as a scenic resource. Crestview Drive is a private road and not designated as a scenic highway. There will be a new source of light and glare from the possible future residential use per the tentative land division application. Although there is a potential for a new source of light or glare, the light impact to surrounding areas would not be considered significant, on parcels in a rural area. A residential use should not create a source of substantial light that will affect nighttime views in the area.

ENVIRONMENTAL ISSUES
(and Supporting Information Sources):

| Potentially Significant Impact | Potentially Significant impact unless Mitigation incorporated | Less than Significant Impact | No Impact |
|--------------------------------------|--|------------------------------------|--------------|
|--------------------------------------|--|------------------------------------|--------------|

II. AGRICULTURE RESOURCES: In determining whether impacts to agriculture resources are significant environmental effects, lead agencies may refer to the California Agriculture 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.

Would the proposal:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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-agriculture use? (1, p IV-6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agriculture use, or a Williamson Act Contract? (1, p II-18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agriculture use? (1, p IV-6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The applicants are requesting to divide their property, Lot 16 in Valley Hills Estates, into three (3) parcels of 5.6±, 8.7± and 12.46± acres. The total area requested to be divided is 26.76± acres. The surrounding properties all have the same zoning with parcel's ranging in size from 5 to 40± acres, some are developed with residences and some remain vacant land. There is no unique, active or prime agriculture land in the area. No active or prime farmland will be converted as a result of this project.

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.

Would the proposal:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? (3, p 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1, p VII-16,17) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (3, p 2) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? (3, p 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? (3, p 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed land division could increase internal combustion related emissions. However, such increases, including cumulatively, are minimal and would not violate any air quality standard, or create any adverse impact to the existing or projected local or regional air quality climate. No sensitive receptors to pollutants are located in the vicinity of the project site.

IV. BIOLOGICAL RESOURCES.

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? (1, p V-2) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 U. S. Fish and Wildlife Service? (1, p V-5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (1, p V-11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 impede the use of native wildlife nursery sites? (1, p IV-22) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ENVIRONMENTAL ISSUES

(and Supporting Information Sources):

| | Potentially Significant Impact | Potentially Significant impact unless Mitigation incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, p V-2) | <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? (1, p V-1,2) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project area is not located within an area identified in the General Plan Maps or by Fish & Game as having any threatened or endangered species. The surrounding parcels all have the same, identical zoning, some are developed with residences and others remain vacant land. The division of land application, of the 26.76± acre site, is undeveloped land at present and will not have a substantial adverse effect on the habitat or wildlife species.

V. CULTURAL RESOURCES.

Would the project:

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? (1, p V-14) | <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? (1, p V-12) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1, p V-14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? (1, p V-14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The General Plan Maps indicate the project site is located in a "Low" archeological sensitive zone. The proposed division of land will have no effect on cultural resources. No important cultural resources were found within the project site, therefore no additional work is required prior to applicants division of land completion. The Mi-Wuk Council was notified of the project and the County did not receive a response.

ENVIRONMENTAL ISSUES
(and Supporting Information Sources):

| Potentially Significant Impact | Potentially Significant impact unless Mitigation incorporated | Less than Significa nt Impact | No Impact |
|--------------------------------------|--|---|--------------|
|--------------------------------------|--|---|--------------|

VI. GEOLOGY AND SOILS PROBLEMS.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (1, p VII-1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? (1, p VII-3) | <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 spreading, subsidence, liquefaction or collapse? (1, p VII-3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in table 18- 1-B of the Uniform Building Code (1994) creating substantial risks to life or property? (1, p VII-1 & Appendix IV,p4-6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for disposal of wastewater? (1,p VII-1 & Appendix IV,p4-6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No specific seismic hazards have been identified for this site in the General Plan Slopes and Fault Zone map. While ground shaking could occur in the event of an earthquake, the intensity of the development within the surrounding area is low. Based on currently available information, neither surface faulting nor ground shaking should restrict the location of future land uses. The site is in an area identified as Soil Group 2, being gravelly, medium textured soils with sand and silt. The General Plan Map's Erosion Potential, for the project site, is designated as having a "low to moderate" erosion hazard designation.

VII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? (3, p 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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? (1, p VII-16) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school? (1, p VII-16 & 3, p 3) | <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 significant hazard to the public or the environment? (1, p VII-16) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (1, p VII-18 & Map II-3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (1, p VII-18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,p VII-11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (1, p VII-11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project will not create interference with emergency response plans. The application states there will be no potentially hazardous materials or toxic substances, flammables or explosives used, stored, manufactured, or disposed of at the site. There are no public, public use or private airports within two miles of the project site. The land division will not result in any hazardous or harmful conditions created that will affect the general public.

ENVIRONMENTAL ISSUES
(and Supporting Information Sources):

Poten- ly
Significant
Impact

Potentially
Significant
impact
unless
Mitigation
incorporated

Less than
Significant
Impact

No
Impact

VIII. HYDROLOGY AND WATER QUALITY.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? (3, p 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (3, p 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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, in a manner which would result in substantial erosion or siltation on or off site? (3, p 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (4, map) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (3, p 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? (3, p 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance rate map or other hazard delineation map? (4, map) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (4, map) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (1, p VII-12) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? (1, p VII-12) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project site is located in zone "X", which is an area determined to be outside the 500 year flood plain according to HUD/FEMA mapping criteria, September 5, 1990. There is no evidence that the project site land division will be detrimental to the general public. County Ordinance #2589 created Chapter 16.12, County Code, which sets forth standards for proof of ground water pertaining to land development. Two separate zones have been established based on water potential. Zone I designates zero to low ground water potential and Zone II designates moderate to high ground water potential. The project site is in a Zone I designated area, being "zero to low". The Environmental Health Department requires written proof of ground water availability from a Well Drillers Report or a Public Purveyor, prior to project approval. The Onsite Sewage Division in the Building Department reviews the onsite septic disposal systems.

IX. LAND USE AND PLANNING.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? (1, p II-29 & 2, p 299) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with applicable land use plan policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1, p I-4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (1, p II-18,20) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The applicants are requesting to divide their property, Lot 16 in Valley Hills Estates, into three (3) parcels of 5.6±, 8.7± and 12.46± acres. The total area requested to be divided, is 26.76± acres. The surrounding properties all have the same zoning, RA-5-PD (Residential Agriculture – 5 acre density – Planned Development), with parcel's ranging in size from 5 to 40± acres, some are developed with residences and some remain vacant land

ENVIRONMENTAL ISSUES
(and Supporting Information Sources):

| Potentially Significant Impact | Potentially Significant impact unless Mitigation incorporated | Less than Significant Impact | No Impact |
|--------------------------------------|--|------------------------------------|--------------|
|--------------------------------------|--|------------------------------------|--------------|

The project site will not divide an established community or conflict with any habitat conservation plan. The project is consistent with applicable policies of the General Plan and Title 17 of the Zoning code and is consistent with other existing zoning and general plan designations for the area. The project will not cause substantial adverse effects on human beings, either directly or indirectly. The project's conditions of approval are necessary to ensure the protection of the public health, safety and welfare.

X. MINERAL RESOURCES.

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of known mineral resource that would be of value to the region and the residents of the state? (1, p IV-11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of an availability of a locally important mineral resource recovery site delineated on a local general, specific plan or other land use plan? (1, p IV-15,16 & 3, p 29) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The land division will not directly result in any loss of mineral resources that are of value or are delineated on any Land Use plan. There are no known mineral resources on the site as designated by the General Plan Map which lists the site as MRA-1, (Unclassified). No important cultural resources were found within the project site and therefore no additional work is required prior to applicants division of land request completion.

XI. NOISE.

Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (3, p 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels (3, p 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (1, p VI-9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (3, p 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (3, p 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (3, p 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project will not increase or expose people to severe noise levels. When developed the parcel will increase the ambient noise level slightly above existing levels. However, construction of a driveway, infrastructure, and potential homes will temporarily increase noise levels in the vicinity, but the temporary nature will not become significant. There are no public, public use or private airports within two miles of the project site.

ENVIRONMENTAL ISSUES
(and Supporting Information Sources):

| Potentially Significant Impact | Potentially Significant impact unless Mitigation incorporated | Less than Significant Impact | No Impact |
|--------------------------------------|--|------------------------------------|--------------|
|--------------------------------------|--|------------------------------------|--------------|

XII. POPULATION AND HOUSING.

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (1, p VIII-1,2) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (2, p 299) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1, VIII-1-3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project falls within the level of development anticipated under the General Plan. The division of land in itself, will have little effect on local population projections and there will be no displacement of affordable housing. This division of land application is not considered significant, nor inconsistent with the anticipated growth under the General Plan.

XIII. PUBLIC SERVICES.

Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) 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: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Fire protection? (1, p VII-10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection? (1, p VII-18) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Schools? (1, p II-33) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Parks? (1, p V 15-17) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other public facilities? (1, p VII-18) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

All applicable public agencies were consulted during the project review period. No comments were received from the applicable Sheriff Department services. The subject parcel is within the Jenny Lind Water Improvement District No. 6, CCWD Resolution No 2000-71, which will provide service for one dwelling unit only. Water and Sewer are proposed to be supplied by individual well and individual on-site septic disposal systems for the parcels, to be approved by County Agencies prior to approval. Statutory school fees will be collected at the time a building permit is issued. There will be no significant adverse impacts created for any agency. The proposed land use, a division of land, fall's within the General Plan anticipated growth.

ENVIRONMENTAL ISSUES
(and Supporting Information Sources):

| Potentially Significant Impact | Potentially Significant impact unless Mitigation incorporated | Less than Significant Impact | No Impact |
|--------------------------------------|--|------------------------------------|--------------|
|--------------------------------------|--|------------------------------------|--------------|

XIV. RECREATION.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1, p V-17) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (1, p V-20,21) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The application is for a land division of Lot 16 into three (3) proposed parcels. The project site is currently vacant land. The project site is located approximately 7± miles westerly of the New Hogan Reservoir and approximately 9± miles easterly of the Camanche Reservoir, both being recreational facilities, which include boat launching facilities, group assembly and group or individual camping areas. The existing recreation facilities are adequate to accommodate the re-zoning application as submitted and will not create a demand for new facilities or parks or an expansion of existing recreational facilities, to be created. The proposed division of land application will have a less than significant effect on recreation facilities or sites.

XV. TRANSPORTATION/TRAFFIC.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. < result in a substantial increase in either the number of vehicle trips, volume to capacity ratio on roads, or congestion at intersections)? (3, p 4,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (3, p 4,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1, p III-24) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1, p III-12-13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? (1, p III-1-5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? (2, p 408-47,48) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (1, p III 27 -30) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project proposal will not significantly increase vehicle trips. There is an existing road system that serves the project. The project is within an area served by roads in Refunding Improvement District 2000 that superseded Improvement District 90-1, Valley Hills Estates. Furthermore, the applicant will be required to amend the Assessment Diagram before the final map is recorded. The project has been conditioned to ensure compliance with the County Road Ordinance. There will be no significant adverse impacts created by this division of land, which falls within the General Plan anticipated development of growth.

XVI. UTILITIES AND SERVICE SYSTEMS.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (3, p 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (3, p 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (3, p 4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (3, p 4,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ENVIRONMENTAL ISSUES

(and Supporting Information Sources):

| | Potential Significant Impact | Potentially Significant impact unless Mitigation incorporated | Less than Significant Impact | No Impact |
|--|------------------------------------|--|------------------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (3, p4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (3, p4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? (3, p4, 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Applicable public agencies were consulted during the project land division review period. No adverse comments were received from the applicable public agencies. Existing electrical and telephone services by the appropriate Public Utility will serve the project site, if required, when permits are applied for. The proposed rezoning application will have little effect upon the utilities and service systems per this permit application.

The subject parcel is within the Jenny Lind Water Improvement District No. 6, CCWD Resolution No 2000-71, which will provide service for one dwelling unit only. Water and Sewer are proposed to be supplied by individual well and individual on-site septic disposal systems for the parcels, to be approved by County Agencies prior to approval. There will be no significant adverse impacts created for any agency. The proposed land use, a division of land, falls within the General Plan anticipated development.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |

The applicants are requesting to divide their property, Lot 16 in Valley Hills Estates, into three (3) parcels of 5.6±, 8.7± and 12.46± acres. The total area requested to be divided, is 26.76± acres. The surrounding properties all have the same zoning, RA-5-PD (Residential Agriculture – 5 acre density – Planned Development), with parcel's ranging in size from 5 to 40± acres, some are developed with residences and some remain vacant land

The project will have a less than significant impact on the quality of the environment as the project consists of a minor division of land. There are no known rare or endangered plant or wildlife species on the project site. The project, while adding slightly to the cumulative incremental effects in the area, is in compliance with the General Plan and Zoning Ordinances. The project, as conditioned, will reduce any probable impacts to levels of insignificance. All applicable public agencies responded, finding no substantial evidence of adverse significance that will be created by this project. The project will not cause substantial adverse effects on human beings, either directly or indirectly. The project's conditions of approval are necessary to ensure the protection of the public health, safety and welfare.

DETERMINATION


On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Don Ratzlaff, Planner II
Calaveras County Planning Department



Date

CALAVERAS COUNTY PLANNING DEPARTMENT
891 Mountain Ranch Road, San Andreas, CA 95249 (209) 754-6394

NEGATIVE DECLARATION

PROJECT NO.: 2003-33 TENTATIVE PARCEL MAP

DEVELOPER / APPLICANT:

MR. & MRS. KURT COSGROVE & MR. JERRY FREY
3016 Crestview Drive
Valley Springs, Calif. 95249

AGENT:

JEFFRIES ENGINEERS
Robert Bliss
P.O. Box 111
San Andreas, Calif. 95249

PROPOSAL:

The applicants are requesting to divide their property, being A 26.76± acre parcel of land, as shown in Book 5 of Subdivisions at Page 57, as Lot 16, into 3 parcels of 8.7±, 5.6± and 12.46± acres. The property is zoned RA-5-PD and is currently vacant land.

LOCATION:

From the townsite of Burson on Hwy 12, proceed southerly on Burson Road for approximately 1½± miles to Hillvale Drive. Turn left and go easterly on Hillvale Drive for approximately 1½± miles to where the road turns into Crestview Drive. Proceed for 0.70± mile to the project site on the westerly side of Crestview Drive, approximately, 300 feet from the end of the road. The property is APN 48-051-05, being a portion of the North ½ of Section 34, T.4N., R.10E., M.D.B. 7 M.

GENERAL PLAN DESIGNATION:

COMMUNITY DEVELOPMENT LANDS – F.S.F.R. - (Future Single Family Residential)

FINDING FOR A 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 not substantial evidence in the record, including the initial study, written correspondence and testimony received during the public hearing, that the project will have a significant effect on the environment.

Attachment #4

Recorded Parcel Map 11-180

LEGEND

- 5/8" REBAR TAGGED L.S. 4222, SET THIS SURVEY. OR AS NOTED.
- FOUND 3/4" REBAR TAGGED L.S. 4626 PER P.M. 5-115 AND/OR P.M. 4-82.
- ◆ FOUND 3/4" REBAR TAGGED L.S. 4626 PER. SUB. 5-57.
- (R&M) RECORD AND MEASURED PER P.M. 5-115.
- (R1) RECORD PER PER P.M. 5-115.
- (M) MEASURED.
- (r) RADIAL BEARING.

B.O.B. A COURSE OF N 36°21'24" E, FOR THE WESTERLY LINE OF LOT 16, AS SHOWN IN BK. 5, PG. 57, SUBD. MAPS CALAVERAS CO. RECORDS, IS USED AS THE BASIS OF BEARINGS.

PARCEL MAP

OF

LOT 16 OF VALLEY HILLS ESTATES RE-SUBDIVISION, AND BEING A PORTION OF THE NORTH 1/2 OF SECTION 34, T.4 N., R.10 E., M.D.M.

CALAVERAS COUNTY, CALIFORNIA

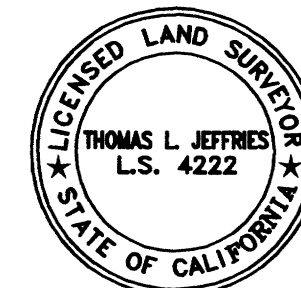
MARCH 2005

PREPARED BY: JEFFRIES ENGINEERS, INC.
146 WEST SAINT CHARLES ST.
SAN ANDREAS, CA. 95249

PREPARED FOR: JERRY D. FREY
KURT W. COSGROVE
CECELIA L. COSGROVE

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF JERRY FREY IN JANUARY 2004. I HEREBY STATE THAT THIS PARCEL MAP CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE PARCEL MAP, NO. 03-33. THAT ALL MONUMENTS SHOWN ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



Thomas L. Jeffries
THOMAS L. JEFFRIES L.S. 4222
lic. exp. 6/30/2008

PUBLIC WORKS DIRECTOR'S STATEMENT

ALL OFFERS OF DEDICATION FOR PUBLIC UTILITY AND ACCESS, EASEMENTS THAT APPEAR ON THIS MAP ARE HEREBY ACCEPTED FOR THE PUBLIC.

Robert K. Houghton
DIRECTOR OF PUBLIC WORKS,
ROBERT K. HOUGHTON
R.C.E. 49202

COUNTY SURVEYORS STATEMENT

I, BRUCE R. CHILD JR., THE COUNTY SURVEYOR OF CALAVERAS COUNTY, CALIFORNIA, HAVE EXAMINED THIS PARCEL MAP AND HEREBY STATE THAT THIS SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON TENTATIVE PARCEL MAP NO. 03-33 AND ANY APPROVED ALTERATIONS THEREOF AND ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THE MAP IS TECHNICALLY CORRECT.

COUNTY SURVEYOR

Bruce R. Child Jr.
BRUCE R. CHILD JR.
L.S. 5889

INUNDATION STATEMENT

THERE ARE NO AREAS OF INUNDATION ON THIS MAP.

Robert J. Bliss
ROBERT J. BLISS
R.C.E. 24569

COUNTY RECORDER'S STATEMENT

FILED THIS 15th DAY OF JUNE, 2005
AT 9:02 AM. IN BOOK 11 OF PARCEL MAPS
AT PAGE 180 AT THE REQUEST OF
THE CALAVERAS COUNTY SURVEYOR,
DOCUMENT NO. 2005-13094

Karen Varni
KAREN VARNI
COUNTY RECORDER

NOTARY'S CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF Calaveras

ON 4-25-05 BEFORE ME, B. Rodriguez,

PERSONALLY APPEARED Cecelia L. Cosgrove and Kurt W. Cosgrove PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND.

B. Rodriguez
NOTARY PUBLIC

3-18-18

MY COMMISSION EXPIRES

COMMISSION NO. 1477355

NOTARY'S CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF Calaveras

ON 4-25-05 BEFORE ME, B. Rodriguez,

PERSONALLY APPEARED Jerry D. Frey PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND.

B. Rodriguez
NOTARY PUBLIC

3-18-18

MY COMMISSION EXPIRES

COMMISSION NO. 1477355

OWNER'S STATEMENT

THE UNDERSIGNED BEING THE PARTY(IES) HOLDING A RECORD TITLE INTEREST IN THE LANDS SHOWN ON THIS MAP. HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP. AND HEREBY IRREVOCABLY AND IN PERPETUITY OFFER FOR DEDICATION TO THE PUBLIC FOR PUBLIC USE, ANY AND ALL EASEMENTS AND RIGHTS-OF-WAY THAT APPEAR ON THIS MAP, EXCEPT THOSE DESIGNATED HERESON AS PRIVATE.

JERRY D. FREY - OWNER
KURT W. COSGROVE - OWNER
CECELIA L. COSGROVE - OWNER

SCALE: 1" = 100'

PARCEL #3
13.5 AC.

Note:

THE FOLLOWING SHALL BE COMPLETED AT THE TIME OF THE NEXT PERMIT OR OTHER GRANT OF APPROVAL FOR EACH PARCEL DEVELOPED, T.P.M. # 03-33 CONDITIONS OF APPROVALS

- # 111-1, Improve the access road from Crestview Drive R.O.W. to proposed Parcel 3 along the existing road to a Local Road Template "F," 24' wide paved surface with 2" A.C. and 4" Class 2 A.B.
- # 111-2, Construct a turning circle in accordance with Section 12.02.230 at Parcel 1, with a roadbed diameter of 84 feet. A hammerhead, constructed to County Standard Detail, may be used as an alternate to a turning circle with concurrence of the responsible fire protection agency.
- # 111-3, Improve the existing encroachment for Crestview Drive to County Road Standards of a Local Approach.
- # 111-4, Provide road name sign for the access road.
- # 111-13 The proposed access for Parcel 3 shares access with Parcels 1 and 2 will require the construction of a Local Road from the easterly boundary of Parcel 3 to Crestview Drive. A local road approach will need to be constructed for the intersection of the access road with Crestview Drive.

N73°28'39"W 815.05' (R1)
N73°28'39"W 815.03' (M)

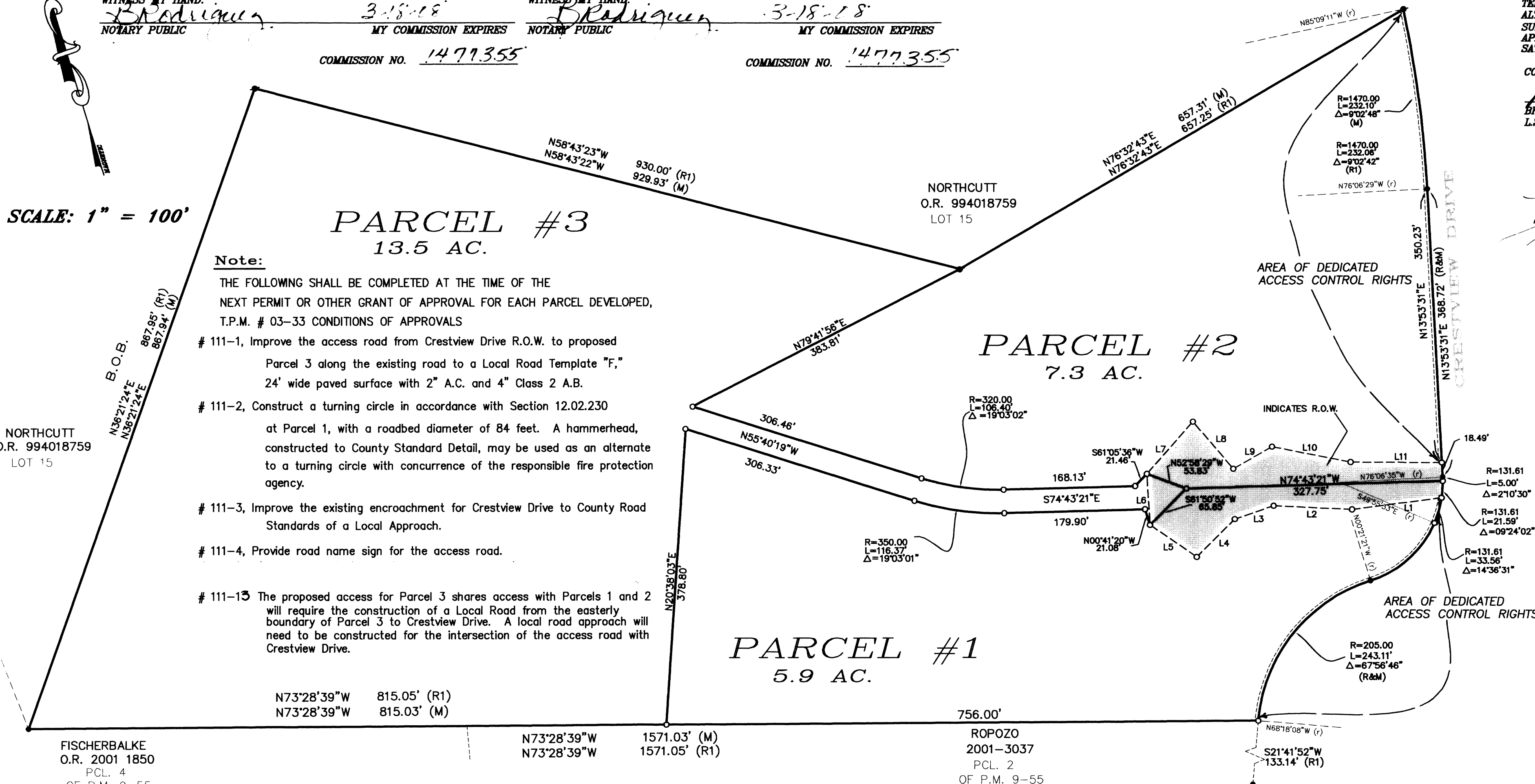
N73°28'39"W 1571.03' (M)
N73°28'39"W 1571.05' (R1)

FISCHERBALKE
O.R. 2001 1850
PCL. 4
OF P.M. 9-55

ROPOZO
2001-3037
PCL. 2
OF P.M. 9-55

PARCEL #1
5.9 AC.

PARCEL #2
7.3 AC.



| LINE DATA | | |
|-----------|-------------|---------|
| L1 | N80°27'47"W | 115.59' |
| L2 | N70°20'23"W | 100.29' |
| L3 | S87°50'21"W | 52.41' |
| L4 | S82°04'51"W | 68.59' |
| L5 | N38°33'49"W | 72.46' |
| L6 | N13°21'47"E | 65.25' |
| L7 | N58°15'22"E | 89.00' |
| L8 | S23°41'43"E | 79.51' |
| L9 | N77°07'47"E | 56.71' |
| L10 | S61°58'31"E | 102.53' |
| L11 | S72°48'27"E | 116.66' |

Book 11 Page 180

Attachment #5

PC Resolution No. 03-68 Approving TPM 2003-33

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 03-68

>>A RESOLUTION RECOMMENDING THE PLANNING COMMISSION APPROVE 2003-33 TENTATIVE PARCEL MAP TO DIVIDE 26.76± ACRE INTO 3 PARCELS OF 8.7±, 5.6± AND 12.46± ACRES.

WHEREAS, the Planning Department of the County of Calaveras received an application from Jerry Frey & Kurt Cecelia, requesting approval of a Tentative Parcel Map to divide 26.76± acre into 3 parcels of 8.7±, 5.6± and 12.46± acres; and

WHEREAS, the Planning Commission set consideration of the project request pursuant to the Calaveras County Zoning Code, Titles 16 and 17, 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 more particularly described as a portion of APN 48-051-005; and

WHEREAS, the Planning Commission considered all of the information presented to it including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting; and

BE IT THEREFORE RESOLVED, that the Planning Commission recommends approval of the Tentative Parcel Map based upon the following findings:

1. A Negative Declaration has been adopted by the Planning Commission.
2. The proposed land division is physically suitable for the requested parcels sizes, and the design of the proposed land division or its improvements will not cause serious health problems.

Evidence: The subject property is located within the General Plan designated as Future Single Family Residential that allows 5 acre minimum parcel sizes to be established based on well and on-site septic sewer disposal.

3. The proposed land division is consistent with the requirements of the County Subdivision Code.

Evidence: The proposed land division shall comply with Title 16 of the Calaveras County Subdivision Code. The tentative parcel map as proposed, complies with County Code and conditions that were added to assure compliance, after review by all County agencies.

4. The proposed land division is consistent with applicable policies of the Zoning Code.

Evidence: The proposed land division shall comply with Site Development Standards of the RA-5-PD zone, as well as pertinent County Zoning Code sections. The proposal is consistent with density requirements of the RA-5-PD Zoning District and will meet health and safety requirements, as conditioned, prior to recording the final parcel map.

5. Conditions of project approval are those necessary to protect the interests of prospective property owners or those necessary to protect the broader interests of the general public and its health, safety and welfare.

Evidence: The proposed land division shall comply with Goal II-13 of the General Plan to ensure that future single-family residential land divisions or increased density occur on land capable of supporting such land use. The proposal has been conditioned by Public Works per the County Road Ordinance, conditions numbered, III-1 through III-14; by the Environmental Health Dept., Calaveras County Water Dist. and Planning Department, to ensure that the general public health, safety and welfare are protected.

BE IT FURTHER RESOLVED, that the Planning Commission approves the Tentative Parcel Map based on the following conditions; and

I. GENERAL CONDITIONS:

- I-1. The Applicant shall defend, indemnify, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul the County's approval of Applicant's project, if any. The County agrees to promptly notify the Applicant of said any claim, action, or proceeding against the County or its agents, officers and employees. If the County fails to promptly notify the Applicant, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. Nothing shall prohibit the County from participating in the defense of any claim, action, or proceeding, if the County bears its own attorney's fees and costs and the County defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.
- I-2. The parcel map shall substantially conform to Tentative Parcel Map 2003-33 as submitted, and approved by the Planning Commission.
- I-3. The applicant shall meet the requirements of the Calaveras County Subdivision Ordinance.
- I-4. The parcel's, at a minimum, shall be 5 acres or more in size.
- I-5. The maximum number of parcels created by the parcel map shall not exceed three (3).
- I-6. This parcel map shall not be filed with the Recorder until the fifteen (15) day appeal period has expired on August 1, 2003, at 5:00 PM. In the event of an appeal, this map shall be withheld until the conclusion of the appeal process.
- I-7. The parcel map shall be filed with the Calaveras County Surveyor within thirty-six (36) months. If the map is not filed by July 17, 2006, the tentative map shall expire.
- I-8. Any application to extend the filing period for this map shall be received by the Calaveras County Planning Department prior to the original expiration date.
- I-9. Prior to recordation of the parcel map, the subdivider shall provide proof to the County Surveyor, that there are no liens against the property or any part thereof for taxes or special assessments currently due.

II. PLANNING DEPARTMENT CONDITIONS:

Prior to recordation of the final map the applicant shall provide proof to the Planning Department, that the administration fee for the California Department of Fish and Game, Certificate of Fee Exemption, De minimis Impact Finding, payable to the County Clerk has been paid.

III. COUNTY ROAD ORDINANCE (CHAPTER 12.02) CONDITIONS:

Prior to the recordation of the parcel map, the subdivider shall meet the requirements of the Calaveras County Road Ordinance as follows, to be approved by the Public Works Director:

A note shall be placed on the Parcel Map that, "The following shall be completed at the time of the next permit or other grant of approval for parcel development:" if the applicant does not provide improvements prior to filing of the Parcel Map. List the improvement(s) to be deferred.

- III-1 Improve the access road from Crestview Drive R.O.W. to proposed Parcel 3 along the existing road to a Local Road Template "F," 24' wide paved surface with 2" A.C. and 4" Class 2 A.B.
- III-2. Construct a turning circle in accordance with Section 12.02.230 at Parcel 1, with a roadbed diameter of 84 feet. A hammerhead, constructed to County Standard Detail, may be used as an alternate to a turning circle with concurrence of the responsible fire protection agency.
- III-3. Improve the existing encroachment for Crestview Drive to County Road Standards of a Local Approach.
- III-4. Provide road name sign for the access road.
- III-5. Prepare and process an Amended Assessment Diagram for Assessment R-18.
- III-6. Submit Improvement Plans prepared by a registered civil engineer and approved by Calaveras County Public Works Department.
- III-7. All other Road Ordinance requirements are to be met, such as, but not limited to, design speed, horizontal curves, stopping distance, vertical curves, crown, fill and cut slopes, ditch slopes and depths, gradients and drainage, plans and specifications, testing, inspections, clean up and bonding.

Provide a minimum 50' wide road and P.U.E. for the access road from Crestview Drive R.O.W. to proposed Parcel 3.
- III-8. Dedicate the access control rights to the County for site frontage on Crestview Drive except where the access road encroachment occurs.

- III-9. All public utility easements are to be offered for dedication to the Public and delineated on the final map.
- III-10. All existing and proposed easements are to be shown on the final map.
- III-11. Delineate areas of inundation from a 100-year storm event on the map or a statement made by a Registered Civil Engineer that there are no areas subject to inundation. Provide supporting calculations.
- III-12. A declaration is to be signed by the applicant creating a road maintenance agreement for the access road to proposed Parcel 3.
- III-13. The proposed access for Parcel 3 shares access with Parcels 1 and 2 and will require the construction of a Local Road from the easterly boundary of Parcel 3 to Crestview Drive. A local road approach will need to be constructed for the intersection of the access road with Crestview Drive.

IV. OTHER DEPARTMENT/AGENCY CONDITIONS:

Environmental Health Department

Prior to recordation of the parcel map, the subdivider shall submit a letter to the Planning Department from the Environmental Health Department stating the following conditions have been satisfied:

- IV-1. On each proposed undeveloped parcel the applicant shall submit information that an adequate liquid waste disposal method can be completed by one of the following:
 - A. A written statement from a public water or sanitation district indicating sewer service will be provided to each parcel and the terms for the same, or
 - B. A written approval from the County Building Department that the waste disposal requirements of "acceptable individual waste disposal systems" has been completed pursuant to Ordinance # 2250. The applicant should contact the Building Department regarding the land use approval process for individual waste disposal systems.
- IV -2 On each proposed undeveloped parcel which is not served by an existing domestic water supply, the applicant shall submit information that an adequate water supply can be developed as evidenced by one of the following:
 - A. A statement from a public water purveyor indicating water will be provided to each parcel and the terms for the same, or
 - B. Submit a minimum of two complete Water Well Driller Reports, with the required pump test (min 5 gpm for 4 hrs.), within 1320 feet or the proposed property line for each proposed parcel. For existing wells, a 4 hr. pump test must be conducted by a licensed well driller and results submitted to this office on well drillers letter head. Water must be potable. The well (s) will require a bacteriological and nitrate test

by a state certified lab. A well statement may be prepared and submitted for review by a licensed well driller in lieu of 'Well Driller Reports; or

- C. Development of a well on the parcel being developed with the required pump test. This well can serve as proof of ground water to all proposed parcels within 1320 feet. Water must be potable. The new well (s) will require bacteriological and nitrate test by a state certified lab.

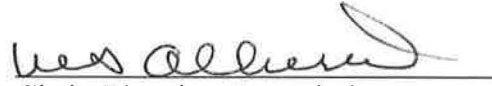
CALAVERAS COUNTY WATER DISTRICT

Prior to recordation of the parcel map, the subdivider shall submit a letter to the Planning Department from the Calaveras County Water District stating the following conditions have been satisfied:

- IV-3. The applicant shall amend Jenny Lind Water Improvement District No. 6, CCWD Resolution No 2000-71 to show the parcel(s) that will receive the benefit of being included in the improvement district

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on July 17, 2003 on a motion by Commissioner Hodgson and seconded by Commissioner Dell'Orto.

AYES: Allured, Dell'Orto, Kuehl, Mason, Hodgson
NOES None
ABSENT: None
ABSTAIN: None


Chair, Planning Commission

ATTEST:

Don Ratzlaff, Planner II

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.