



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

Planning Commission Staff Report

Hearing Date	November 9 th , 2023
Project Number/Name	2022-039 & 2022-040 GPA & ZA for Dorene & Steven Humason
Supervisory District Number	District 3 – Martin Huberty
Assessor's Parcel Number(s)	068-020-065
Planner	Katherine Stefani, Planner II

Date October 27th, 2023

APPLICANT/LANDOWNER Dorene & Steven Humason, 805 Morton Way, Folsom, CA 95630

PROJECT DESCRIPTION The application proposes to amend the General Plan land use designation and zoning of a 0.31-acre parcel on Mitchler Avenue in Murphys from Commercial (C) to Residential Medium Density (RMD), and Professional Offices (CP) to Multi-Family Residential (R3), respectively.

LOCATION The subject parcel is a 0.31-acre lot located at 73 Mitchler Avenue, Murphys. APN 068-020-065 is a portion of Section 05, T03N, R14E, MDM.

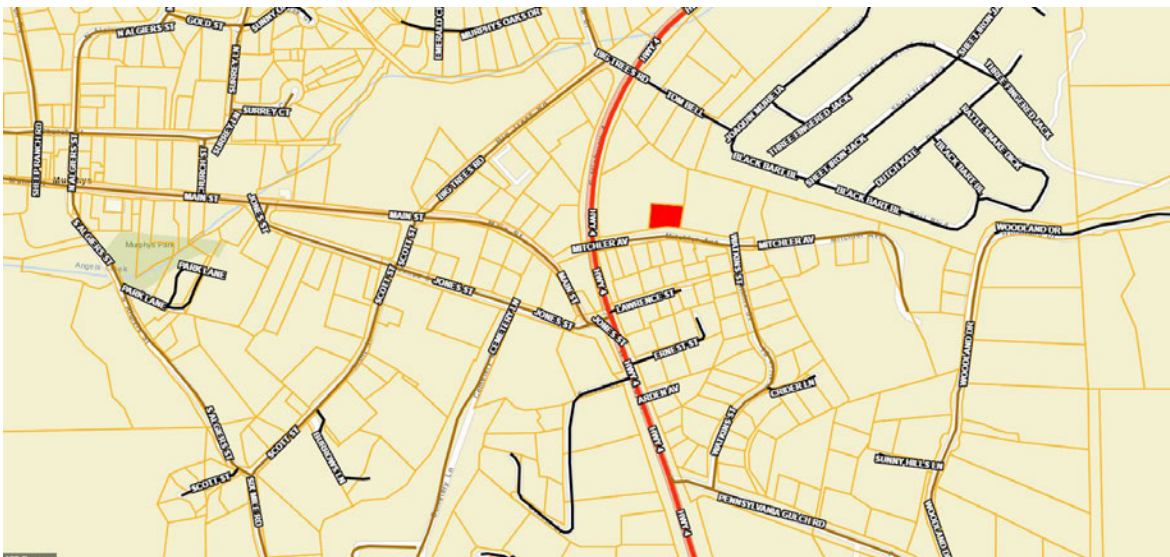


Figure 1 - Location Map

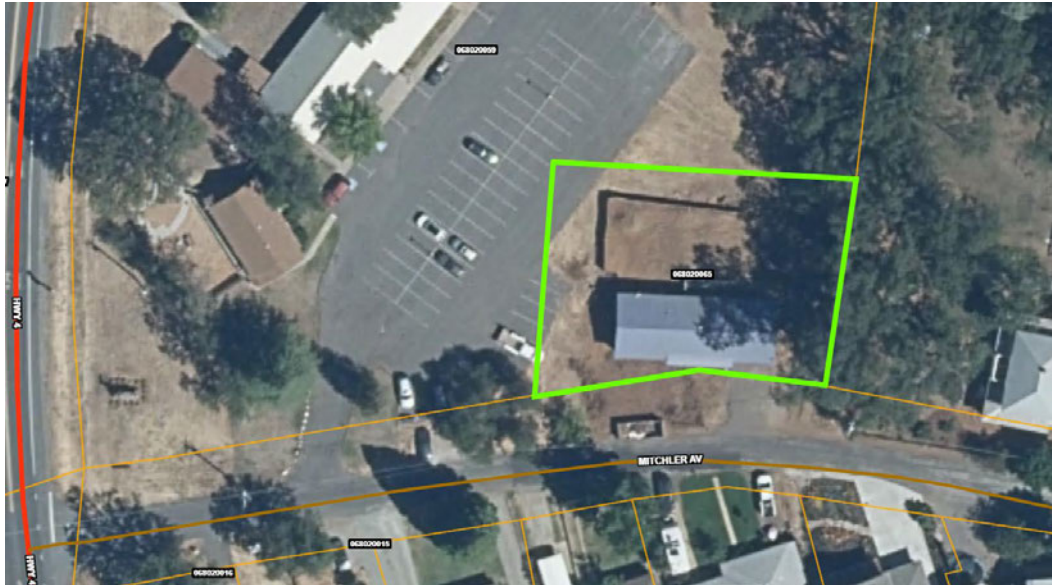


Figure 2 - Aerial Photo (green boundary lines are approximate)

ADJACENT LAND USES AND ZONING

	General Plan Designation	Zoning
North	Commercial	CP (Professional Offices), C2 (General Commercial)
South	Residential Low Density	R1-10,000 (Single-Family Residential, 10,000 Square Feet Per Dwelling Unit)
East	Residential Medium Density	R3-3,600 (Multiple-Family Residential, 3,600 Square Feet Per Dwelling Unit)
West	Commercial, Community Center	CP (Professional Offices), C1 (Local Commercial), C2 (General Commercial)

GENERAL LAND USE PLAN DESIGNATION

The subject parcel is currently designated in the County General Plan as Commercial and is within the Murphys Community Plan Area. The proposed land use designation is Residential Medium Density (RMD). The RMD designation identifies a mix of residential uses in areas with public water and sewer service. Typical uses include single- and multi-family units (e.g., duplexes, condominiums, townhouses, apartments), other residential communities (e.g., mobile home parks, cooperative housing, retirement communities), public and quasi-public uses (e.g., school, library, park), and other similar and compatible uses. The RMD designation has a minimum density of 6 dwelling units per acre for parcels with both public water and public sewer available and a maximum density of 12 dwelling units per acre. Compatible zones within the RMD designation include Single-Family Residential (R1), Two-Family Residential (R2), Multiple-Family Residential (R3), Recreation (REC), and Public Service (PS).

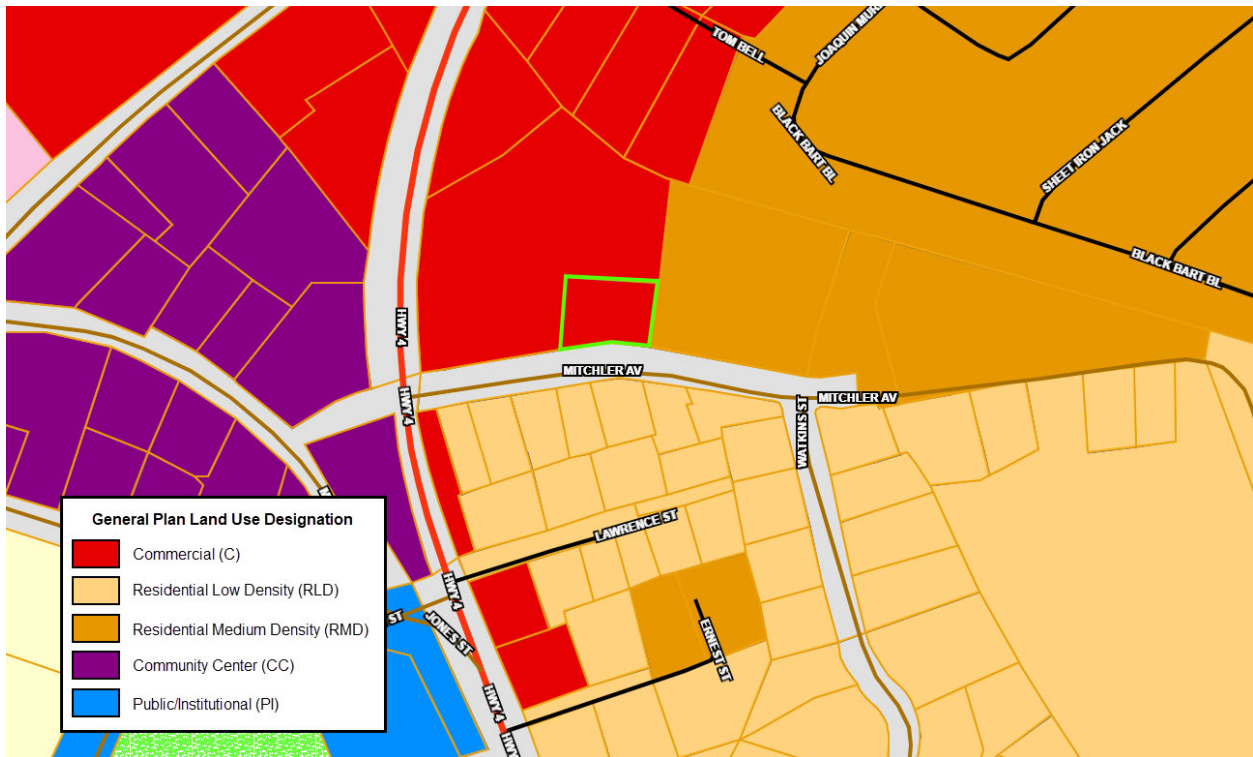


Figure 3 - Current Land Use Designation (subject parcel outlined in green)

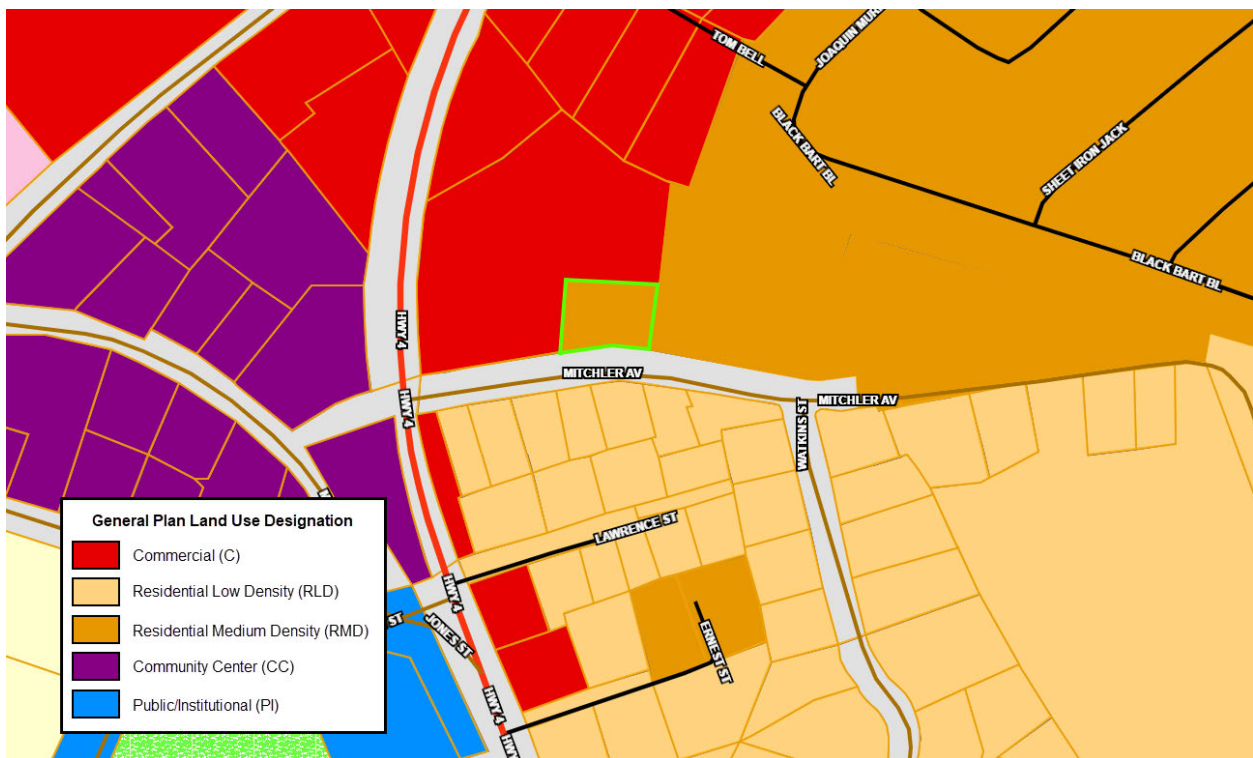


Figure 4 - Proposed Land Use Designation (subject parcel outlined in green)

PROPOSED ZONING

The subject parcel is currently zoned Professional Offices (CP), a commercial zone intended to provide locations for professional offices. Although the CP zone allows for residential uses subordinate to a permitted principal, the CP and the proposed Multiple-Family Residential (R3) zones are intended for much different land uses. The R3 zone is intended to provide land for apartments, condominiums, planned unit developments, townhouses, and other high-density land uses. Such a zone is designated to be located where commercial services, recreation facilities, and public services are located within a reasonable distance. The parcel is located near a shopping center providing commercial services and professional offices, and has both public water and sewer available. The subject parcel is currently developed with a single-family residence, a permitted use in the R3 zone.

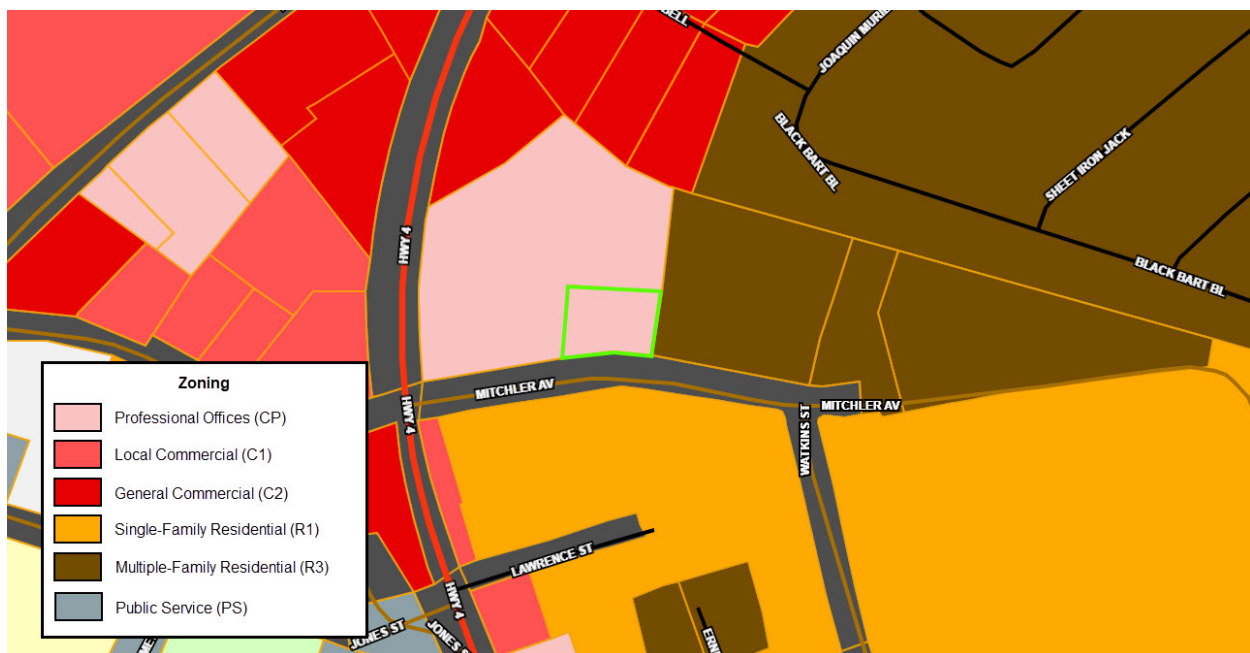


Figure 5 - Current Zoning (subject parcel outlined in green)

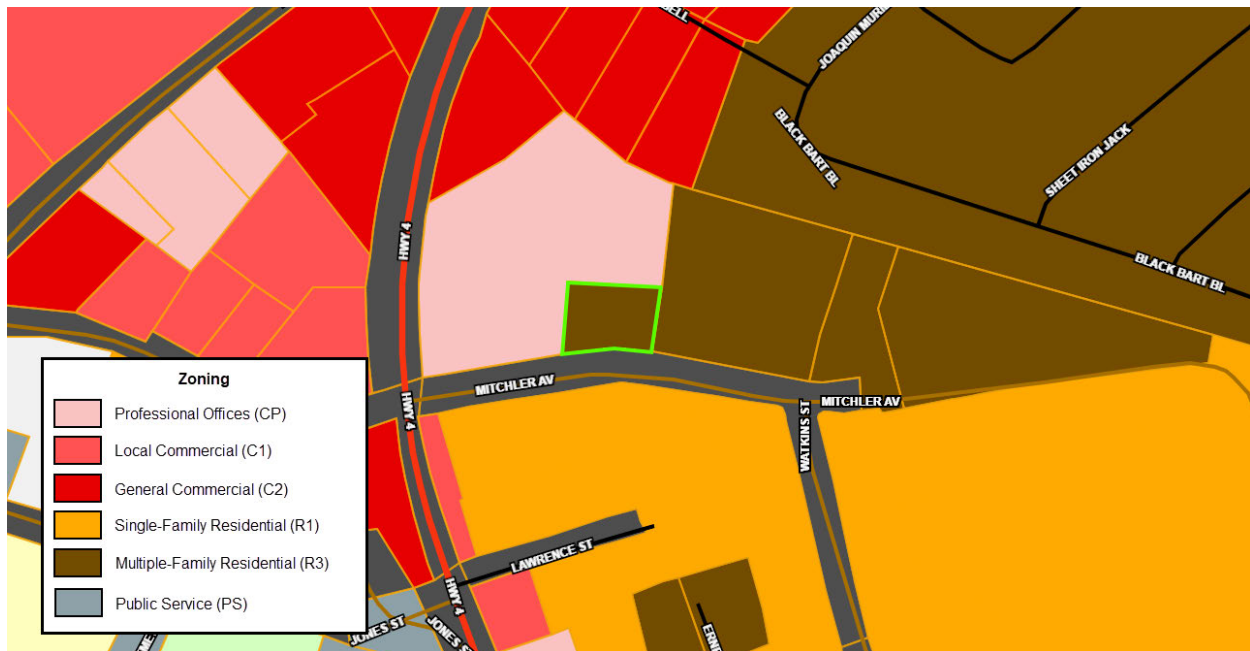


Figure 6 - Proposed Zoning (subject parcel outlined in green)

ENVIRONMENTAL SETTING

The parcel contains a single-family residence and is largely void of native vegetation as the lot has been cleared and landscaped. Topography is generally flat with slight sloping down to the west. There are trees in the surrounding area, but many parcels in the general area have been landscaped in conjunction with homes or developed commercially. Angels Creek is approximately 800 feet north of the parcel and the closest flood zone is nearly 500 feet to the north. The parcel is located within the jurisdiction of the Murphys Fire Protection District. Both the local fire district and CalFire work together to provide mutual aid for structure fires and wildland fires alike. The general vicinity is designated as being in a high/very high fire severity zone. The property is served by both public water and public wastewater.

ANALYSIS

The subject parcel is currently zoned CP and is developed with a single-family residence (SFR). The CP zone is intended to provide locations for professional offices, administrative offices, and conditionally permitted residential complexes in a compatible environment. A SFR without a permitted primary use on-site is a conditional use in the CP zone. County records show the SFR was constructed in 1986 when the parcel was zoned Multiple-Family Residential with a density of one dwelling unit per 3,600 square feet (R3-3,600). Sometime after the construction of the SFR, the zoning of the property was changed to CP. Because the zoning was changed after construction, there is no Conditional Use Permit (CUP), and the use is now deemed nonconforming. If rezoned from CP to R3, the SFR would be a permitted use in the new zone (R3), and the owners would be able to enlarge, extend, and reconstruct the SFR in the same manner as other homeowners in the area without needing discretionary approval from the Planning

Commission as required for nonconforming uses and structures. As previously stated, a SFR is a permitted use in the R3 zone and although an amendment to R3 would allow the potential development of 3 multiple-family residential units, no such development is proposed at this time.

General Plan Consistency

A GPA is necessary in conjunction with the ZA as the Multiple-Family Residential (R3) zone is not compatible with the current Commercial General Plan land use designation of the parcel. The proposed GPA to Residential Medium Density (RMD) will result in the subject parcel's land use designation being consistent with the proposed zoning (R3) for the parcel. The RMD designation does not have a minimum parcel size but does have a minimum and maximum building density requirement of 6-12 dwelling units per acre. The minimum density requirement applies to parcels with public water and public wastewater services, and the parcel is within the Union Public Utility District service area for water and the Murphys Sanitary District service area for sewer. At 0.31 acres, the minimum building density for the subject parcel is 1 (one) dwelling unit; therefore, the parcel meets the density requirements for the RMD designation. The GPA and ZA will also result in the current use on the parcel, a single-family residence, becoming consistent with the land use designation. There are no General Plan goals or policies that specifically apply to the proposed project. The subject parcel is also within the boundary of the Murphys Community Area; however, Murphys has no adopted community goals or policies.

Surrounding Land Use and Zoning

The surrounding area has a mix of land uses consisting of commercial, residential, and public service zoned parcels. Parcels immediately to the north and west of subject parcel are zoned CP, C1, and C2 consisting of commercial uses including the Faith Lutheran Church, a gas station, the Sierra Hills Market, the Murphys Inn Motel, and various other commercial uses. The Murphys Diggins Mobile Home Park, zoned R3-3,600-MH, is located further north of the subject property. Across Highway 4, to the southwest are two parcels zoned PS, which house the Murphys Fire Protection District station. Parcels immediately to the south are zoned R1-10,000 and consist of single-family residences. This residential area extends to Pennsylvania Gulch Road. Within the R1-10,000 (Single-Family Residential, 10,000 square feet per dwelling unit) parcels are two R3-3,600 (Multi-Family Residential, 3,600 square feet per dwelling unit) parcels, both of which are approximately a third of an acre and are each developed with a fourplex. Immediately to the west are three parcels zoned R3 developed with single-family residences and duplexes.

The County General Plan designation pattern closely follows that of the zoning. The General Plan designates the land to the commercial properties north and northwest of the subject parcel as Commercial and Community Center. The residentially zoned parcels are designated Residential Low Density when zoned R1 and Residential Medium Density when zoned R3.

Biological Resources

The California Natural Diversity Database identifies the designated area for special status species such as the Stanislaus monkeyflower, yellow-lip pansy monkeyflower, western bumble bee, and copper-flowered bird's foot trefoil, as 2 miles in diameter and encompassing the entirety of the Murphys Community Area. The proposed rezone to R3 could potentially allow the construction of 3 multi-family residential units, although no construction is currently proposed. More importantly, the parcel is currently developed with a single-family residence and the surrounding area is heavily developed with a church and associated parking lot, commercial services such as a gas station, and several residential dwelling units. If the subject parcel is developed fully under the proposed R3 zone, the impact to any candidate, sensitive, or special-status species is anticipated to be less than significant because of the size of the parcel (0.31 acres), and the site is already developed with structures and landscaping. The parcel is not located in any designated critical habitat areas of the County. The subject parcel is also located approximately 800 feet south of Angels Creek, but no known riparian habitat or wetlands exist on the subject parcel.

Comments

The GPA and ZA application was routed for 30 days to various County departments, local public agencies, and State agencies. A "No Comment" response was received from the Calaveras County Public Works Department, the Building Department, and Fire Prevention. The Environmental Management Agency commented that proper waste disposal, potable water, and sewage services be secured and active. Additionally, the Notice of Public Hearing has been sent to property owners within 300 feet of the subject property pursuant to Government Code § 65091.

ENVIRONMENTAL REVIEW

An Initial Study was completed analyzing project related impacts to the environment and a Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), finding less than significant project related impacts. The environmental document was available for public review from July 11, 2023, through August 10, 2023. Three letters were received from the California Department of Transportation (Caltrans), the Central Valley Regional Water Quality Control Board (CVRWQCB), and a neighboring property owner. Caltrans and CVRWQCB both submitted standard response letters that did not address specific environmental concerns. The letter from the neighboring property owner did not raise concerns about the environmental document but stated that they believed the property should be zoned Single-Family Residential (R1), not Multiple-Family Residential (R3). No comments were received regarding environmental impacts, substantiating findings that the project will have less than significant impacts.

CONCLUSION

In conclusion, staff finds the proposed General Plan Amendment to RMD and Zoning Amendment to R3 consistent with the General Plan and compatible with surrounding land

uses and zoning. The project, as proposed, will not have a significant effect on the environment. The proposed zone and land use designation are consistent with the current use of the property and the R3 zone is a more appropriate zone for the parcel due to the existing residential use.

RECOMMENDATION: Staff recommends the Planning Commission take the following action:

1. Approve the Initial Study/Negative Declaration and recommend the same to the Board of Supervisors; and
2. Approve Resolution 2023-015 recommending the Board of Supervisors amend the General Plan land use designation of APN 065-020-065 from Commercial (C) to Residential Medium Density (RMD); and
3. Approve Resolution 2023-016 recommending the Board of Supervisors amend the zoning of APN 065-020-065 from Professional Office (CP) to Multiple-Family Residential (R3).

ATTACHMENTS

1. Draft Planning Commission Resolutions 2023-015 and 2023-016
2. Initial Study/Negative Declaration
3. Application
4. Assessor's Parcel Map

Attachment #1

Draft Planning Commission Resolutions
2023-015 & 2023-016

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

RESOLUTION NO. 2023-015

>>A RESOLUTION APPROVING A NEGATIVE DECLARATION, AND AMENDMENT OF THE GENERAL PLAN LAND USE DESIGNATION OF APN 068-020-065 FROM COMMERCIAL (C) TO RESIDENTIAL MEDIUM DENSITY (RMD), AND RECOMMENDING THE BOARD OF SUPERVISORS APPROVE THE SAME ACTIONS

WHEREAS, the Planning Department of the County of Calaveras received application 2022-039 from Dorene and Steve Humason to amend the General Plan land use designation of a 0.31-acre parcel from Commercial (C) to Residential Medium Density (RMD) and Professional Offices (CP); and

WHEREAS, the proposed project is located on real property in the unincorporate portions of the County of Calaveras, more particularly described as APN 068-020-065 and located at 73 Mitchler Avenue in Murphys, a portion of Section 05 of T03N, R14E, MDM; and

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

WHEREAS, during a duly noticed public hearing held on November 9th, 2023, the Planning Commission considered all of the information presented to it, including its staff report, public testimony, and information presented by the project proponent; and

BE IT THEREFORE RESOLVED that the Planning Commission recommends approval of the General Plan Amendment based upon the following findings:

1. The project was processed consistent with the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. The Negative Declaration reflects the independent judgement and analysis of the County.

Evidence: An Initial Study was completed analyzing project related impacts to the environment and a Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), finding less than significant project related impacts. The environmental document was available for public review from July 11, 2023, through August 10, 2023. Three letters were received from the California Department of Transportation (Caltrans), the Central Valley Regional Water Quality Control Board (CVRWQCB), and a neighboring property owner. Caltrans and CVRWQCB both submitted standard response letters that did not address specific

environmental concerns. The letter from the neighboring property owner did not raise concerns about the environmental document but stated that they believed the property should be zoned Single-Family Residential (R1), not Multiple-Family Residential (R3). No comments were received regarding environmental impacts, substantiating findings that the project will have less than significant impacts.

2. The proposed General Plan Amendment is consistent with the goals, policies, and objectives of the General Plan.

Evidence: The subject parcel is currently zoned Professional Offices (CP), has a Commercial (C) General Plan land use designation, and is developed with a single-family residence. The applicant is proposing to amend the General Plan designation of the parcel to Residential Medium Density (RMD), a designation in which a single-family residence is a typical use. The proposed amendment to the RMD land use designation is required to create consistency with the proposed Multiple-Family Residential (R3) zoning. This will create consistency between the General Plan, zoning, and the existing development of the subject parcel. The surrounding land use designations are a mix of Commercial, Residential Medium Density, and Residential Low Density. There are no General Plan goals or policies that specifically apply to this project. The parcel is located within the Murphys Community Area; however, no goals or policies have been adopted for Murphys.

3. The proposed General Plan Amendment is in the public interest.

Evidence: The amendment from a Commercial land use designation to a Residential Medium Density designation will result in the existing single-family residence on the subject parcel being consistent with the General Plan designation. The amendment will not create conflict as it is consistent with the surrounding uses, zones, and land use designations. Although no redevelopment is proposed, the GPA creates the opportunity for more housing in the area by allowing multi-family units which could help meet the County's housing needs.

4. The proposed General Plan Amendment will not adversely affect surrounding properties.

Evidence: The purpose of the General Plan Amendment is to make the existing use – a single-family residence – compatible with the zoning and General Plan land use designation of the parcel. As proposed, the current use of the property, which was established approximately 40 years ago, will not change. No development is proposed with this application, but should the parcel be redeveloped with multi-family housing as would be allowed by the General Plan Amendment and subsequent Zoning Amendment, neighbors would be temporarily exposed to construction activities. However, the resulting residential use (limited to 3 residential units by the size of the parcel) would not be incompatible with or adversely affect the surrounding area.

5. That the proposed General Plan Amendment promotes public health, safety, and general welfare and serves the goals and purposes of Title 17.

Evidence: The potential effects of the proposed General Plan Amendment have been evaluated and determined not to be detrimental to the public health, safety, or welfare, and serves the goals and purposes of Title 17. The proposed designation of Residential Medium Density is appropriate given the design, location, shape, size, and other characteristics of the parcel to ensure that any future development will not endanger, jeopardize, or otherwise constitute a hazard to the property, surrounding properties, and the community at large. There is no development proposed with this application; however, any future development is subject to the requirements of Title 17. The general welfare and goals and purposes of the Zoning Code are served by assigning a land use designation and zoning that are more appropriate for the existing use of the parcel and will remove the current nonconforming status.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on November 9th, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:
NOES
ABSTAIN:
ABSENT:

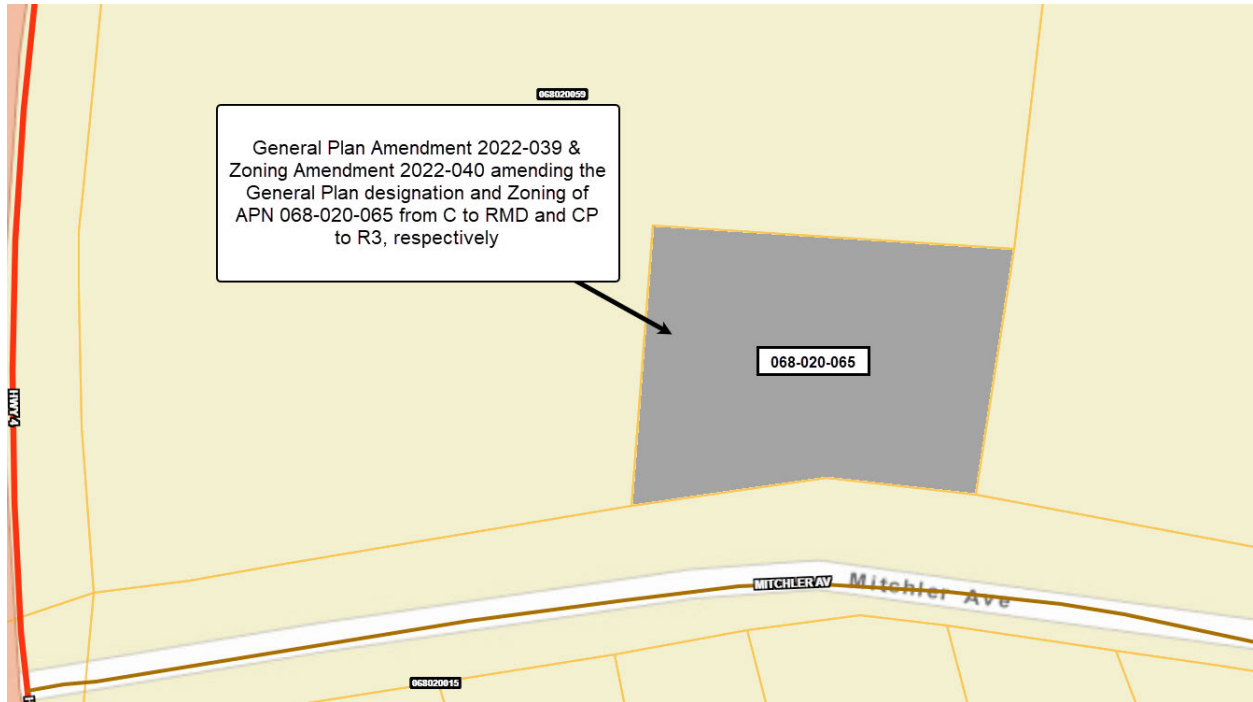
Chair, Planning Commission

ATTEST:

Katherine Stefani, 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.

Exhibit A



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

RESOLUTION NO. 2023-016

>>A RESOLUTION APPROVING A NEGATIVE DECLARATION, AND AMENDMENT OF THE ZONING OF APN 068-020-065 FROM PROFESSIONAL OFFICES (CP) TO MULTIPLE-FAMILY RESIDENTIAL (R3), AND RECOMMENDING THE BOARD OF SUPERVISORS APPROVE THE SAME ACTIONS

WHEREAS, the Planning Department of the County of Calaveras received application 2022-040 from Dorene and Steve Humason to amend the zoning of a 0.31-acre parcel from Professional Offices (CP) to Multiple-Family Residential (R3); and

WHEREAS, the proposed project is located on real property in the unincorporate portions of the County of Calaveras, more particularly described as APN 068-020-065 and located at 73 Mitchler Avenue in Murphys, a portion of Section 05 of T03N, R14E, MDM; and

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

WHEREAS, during a duly noticed public hearing held on November 9th, 2023, the Planning Commission considered all of the information presented to it, including its staff report, public testimony, and information presented by the project proponent; and

BE IT THEREFORE RESOLVED that the Planning Commission recommends approval of the Zoning Amendment based upon the following findings:

1. The project was processed consistent with the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. The Negative Declaration reflects the independent judgement and analysis of the County.

Evidence: An Initial Study was completed analyzing project related impacts to the environment and a Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), finding less than significant project related impacts. The environmental document was available for public review from July 11, 2023, through August 10, 2023. Three letters were received from the California Department of Transportation (Caltrans), the Central Valley Regional Water Quality Control Board (CVRWQCB), and a neighboring property owner. Caltrans and CVRWQCB both submitted standard response letters that did not address specific environmental concerns. The letter from the neighboring property owner did not raise concerns about the environmental document but stated that they believed the property

should be zoned Single-Family Residential (R1), not Multiple-Family Residential (R3). No comments were received regarding environmental impacts, substantiating findings that the project will have less than significant impacts.

2. The proposed Zoning Amendment is consistent with the County's General Plan and applicable policies of the Calaveras County Zoning Code, Title 17.

Evidence: The project proposes to rezone the subject parcel from Professional Offices (CP) to Multiple-Family Residential (R3), to make the existing single-family residence a conforming use on the subject parcel. A GPA was submitted to amend the GP land use designation to Residential Medium Density (RMD) to ensure consistency between the zoning and land use designation. The current development on-site meets the minimum required density per the General Plan (1 unit) and the lot meets the minimum developments standards outlined in Title 17. Should the parcel be developed with multiple-family residential units, compliance with the performance and site development standards of the R3 zone will be required.

3. The proposed Zoning Amendment is consistent with neighboring and adjacent land uses and zoning.

Evidence: The purpose of the application is to make the existing residential use conform to the zoning and General Plan land use designation. Neighboring and adjacent parcels are zoned CP, R3-3,600, R1-10,000, and are a mix of residential uses and commercial uses. Immediately east and south of the subject parcel are single- and multiple-family residences, with commercial uses to the north and across Highway 4. Maintaining the residential use is consistent with the neighboring and adjacent land uses and zoning.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on November 9th, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:
NOES
ABSTAIN:
ABSENT:

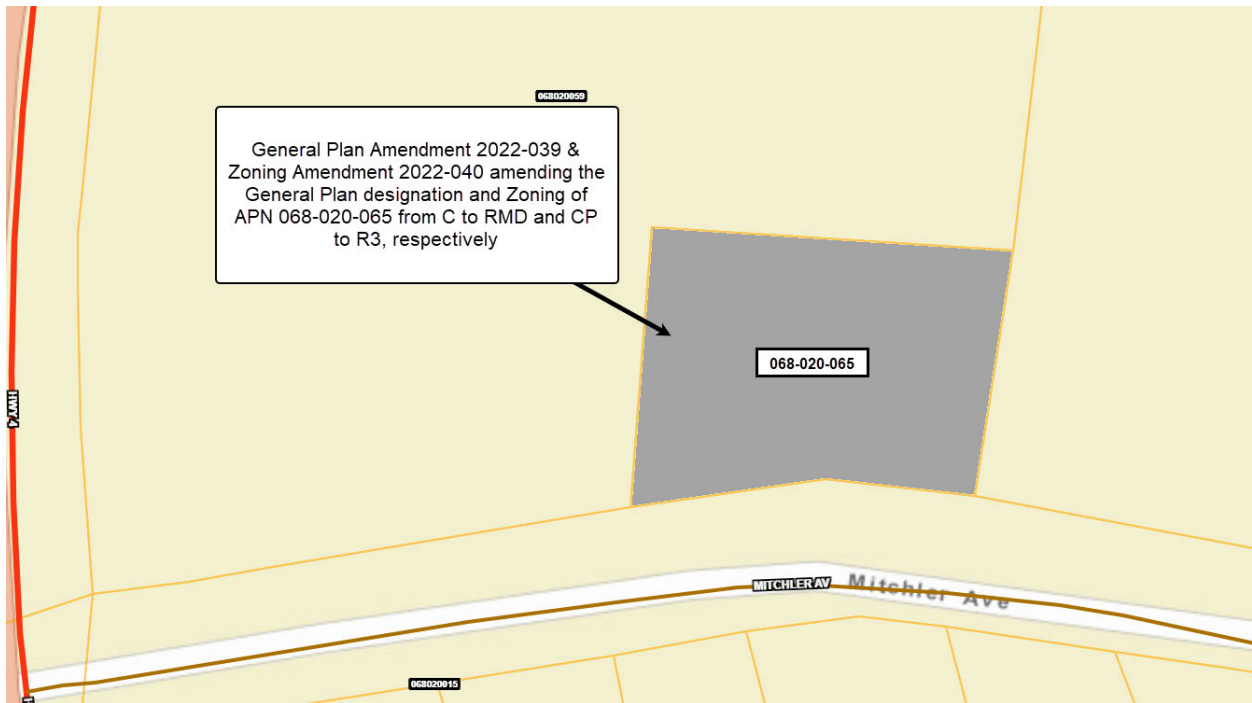
Chair, Planning Commission

ATTEST:

Katherine Stefani, 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.

Exhibit A



Attachment #2

Initial Study/Negative Declaration



County of Calaveras

Department of Planning

Gabriel Elliott – Director of Planning

Phone (209) 754-6394

Fax (209) 754-6540

www.planning.calaverasgov.us

Initial Study / Negative Declaration

Review Period: July 11, 2023 through August 10, 2023

Initial Study

ENVIRONMENTAL

CHECKLIST

For: Dorene and Steve Humason
General Plan Amendment 2022–039 and Zoning Amendment
2022-040
Assessor's Parcel No. 068-020-065

1. Project Title: General Plan Amendment 2022-039 and Zoning Amendment 2022-040 for Dorene and Steve Humason
2. Lead Agency Name and Address: Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
3. Contact Person and Phone Number: Katherine Stefani, Planner II
kstefani@co.calaveras.ca.us
(209)754-6394
4. Project Location: 73 Mitchler Avenue
Murphys, CA 95247
APN 068-020-065
5. Project Sponsor's Name and Address: Dorene and Steve Humason
805 Morton Way
Folsom, CA 95630
6. General Plan Designation: Commercial (C)
7. Zoning: Professional Offices (CP)
8. Project Description:

The applicants are requesting approval of a Zoning Amendment (ZA) and General Plan Amendment (GPA) for a 0.31-acre parcel in Murphys. They are proposing to amend the zoning from Professional Offices (CP) to Multiple-Family Residential (R3), and the general plan designation from Commercial (C) to Residential Medium Density (RMD). The parcel is currently developed with a single-family residence. The applicants have stated that the intent of the ZA and GPA is to allow the existing single-family residence to continue being used as a single-family residence. Without this proposed change, the property will be designated as non-conforming and would require an approved Conditional Use Permit for future additions or modifications. Additionally, such designation, in the applicant's opinion, would make it difficult to sell the property if necessary. No further development of the parcel is proposed as part of this project.

The subject parcel is located at 73 Mitchler Avenue, Murphys, CA. APN 068-020-065 is located in a portion of Section 5, T03N, R14E, MDM.

9. Surrounding land uses and setting:

Location	General Plan Designation	Zoning	Land Use
North	Commercial	Professional Offices, General Commercial	Church, Gas station, Grocery store, Retail uses

South	Residential Low Density	Single-Family Residential	Single-family residences
East	Residential Medium Density, Residential Low Density	Multiple-Family Residential, Single-Family Residential	Residences
West	Commercial, Community Center, Institutional	General Commercial, Local Commercial, Public Service	Retail uses, Murphys Fire Protection District

10. Other public agencies whose approval is required: NONE

11. Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1?

YES or NO

If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? YES or NO

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION (To be completed by Lead Agency):

On the basis of this initial evaluation:

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

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

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

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

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



Katherine Stefani
Project Planner

7/7/23

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Environmental Impact Analysis:

The proposed project is for a Zoning Amendment (ZA) and General Plan Amendment (GPA). The applicants are requesting to amend the zoning from Professional Offices (CP) to Multiple-Family Residential (R3), and general plan land use designation from Commercial (C) to Residential Medium Density (RMD). Per the Calaveras County Code, the R3 zone is designed to provide lands for apartments, condominiums, planned unit developments, townhouses, and other high-density land uses. The R3 zone is designated to be located where commercial services, recreation facilities and public services are located within a reasonable distance. The subject property is currently developed with a single-family residence (a permitted use in the R3 zone) and there is no further development proposed at this time. However, because the ZA and GPA would allow for a higher density than is currently developed, a maximum development scenario will be analyzed for the proposed project.

The subject parcel, APN 068-020-065, is located at 73 Mitchler Avenue in Murphys and is a portion of Section 5, T03N, R14E, MDM. Figures 1 and 2 show the location of the parcel in the Murphys area. The parcel is served with water and wastewater utilities by the Union Public Utility District and the Murphys Sanitation District, respectively. The project site is not located within any known earthquake fault. Impacts from liquefaction and erosion of the site are less than significant due to parcel features, the scale of potential development, and application of existing local and state regulations. No Federal Emergency Management Agency (FEMA) flood zones exist on the site. Although the parcel is located within delineated natural diversity database areas, the project was not found to have a significant impact on the listed species.

The environmental analysis provided in this Initial Study follows CEQA Guidelines Appendix G. An explanation is provided for all responses, including “No Impact” responses. This project was not found to require any mitigation measures.

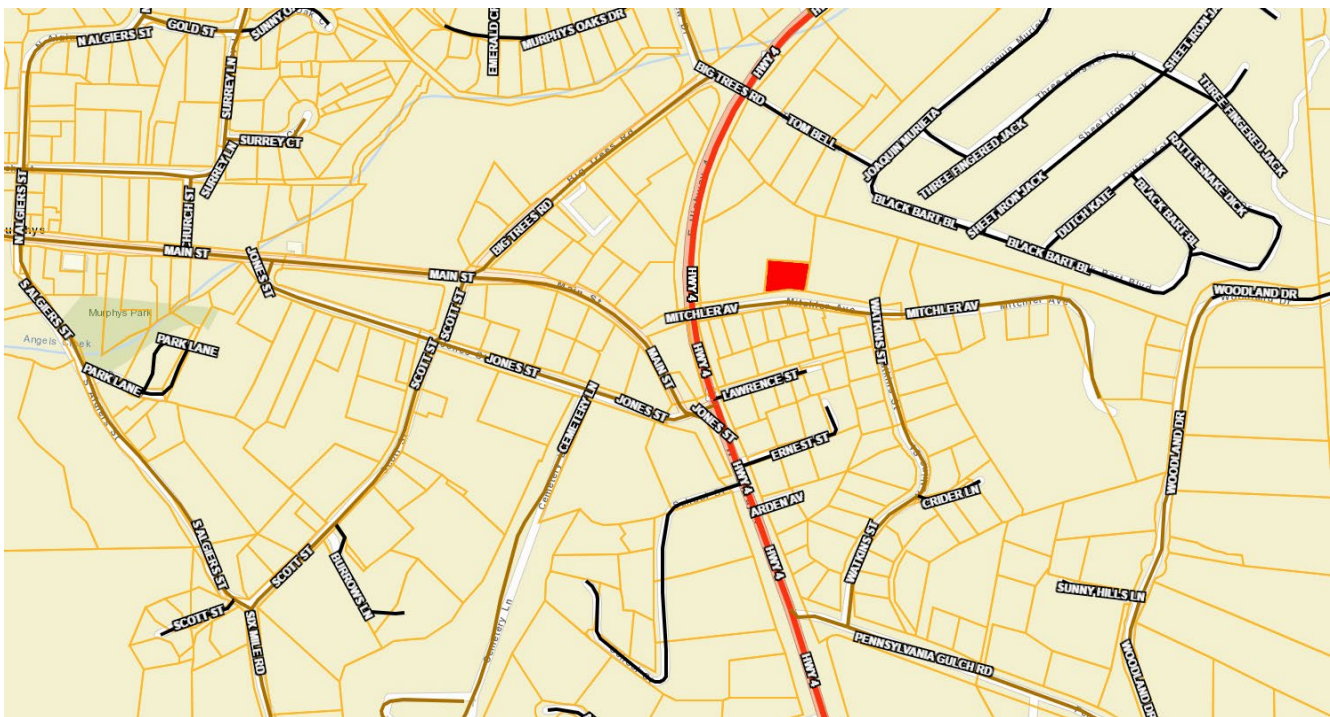


Figure 1 - Location Map

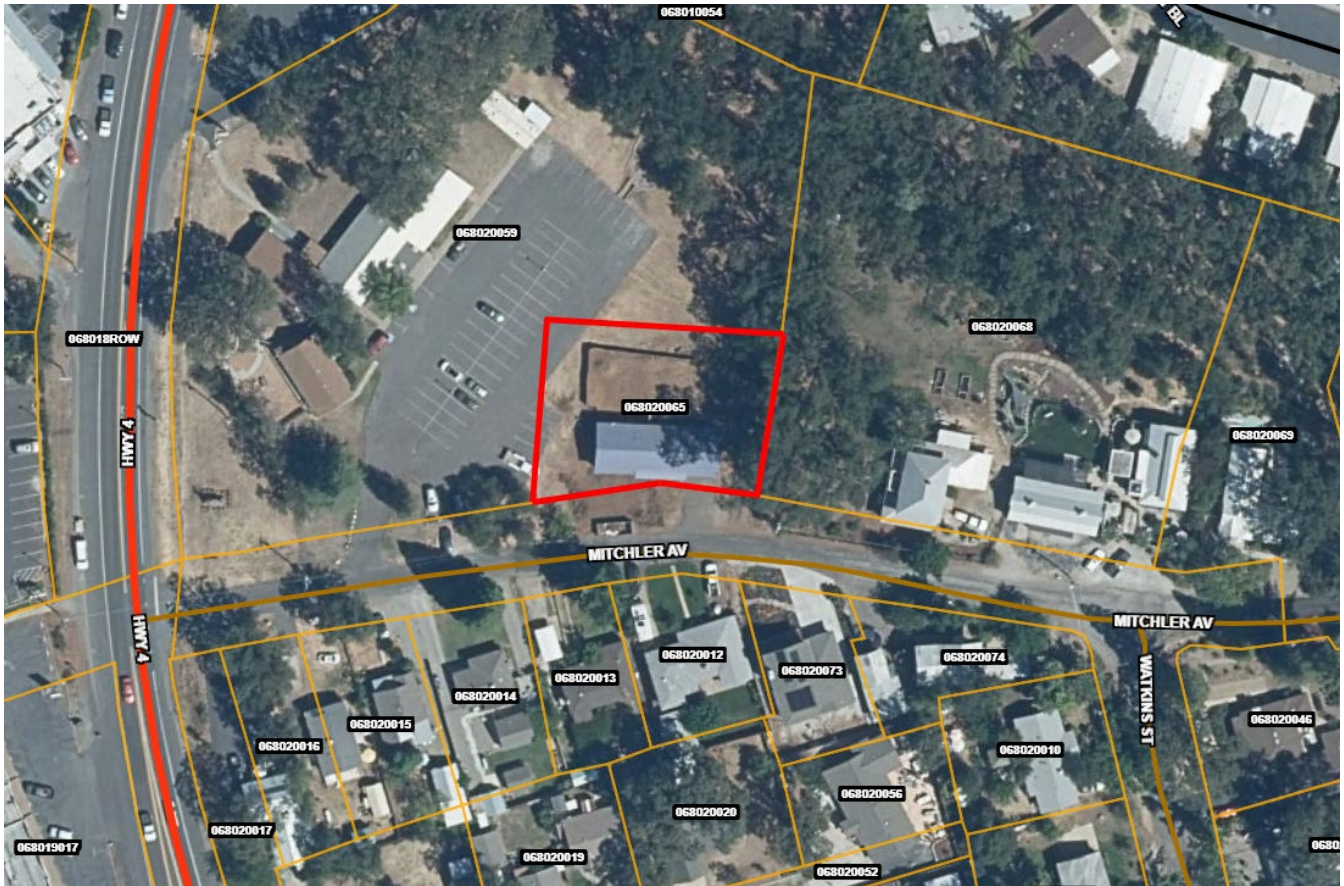


Figure 2 - Aerial Photo (Parcel boundary lines shown in red are approximate)

I. AESTHETICS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Except as provided in Public Resources Code §21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) **No Impact** – The Conservation and Open Space element of the Calaveras County General Plan considers scenic vistas to include forests, rolling hills, ranches, agricultural land, historic landscapes, oak woodlands, rock formations, and other unique topographical features, river corridors, lakes, and streams.¹ While there are hills in the surrounding area, none of these features are present on the subject parcel. Additionally, there are no designated scenic vistas in the vicinity of the project. Therefore, the rezoning and General Plan amendment of this parcel will not result in a significant impact.
- b) **No Impact** – No resources such as trees, rock outcroppings, or historical buildings will be removed or damaged due to the proposed project. Additionally, although Mitchler Avenue takes from State Highway 4, this portion of Highway 4 is not an officially designated scenic highway.² Therefore, the rezoning and General Plan amendment of this parcel will not result in any damage or impact to scenic resources.
- c) **Less Than Significant Impact** – The existing visual quality of the project site and surrounding area is characteristic of a commercial and residential area. There are no prominent views visible from the parcel or the surrounding area until Highway 4 is reached, largely due to trees in the area which obscure the surrounding hills. A Zoning Amendment to R3 would allow for a maximum building height of 45 feet which is 10 feet taller than the current building height limit of 35 feet, but setback, landscaping, and parking requirements of the zone in conjunction with the limited size of the parcel restrict the physical imposition of any future development. Additionally, the subject parcel setback approximately 300 from Highway 4 and is not

prominently viewed from the state right-of-way. Therefore, any visual impact from future development would be limited and the proposed ZA and GPA would not result in development that would substantially degrade public views of the site and its surroundings.

- d) ***Less Than Significant Impact*** – The subject parcel is currently developed with a single-family residence and no further construction is proposed as part of the project. However, rezoning the parcel and amending the General Plan from CP to R3 and C to RMD, respectively, would allow the construction of up to three multi-family dwelling units, and the amount of light generated from any potential construction would be comparable to and consistent with the light and glare effects of similar existing development in the area. Additionally, Calaveras County Code Chapter 17.28.060.C requires shielding exterior lighting from reflecting or shining directly into the windows and doors of adjoining residences. Through the issuance of building permits, external lighting sources would be verified to ensure that the overuse of outdoor lighting and reflective materials be reduced to a level of less than significant. Therefore, the rezoning and General Plan Amendment of this parcel will not result in a significant impact due to new light sources.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in

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

☐
☐
☐
☒
☐
☐
☐
☒

Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

☐
☐
☐
☒

d) Result in the loss of forest land or conversion of forest land to non-forest use?

☐
☐
☐
☒

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

☐
☐
☐
☒

DISCUSSION

- a) **No Impact** – The California Department of Conservation’s Important Farmland Finder map has designated 73 Mitchler Avenue, Murphys as “Urban and Built-Up Land.”³ Therefore, there will be no conversion of prime, unique, or important farmland to a non-agricultural use because of this project, and thus no impact due to the proposed rezone and General Plan Amendment.
- b) **No Impact** – The project site is not restricted by a Williamson Act contract and is not zoned for agricultural use. The existing zoning is Professional Offices (CP) and the General Plan designation is Commercial (C). The existing use on the parcel is a single-family residence, not an agricultural use. Therefore, a rezone and General Plan Amendment of this parcel to R3 and RMD, respectively, will not conflict with existing agricultural zoning or a Williamson Act contract.
- c) **No Impact** – The project site is not restricted by a Timberland Production contract and is not zoned for forest land or timber production. The existing zoning is Professional Offices (CP) and the General Plan designation is Commercial (C), and the current use is a single-family residence. Therefore, a rezone and General Plan Amendment of this parcel to R3 and RMD, respectively, will not rezone forest land or timberland.
- d) **No Impact** – The project site is surrounded by commercial and residential development in the unincorporated community of Murphys. The site has already been developed with a single-family residence and there is no forest land immediately surrounding the project site. Therefore, a rezone and General Plan Amendment of this parcel to R3 and RMD, respectively, will not result in the lost or conversion of forest land to non-forest use.
- e) **No Impact** – The project site is already developed and is surrounded by commercial and residential development. The current use of the property is a single-family residence, and the potential development of multi-family dwelling units due to a rezone to R3 and a General Plan Amendment to RMD would not impact the surrounding parcels, which are not used for agricultural purposes.

III. AIR QUALITY

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

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) ***Less Than Significant Impact*** - The California Environmental Quality Act (CEQA) requires projects to be consistent with the local management plan and the State Implementation Plan (SIP). A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the County General Plan and the SIP in the following ways: (1) it fulfills the CEQA goal of fully informing local agency decision makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are fully addressed; and (2) it provides the local agency with ongoing information assuring local decision-makers that they are making real contributions to clean air goals contained in the SIP. Projects that are consistent with the local General Plan are therefore considered consistent with the Air Quality Management Plan (AQMP). The proposed ZA and GPA are compatible with one another, and the current single-family residence is a use permitted by right in the R3 zone. No significant air quality impacts have been identified for either construction or operation of the project. As such, the project is consistent with the goals of County General Plan, the SIP, and does not present a significant air quality impact.
- b) ***Less Than Significant Impact*** – The proposed project is in Calaveras County, which is part of the Mountain Counties Air Basin (MCAB). Air quality within the County is under the jurisdiction of the Calaveras County Air Pollution Control District (CCAPCD). Although the County has experienced relatively good air quality, it has been classified as a non-attainment area for the State and Federal ozone standards (1-hour and 8-hour) and particulate matter standards (PM₁₀).⁴ The primary source of ozone precursors (i.e., ROG and NO_x) is mobile sources, including cars, trucks, buses, construction equipment, and agricultural equipment. Common sources of particulate matter pollution in the County include residential, development, and land management related activities such as woodstoves, windblown dust

and/or diesel from construction activities, and forestry management burning. The County General Plan states that pollutant exceedance is due mainly to emissions produced elsewhere in the state, particularly the Valley and Bay Area, and transported into the county by prevailing winds.⁵

The ZA and GPA do not propose any construction, will not allow for any manufacturing potential on this site, and will not result in a considerable net increase of pollutants. The ZA and GPA would allow the construction of up to three dwelling units (two more than currently exist), but the impact of an additional two dwelling units to air quality is comparable to existing development in the area. Additionally, any residential buildings themselves won't release a significant amount of pollutants, and would be subject to all applicable state, regional, and local regulations related to construction and building emissions. Therefore, the ZA and GPA of the subject property will result in a less than significant increase in air pollutants.

Redevelopment of the parcel would also be subject to the applicable CCAPCD rules and regulations in addition to the General Plan policies and actions that aim to improve air quality and minimize pollutant concentrations. Therefore, the proposed ZA and GPA would have a less than significant impact related to the potential to conflict with or obstruct implementation of the applicable air quality plan, or to 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.

- c) **Less Than Significant Impact** – The proposed project is in a residential area which includes single-family and multi-family dwellings, including a 55-year-and-older mobile home park, to the south, west, and northwest. The primary source of emissions would be from vehicles associated with the dwelling units which is typical in a residential neighborhood near a commercial area. The potential construction and use of three multi-family dwelling units in this area would not be considered to have a significant impact.
- d) **Less Than Significant Impact** – Approval of the proposed Zoning and General Plan Amendment would not result in emissions that would adversely affect a substantial number of people. The allowed uses in the R3 zone do not include uses that would result in emissions that would adversely affect people. The allowed uses in the R3 zone are the same as the permitted uses in the surrounding R1 and R3 zones, although the R3 zone allows for a higher density. Any potential home businesses would be subject to Chapter 17.68 of the Calaveras County Code of Ordinances which prohibits businesses that produce odors, noise, or dust. The primary source of odor emissions would be from the exhaust of vehicles traveling to and from the dwelling units. These sources of odor would dissipate over time.

IV. BIOLOGICAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

- a) **Less Than Significant Impact** – The subject parcel is within California Natural Diversity Database designated areas for the Stanislaus monkeyflower, yellow-lip pansy monkeyflower, western bumble bee, and copper-flowered bird's foot trefoil. However, the designated area for these species is 2 miles in diameter and encompasses the entirety of the Murphys community area, and records indicate that these species have not been observed in the area for decades. The parcel is currently developed with a single-family residence and has been fenced and landscaped. Additionally, the parcel is immediately surrounded by development including a church and associated parking lot, a gas station, and several residential dwelling units to the north, south, and east. If the subject parcel is developed fully under the proposed R3 zone, the impact to any candidate, sensitive, or special-status species is anticipated to be less than significant.
- b) **No Impact** – No riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service is known to exist on or near the subject parcel. Therefore, the rezoning and General Plan Amendment of this parcel will have no impact.
- c) **No Impact** – No state or federally protected wetlands exist on or near the subject parcel. The closest delineated wetland based on FEMA data is a forested/shrub wetland approximately

2,500 feet west of the subject parcel. Therefore, the rezoning and General Plan Amendment of this parcel will have no impact.

d) **Less Than Significant Impact** – No migratory wildlife corridors, or native wildlife nursery sites are known to exist on the property. The property is currently developed with a single-family residence and a large portion is fenced. The potential development of three multi-family dwelling units and the associated site improvements required will not interfere with the movement of any species or use of migratory corridors or nursery sites to a significant degree when compared to the existing structure on the parcel and in the surrounding area. Therefore, the rezoning and General Plan Amendment of this parcel will have a less than significant impact.

e-f) **No Impact** – The subject parcel is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the proposed ZA and GPA will not conflict with any local policies, ordinances or plans protecting biological resources.

V. CULTURAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a-c) **No Impact** – There are no known cultural or historic resources located on the parcel or in the surrounding area. The site has already been developed with a single-family residence and no further development is proposed as part of this project. However, a ZA and GPA would allow the potential development of three multi-family dwelling units which would be subject to parking and landscaping requirements. If during future development any remains or artifact are found construction will be halted.

VI. ENERGY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Result in potentially significant environmental impact due to wasteful,				

inefficient, or unnecessary consumption of energy resources, during project construction or operation?

☐
☐
☒
☐

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

☐
☐
☒
☐

DISCUSSION

a) **Less Than Significant Impact** – The parcel is currently developed with a single-family residence and there is no further development currently proposed. A ZA and GPA to the R3 zone with a RMD General Plan designation would allow for the potential construction of three multi-family dwelling units. Should further development occur, construction would consume energy in the form of machinery run by petroleum-based fuels and there are no site characteristics that indicate construction would be less energy efficient than normal construction practices. Construction would be temporary and fuel consumption would end when construction is complete. Any future dwelling units would use electric power from the grid on a long-term basis but would be built to all applicable State and local energy codes to prevent energy waste and unnecessary consumption. The potential increased energy usage resulting from three dwelling units, when compared to the existing baseline of the current development on the site and in the surrounding area, is less than significant.

b) **Less Than Significant Impact** – Calaveras County has not adopted a local renewable energy or energy efficient plan. All new construction must comply with adopted State and local regulations, and any future development would not be more energy intensive than similar development. Therefore, the proposed project would result in a less than significant impact.

VII. GEOLOGY AND SOILS

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

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

☐
☐
☐
☒

ii. Strong seismic ground shaking?

☐
☐
☒
☐

iii. Seismic-related ground failure, including liquefaction?

☐
☐
☒
☐

iv. Landslides?

☐
☐
☒
☐
☐
☐
☒
☐

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) **Less Than Significant Impact** – Calaveras County is within the Sierra Block, an area of historically low seismic activity. Although ground shaking from earthquakes with epicenters located elsewhere have been felt, no major earthquakes have been recorded within the County. According to the California Department of Conservation, the subject parcel is not within an Earthquake Fault Zone.⁶ The closest known Alquist-Priolo Earthquake Fault Zones are the West Tahoe-Dollar Point Fault Zone and the Carson Range Fault System along the eastern margin of the Sierra Nevada.⁷ These faults are located east of the County and the risk of surface rupture is not considered significant enough to restrict development in the County. The areas of landslide concern are those that include high elevations with steep ravines and gulches associated with river and stream channels. Located at an elevation of approximately 2,200 feet, the parcel is relatively level, and has no ravines, gulches, rivers, or stream channels. The nearest creek is Angels Creek, which is 800 feet to the north and although this creek is a designated flood zone, the flood zone is approximately 480 feet from the subject parcel. Calaveras County is not considered to be at risk for liquefaction hazards as no portion of the County is in a Seismic Hazard Zone and liquefaction generally occurs in conjunction with seismically induced ground shaking.⁸ Sites in Calaveras County with liquefaction potential would be those alluvial deposits having groundwater and sand or silt layers of uniform grain sizes within about 30 feet of the surface. Such conditions are not found on the subject parcel.
- b) **Less Than Significant Impact** – Soils at the project site are mapped as Urban Land – Millvilla complex 1-25% slopes. This soil is typically a very gravelly clay loam. Loam does have erosion potential, but the property in general is not characteristic of land with a high hazard for erosion. Erosion related to the project is unlikely as the site is already developed, and no construction is proposed as part of this project. However, should the parcel be redeveloped, a normal amount of erosion and topsoil loss is to be expected. Existing codes and Best Management Practices (BPMs) that regulate erosion control would be implemented

as part of the grading and building permit processes to mitigate the impact of erosion. Therefore, the project will have a less than significant impact.

- c) **Less Than Significant Impact** – As mentioned in Section VII(a), unstable areas particularly susceptible to hazards such as landslides and liquefaction are typically associated with high elevations and ravines associated with waterways. The subject parcel and surrounding parcels are relatively flat at approximately 2,200 feet in elevation, and there are no rivers, streams, or floodplains on or near the parcel. Soil conditions associated with liquefaction aren't found on the subject site. If erosion of soils were to occur, the risk of loss, injury or death is low. Additionally, any grading that is needed at any point will require the use of BMPs to reduce the risk of erosion. Therefore, the project will have a less than significant impact.
- d) **Less Than Significant Impact** – The soil of the subject parcel is categorized as loamy, and largely gravelly and paracobbly.⁹ The soil is categorized as being well draining and is not considered an expansive soil. The subject parcel is developed with a single-family residence and no construction is proposed as part of this project. However, if the property is redeveloped to accommodate the maximum density allowed in the R3 zone (three multi-family dwelling units), a building permit would be required. A soils report would be required prior to construction as part of the permitting process, which would address whether the proposed development could be accommodated on-site due to soil conditions. Additionally, compliance with the California Building Code, related laws, and the implementation of BMPs for erosion control, would be required during construction. Therefore, the proposed project would result in a less than significant impact.
- e) **No Impact** – The subject parcel is served by the Murphys Sanitary District for public sewer services. Therefore, there is no impact due to soils incapable of adequately supporting septic tanks or alternative wastewater systems.
- f) **No Impact** – There are no known unique paleontological resources or sites or unique geologic features on or near the subject parcel, and therefore there is no impact.

VIII. GREENHOUSE GAS EMISSIONS

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

DISCUSSION

- a-b) **Less Than Significant Impact** – No development is proposed as part of this project. However, a ZA and GPA from CP to R3 and C to RMD, respectively, would permit up to three multi-family dwelling units on the subject parcel. If development were to occur, an incremental increase in greenhouse gas (GHG) emissions would be generated through

construction due to construction operations and auto emissions from households. Building standards in Title 24 of the California Code of Regulations (California Building Standards Code) dictate high-efficiency materials and construction for residential and non-residential buildings. Emissions from any new construction are therefore already reviewed under the standards contained in Title 24. Auto emissions are the primary source of GHG emissions in Calaveras County, however, the County has not yet adopted a Climate Action Plan or program to reduce GHGs so the proposed project would not conflict with any such plan or program. Additionally, the potential addition of two more dwelling units than currently exist is assumed to have a less than significant impact on greenhouse gas emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a-b) **Less than Significant Impact** – The proposed project would not create a significant hazard to the public or environment. Routine construction processes and materials may be used if the property is redeveloped, but these uses would be temporary and must comply with state, regional, and local regulations for the transportation, use, and disposal of any hazardous materials. Additionally, any future uses shall comply with Calaveras County Code Chapter 17.28 – Multiple-Family Residential (R3), which does not allow uses that would involve the transportation, use, or disposal of hazardous materials by right.
- c) **Less than Significant Impact** – The subject parcel is approximately ¼ mile from an existing school. However, the project does not propose the emission or handling of hazardous materials, substances, or waste. As mentioned, the R3 zone does not permit uses that involves the storage, handling, or emission of hazardous materials, substances, or waste.
- d) **No Impact** – The subject parcel is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. ^{10 11 12}
- e) **No Impact** – The subject parcel is not located in an airport land use plan or within 2 miles of a public use airport.
- f) **No Impact** – Calaveras County has a Hazard Mitigation Plan, but this project will not impair the plan or its implementation and mitigation goals. The proposed project does not impede any traffic or alter any roads.
- g) **Less Than Significant Impact** – According to The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP), this area of the county has a high to very high fire risk.¹³ However, the project was routed to all applicable fire protection districts and agencies and no comments were received. The subject parcel is currently developed with a single-family residence and does not propose further development. Any new construction allowed by the ZA and GPA would be subject to all applicable state, regional, and local fire and safety regulations. The potential to increase the risk for death and injury due to a wildfire is less than significant.

X. HYDROLOGY AND WATER QUALITY

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

DISCUSSION

- a) **Less Than Significant Impact** – The proposed ZA and GPA will not violate any water quality standards, wastewater discharge requirements, or otherwise substantially degrade water quality. The subject site is already developed with a single-family residence and no further development is proposed currently. Approval of the ZA and GPA would allow the potential redevelopment of the parcel to have a maximum of three multi-family dwelling units, but development and operation of uses on the parcel would be subject to all applicable state, regional, and local regulations regarding stormwater runoff and retention, waste discharge, and water quality.
- b) **No Impact** – The proposed project will have no impact on the groundwater supply as the subject parcel is served through the Union Public Utility District for public water and therefore will not use groundwater.
- c) **Less Than Significant Impact** – The subject parcel has an existing single-family residence, and no additional development is proposed. If future development does occur as allowed by the proposed ZA and GPA, Best Management Practices (BMPs) during all construction related activities, such as grading and excavating, are required to be used and enforced by the Public Works and the Building Departments during the permitting process and actual construction, which would result in a less than significant effect.
- d) **No Impact** – The subject parcel is not in a flood hazard, tsunami, or seiche zone.^{14 15}

- e) **No Impact** – There is no water quality control plan or sustainable groundwater management plan for the area of the County in which the subject parcel is located.

XI. LAND USE AND PLANNING

Would the project:	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) **No Impact** – The subject parcel is currently developed with a single-family residence and no further development is currently proposed. Approval of the ZA and GPA would allow the construction of up to three multi-family dwelling units, but redevelopment would be limited to the existing parcel and would not result in the physical division of an established community.
- b) **No Impact** – The project would require approval of the Zoning Amendment and General Plan Amendment. Following the approval of these applications, the project would have no impact related to any plan, policy, or regulation to avoid or mitigate an environmental effect.

XII. MINERAL RESOURCES

Would the project:	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a-b) **No Impact** – The subject parcel is not located within the County's Mineral Resource Overlay, and there are no known mineral resources on the subject parcel.¹⁶ The parcel is also not located near an active mining operation. The project would not result in the loss or availability of any known mineral resources of value to the region or result in the loss of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan, or other land use plan.

XII. NOISE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in:				
a) Generation of a substantial, temporary, or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a-b) ***Less Than Significant Impact*** – Certain land uses are particularly sensitive to noise and vibration. In general, these uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. There are sensitive receptors in the area of the subject parcel including a church to the northwest and residences to the north, east, and south. However, the project will not have a significant noise impact on these receptors.

The parcel in question is currently developed and is being used as a single-family residence, and no additional development is currently proposed. Approval of the ZA and GPA would allow the construction of three multi-family dwelling units though; construction of which would temporarily increase the ambient noise levels in the area. However, construction would be subject to Chapter 9.02 of the Calaveras County Code of Ordinances. Chapter 9.02.060.D requires that all construction in and around residential areas be limited to the hours of 7:00 AM and 6:00 PM and noise levels associated with the construction of multi-family dwelling units would be temporary.

Additionally, amending the zoning from CP to R3 and the General Plan designation from C to RMD will lower the allowable sound level by 10 decibels.¹⁷ If the property is redeveloped to the maximum residential density allowed in the R3, the noise produced by the use would be similar to the surrounding residential uses. The R3 zone does not allow for any uses that would routinely use heavy machinery or produce excessive noise. Furthermore, any home occupation would be subject to the regulations of Calaveras County Code Chapter 17.68 - Home Occupations, which specifically addresses potential nuisances and complaints about noise. Therefore, any noise generated from the project would have a less than significant impact.

- c) **No Impact** – The parcel is not located within the vicinity of any known private airstrip or an airport land use plan or within two miles of a public airport or public use airport, therefore there is no impact.

XIV. POPULATION AND HOUSING

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

DISCUSSION

- a) **Less Than Significant Impact** – The project does not currently propose to increase the number of new homes or extend roads or other infrastructure. However, approval of the ZA and GPA to R3 and RMD, respectively, would increase the allowed density of the parcel. The number of allowed units is restricted though by the zoning and General Plan density which both allow a maximum of 12 units per one acre. At 0.31 acres, the subject parcel could have three multi-family dwelling units and would be subject to parking and landscaping requirements. There is currently a single-family residence on the subject parcel. The potential increase from one dwelling unit to three will not have a significant impact on population growth in the area.
- b) **Less Than Significant Impact** – The project as proposed will not result in the displacement or demolition of any existing housing. If the subject parcel is rezoned to R3 with a RMD General Plan designation, a total of three multi-family dwelling units could be constructed and may require the demolition of the existing single-family residence. However, construction of multi-family dwellings would result in a net increase of housing on this site and would not displace a substantial number of people or necessitate the construction of replacement housing elsewhere. Therefore, the project will have a less than significant impact on housing.

XV. PUBLIC SERVICES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of				

which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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

DISCUSSION

- a) ***Less than Significant Impact*** – The subject property is currently developed with a single-family residence. An amendment to the R3 zone and RMD General Plan designation would allow a maximum of three multi-family dwelling units, which would be subject to Calaveras County Code of Ordinances performance and development standards including landscaping and parking requirements. A ZA to R3 and GPA to RMD would allow a potential increase of two additional dwelling units on the property. The application was routed to local service providers and no comments were received. The project and any potential increase in housing is not significant enough to substantially impact public services or require the expansion of facilities.

XVI. RECREATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a-b) ***No Impact*** – The proposed project does not include any expansion of residential uses which would increase the use of any existing neighborhood and regional parks or other recreational facilities in the vicinity. No new housing or infrastructure is proposed that would result in a significant increase of park use. The approval of the proposed ZA and GPA would allow a potential increase from one single-family dwelling unit to three multi-family dwelling units on the parcel, but this increase would not be substantial enough to accelerate the deterioration of recreation facilities or require the expansion of recreational facilities. Therefore, the proposed project would result in a less than significant impact.

XVII. TRANSPORTATION

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

DISCUSSION

a) **Less Than Significant Impact** – The parcel is currently developed with a single-family residence which will continue to use the existing infrastructure and will not conflict with any plans, ordinances, or policies regarding transportation. The project does not propose any development. If the property is redeveloped with multi-family dwelling units as would be allowed by the R3 zone and RMD General Plan designation, the development will be required to meet standards such as those for on-site circulation, parking, emergency access, and other related County ordinances.

b) **Less Than Significant Impact** – The parcel is currently zoned Professional Offices (CP) and is developed with a single-family residence. The proposed project to amend the zoning and General Plan designation to R3 and RMD, respectively, with no development proposed would not have an impact on transportation. However, approval of the ZA and GPA would allow for the redevelopment of the parcel to have up to 3 multi-family dwelling units.

Pursuant to Senate Bill 743, projects that generate less than 267 vehicle miles traveled (VMT) per day and are consistent with the General Plan and Regional Transportation Plan may be presumed to cause a less than significant VMT impact. One residential unit generates 66.7 VMT per day¹⁸, and with a maximum potential of three units, this parcel would generate up to 200.1 VMT per day. Additionally, the parcel was run through the County's VMT Metric Model at both the County and sub-region level with varying reductions from the Baseline Year, and in each instance the VMT Metric was below the VMT threshold.¹⁹ Furthermore, development of multi-family dwelling units on the subject parcel may provide the opportunity for workers in the area to live close to their place of work, potentially decreasing VMT by decreasing commute distances. Therefore, the project can be presumed to have a less than significant VMT impact.

c-d) **Less Than Significant Impact** – The parcel is accessed from Mitchler Avenue, a paved, county-maintained road. No new roads or road improvements are proposed as part of this project. The proposed project will continue to use the existing encroachment, which does not

have any hazardous design features, to access the parcel. The project application was routed to the Calaveras County Public Works Department, Murphys Fire District, and CalFire, and no comments were received. If the property is redeveloped with multi-family dwelling units, the construction will be required to meet state, regional, and local standards for parking, on-site circulation, and emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a-b) **No Impact** – As discussed in Section V. Cultural Resources, there are no known cultural or archaeological resources on the subject parcel. The site has already been disturbed to construct the existing single-family residence and no construction is proposed at this time. However, a ZA and GPA would allow the potential development of three multi-family dwelling units which would be subject to parking and landscaping requirements. If during future development any remains or artifact are found construction will be halted.

As part of the processing of the project application, County staff initiated consultation with tribes that have requested formal notification of proposed projects within their geographic area of traditional and cultural affiliation pursuant to AB 52 Notification Request, Public Resources Code Section 21080.3(b) and SB 18, Government Code Section 65352.3. The Calaveras Band of Miwuk Indians, the California Valley Miwok Tribe, the Lone Band of Miwok Indians, the Buena Vista Rancheria of Me-Wuk Indians, and the Washoe Tribe of Nevada and California have been notified of this project. No responses were received from the tribes.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

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

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

DISCUSSION

a-e) ***Less Than Significant Impact*** –The property is currently developed with a single-family residence and has the infrastructure for sanitary, water, and electrical purposes. No new gas, water, or wastewater is currently proposed as there is no redevelopment of the parcel proposed. The proposed amendments to the zoning and General Plan to R3 and RMD, respectively, would allow a maximum of three multi-family dwelling units on the parcel. The addition of two more residential units than currently exist would not significantly increase demand for water, wastewater, electrical, solid waste, or other referenced services. The project was routed to the Murphys Sanitary District, Union Public Utility District, and the Pacific Gas & Electric Company; no comments were received from these agencies.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

a-d) ***Less Than Significant Impact***– The Calaveras County Emergency Operations Plan (EOP) outlines the functions, responsibilities, and regional risk assessments of Calaveras County for large scale emergencies such as wildland fires, hazardous materials incidents, flooding, and dam failure. The EOP addresses the planned response to extraordinary emergency situations and establishes a flexible, all hazards, emergency management organization required to facilitate the response to, and provide for short term recovery activities related to any significant emergency or disaster affecting Calaveras County.²⁰

The project does not propose activities that would substantially impair an adopted emergency response plan or emergency evacuation plan. The subject parcel is currently developed with a single-family residence and no construction is proposed as part of this project, but the zoning and General Plan amendments would allow the potential redevelopment of the parcel with a maximum of three multi-family dwelling units. The project would not require the installation or maintenance of new infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Construction would be subject to all state, regional, and local regulations regarding fire safety.

The subject parcel is not in a flood zone, nor does the site have a significant risk of erosion or runoff. The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. The proposed project does not require the installation of any new roads, nor does it alter any existing roads or impede traffic. The potential construction of three multi-family dwelling units on the parcel will not negatively alter any risk that may or may not currently exist on the subject parcel. The project was routed to the fire protection district that serves the region and no comments were received.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) ***Less Than Significant Impact*** – Approval of the proposed ZA and GPA will not significantly impact the surrounding environment. The analysis of environmental issues contained in this Initial Study indicates that the project will not substantially degrade the quality of the environment, substantially reduce habitat or population of wildlife species, or eliminate important cultural or archaeological resources. The parcel has already been disturbed and is developed with a single-family residence. The parcel is in a highly developed area which includes both residential and commercial development in the immediate vicinity. The ZA and GPA are not anticipated to have a significant impact on the environment even if the parcel is redeveloped with the allowable three multi-family dwelling units allowed in the R3 zone and RMD General Plan designation.
- b) ***Less Than Significant Impact*** – The proposed ZA and GPA would not create a cumulative impact to any of the items discussed in this Initial Study. The existing development is consistent with both the proposed zoning and General Plan designation, and the allowable increase in density (a maximum of three multi-family dwelling units) after approval of the amendments is not significant enough to create a cumulative impact when considered in relation to the impacts of other past, present, or probably future projects.

- c) ***Less Than Significant Impact*** – The analysis of environmental issues contained in this Initial Study indicates that the project is not expected to have substantial adverse effects on human beings, either directly or indirectly. Best management practices and compliance with standard regulations will reduce any environmental impacts to a less than significant level.

REFERENCES

1. Calaveras County General Plan, adopted November 12, 2019.
2. California Department of Transportation. California State Scenic Highway System Map. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>.
3. California Department of Conservation. California Important Farmland Finder Web Map. <https://maps.conservation.ca.gov/DLRP/CIFF/>.
4. Calaveras County General Plan, adopted November 12, 2019.
5. Calaveras County General Plan, adopted November 12, 2019.
6. California State Geoportal. CGS Seismic Hazards Program: Alquist-Priolo Fault Hazard Zones Web Map. <https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=37.120942%2C-119.787889%2C7.00>.
7. California Department of Conservation. CGS Earthquake Zones of Required Investigation. <https://maps.conservation.ca.gov/cgs/EQZApp/>.
8. Calaveras County General Plan, adopted November 12, 2019.
9. United State Department of Agriculture. Natural Resources Conservation Service. <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
10. California Department of Toxic Substances Control. EnviroStor. https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29.
11. California Water Resources Control Board. GeoTracker. https://geotracker.waterboards.ca.gov/search?PAGE=62&CMD=search&business_name=&main_street_number=&main_street_name=&city=&zip=&county=&branch=&status=&site_type=LUFT&cleanup_type=&npl=&reporttype=&reporttitle=PROJECT+SEARCH+RESULTS&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&permitted=&corrective_action=&spec_prog=&national_priority_list=&senate=&assembly=&critical_pol=&business_type=&case_type=&gwbasin=&display_results=&pub=&watershed=&ORDERBY=county&excludenc=False&next=Next+50.
12. United States Environmental Protection Agency. Search for Superfund Sites Where You Live. <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>.

13. California Department of Forestry and Fire Protection's Fire and Resource Assessment Program. Fire Hazard Severity Zone (FHSZ) Viewer. <https://egis.fire.ca.gov/FHSZ/>
14. Federal Emergency Management Agency (FEMA). FEMA Flood Map Service Center: Search by Address.
<https://msc.fema.gov/portal/search?AddressQuery=73%20mitchler%20avenue%2C%20murphys#searchresultsanchor>.
15. California Department of Conservation. California Tsunami Maps and Data.
<https://www.conservation.ca.gov/cgs/tsunami/maps>.
16. United States Geological Survey. Mineral Resources Online Spatial Data.
<https://mrdata.usgs.gov/general/map-us.html>.
17. Calaveras County Municipal Code. Chapter 9.02.
https://library.municode.com/ca/calaveras_county/codes/code_of_ordinances?nodeId=CD_ORD_TIT9PUPEMOWE_CH9.02NOCO.
18. Senate Bill 743 Vehicles Miles Traveled Implementation Report, Prepared for: Calaveras Council of Governments. April 13, 2022 by Fehr & Peers.
19. Calaveras COG SB 743 VMT Screening Tool.
https://devapps.fehrandpeers.com/Calaveras_COG_VMT_Beta/.
20. Calaveras County General Plan, adopted November 12, 2019.

California Department of Transportation

OFFICE OF THE DISTRICT 10 Planning

P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov



July 26, 2023

Ms. Katherine Stefani
Planner II
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

CAL-4-PM 29.466
GPA 2022-039
ZA 2022-040
SCH 2023070133 -
Humason

Ms. Stefani,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the approval of Zoning Amendment (ZA) and General Plan Amendment (GPA) for a 0.31-acre parcel in Murphys. The project proposes to amend the zoning from Professional Offices (CP) to Multiple-Family Residential (R3), and the general plan designation from Commercial (C) to Residential Medium Density (RMD). The parcel is currently developed with a single-family residence. The applicants intend to allow the existing single-family residence to continue being used as a single-family residence.

The project is near State Route (SR) 4 at 73 Mitchler Avenue in the community of Murphys, within Assessor Parcel Number (APN) 068-020-065.

Caltrans has the following comments:

Caltrans suggests that the County of Calaveras continue to coordinate with Caltrans in identifying and addressing potential pedestrian safety and cumulative transportation impacts from this project and other developments near this location. This will assist Caltrans in ensuring that pedestrian, traffic safety, and quality standards are maintained for the traveling public on existing and future state transportation facilities in Calaveras County.

Environmental

If any construction related activities will encroach into Caltrans Right of Way (ROW), the project proponent must apply for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application.

These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans ROW, at the project site(s). Evidence of consultation with local Native American tribes and interested parties will need to be presented within the technical documents for approval of encroachment in the Caltrans ROW.

Hydrology

Please provide the grading and drainage plans, and calculations. From the location map attached in initial study environmental checklist and looking the aerial map, the property is approximately 250 feet away from the SR 4. If historical undeveloped topography shows drainage from this site flowed into the State ROW, it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity. Any increase in runoff generated by the proposed development should be stored/mitigated onsite. Caltrans will not allow additional runoff draining into the State ROW nor significantly impacting the existing drainage patterns. Additional review will be required once the grading and drainage plans, and calculations are submitted.

Encroachment Permits

If any project activities encroach into Caltrans ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

If you have any questions or concerns, please contact Shiferaw Jemberie (209) 986-9635 (email: Shiferaw.jemberie@dot.ca.gov) or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov).

Sincerely,

Gregoria Ponce'

Gregoria Ponce', Chief
Office of Rural Planning

cc: Gabriel Elliott, Director of Planning Department, Calaveras County

Central Valley Regional Water Quality Control Board

10 August 2023

Katherine Stefani
Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249
kstefani@co.calaveras.ca.us

COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, 2022-039 GPA & 2022-040 ZA FOR DORENE & STEVE HUMASON PROJECT, SCH#2023070133, CALAVERAS COUNTY

Pursuant to the State Clearinghouse's 10 July 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Negative Declaration* for the 2022-039 GPA & 2022-040 ZA for Dorene & Steve Humason Project, located in Calaveras County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to

water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

July 26, 2023

Comment on Notice of Intent to Adopt a Negative Declaration

Lead Agency: Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

RE: 2022-039 & 2022-040 General Plan Amendment and Zoning Amendment for
Dorene and Steve Humason

The subject property is located at 73 Mitchler Avenue, Murphys, CA APN
068-020-065

I am opposed to the approval of a Zoning Amendment to change the property mentioned above to R3 and to Residential Medium Density RMD. All of the properties across the street. addresses 72- 140 Mitchler Avenue and around the corner on Watkins Street are single family homes and R3 and RMD zoning do not conform to the other homes across or near it. R1 residential zoning would be more appropriate for the neighborhood.



Larry D. White
Property Owner
164 Watkins Street
Murphys, CA 95247
APN 068-020-010-000

RECEIVED

JUL 28 2023

Calaveras County
Planning Department

Attachment #3

Project Application

Project No. 2022-039 : 040



County of Calaveras Department of Planning

Phone (209) 754-6394

Fax (209) 754-6540

www.planning.calaverasgov.us

APPLICATION FOR LAND USE DEVELOPMENT

<input checked="" type="checkbox"/>	General Plan Amendment	(GPA)	<input type="checkbox"/>	Administrative Use Permit	(AUP)
<input checked="" type="checkbox"/>	Zoning Amendment	(ZA)	<input type="checkbox"/>	Conditional Use Permit	(CUP)
<input type="checkbox"/>	Tentative Subdivision Tract Map	(TSTM)	<input type="checkbox"/>	Planned Development	(PD)
<input type="checkbox"/>	Tentative Parcel Map	(TPM)	<input type="checkbox"/>	Other	

NOTE: FAILURE TO FULLY COMPLETE APPLICABLE FIELDS AND PROVIDE REQUIRED ATTACHMENTS COULD DELAY THE PROCESSING OF YOUR APPLICATION.

Applicant (s):

Name Dorene & Steve Humason

Project Address 73 Mitchler St (Ave) City Murphys

Mailing Address 805 Morton Way City/ZIP Folsom 95630

Phone (Business) 916-792-7903 (Home) Same

Email dorenej@comcast.net

Landowner (s):

Name Dorene & Steve Humason

Mailing Address 805 Morton Way City/ZIP Folsom 95630

Phone (Business) 916-792-7903 (Home) Same

Email dorenej@comcast.net

Name and address of property owner's duly authorized Agent who is to be furnished with notice of hearing. (Section 65091 – Calif. Govt. Code):

Authorized Agent:

Name _____

Mailing Address _____ City/ZIP _____

Phone (Business) _____ (Home) _____

Email _____

Assessor's Parcel Number(s): _____

Parcel Size: _____

Project No. 2022-0390040

Site location, including physical address, with directions to the project site:

73 Mitchler St, Murphys, 73 Mitchler Ave

from Hwy 4 turn east on Mitchler St first residence on the north side of street

Detailed Project Description (or attach separate document):

The property has had a single family residence on it for over 40 years under a conditional use permit.

The property was sold by Faith Lutheran Church to new owners which requires a zone change to continue to use the property as a residence.

EXISTING LAND USE INFORMATION

Describe the existing use of the property:

☐
☐

Agricultural
Timber

☐
☐

Commercial
Industrial

☒
☐

Residential
Multi-family Residential

☐
☐

Public Service
Recreational

Existing General Plan Designation(s): Commercial

Existing Zoning Designation(s): Commercial

Describe the existing man-made features of the subject property, including buildings, roads, wells, septic systems, etc.:

The only structure on site is a three bedroom and two bathroom single family residence with an attached two car garage with a small entry deck in front and a larger deck in the rear. All utilities are supplied by local utility companies.

Describe any known archaeological, paleontological, or historical resources on the subject property. Provide Archaeological Sensitivity designation from the General Plan Map V-13. Check appropriate level.

Project No. 2022-039 2040

(High) ☐ (Medium/Moderate) ☐ (Low) ☒ If sensitivity is shown as high or medium/moderate an archaeological assessment study will be required prior to completing the environmental review. If an assessment has been completed on a prior project that included the project area, provide the information where the study can be found.

Describe the existing natural features of the subject property, including terrain or topography, vegetation, bodies of water, wetland habitat (marsh, riparian, vernal pools), etc.:

The property is basically flat with two walnut trees plants years ago

Describe the existing land uses within 500 feet of the subject property. (Example: Five single family residences to the north, a duplex and pine forest to the west, a state highway and a gas station to the east, and grazing land to the south.) Be specific:

North: CP - Faith Lutheran Church

South: R-1 - single family residences across Mitchler St

East: R-3 residential

West: CP - Faith Lutheran Church, same as north

Access:

Name of road on which property fronts: Mitchler St (Ave)

If property fronts on a private road, provide the name of nearest publicly maintained road:

If the subject property does not have frontage on a County road or State highway, describe the legal access to the property from the nearest public road: _____

Level of Service (Check with Calaveras County Public Works Department): _____

PROJECT SPECIFIC QUESTIONS

Will grading be required to implement the proposed use? ☐ Yes ☒ No

Project No. 2022-0393040

If yes, estimate the total cubic yards that will be moved and explain what will be done with the graded material: _____

Will there be any potentially hazardous materials or toxic substances, flammables or explosives used, stored, manufactured or disposed of at the site? ☐ Yes ☒ No

If yes, list and describe the method of disposal of these items:

Describe any odor, noise, smoke, or dust which will result from the proposal: _____

ANSWER THE FOLLOWING QUESTIONS APPLICABLE TO YOUR APPLICATION

GPA Proposed General Plan Designation: RMD

ZA Proposed Zoning: R-3

TSTM Proposed Land Division: _____

& TPM Total Acres: _____ Number of Lots: _____

Minimum Lot Size: _____ Average Lot Size: _____

TSTM Type of proposed land uses for land divisions: _____

& TPM Natural Resource: Ag/Timber/Mineral _____ lots _____ total acres

Single Family Residential _____ lots _____ total acres

Multi-Family Residential _____ lots _____ total acres

Commercial _____ lots _____ total acres

Industrial _____ lots _____ total acres

Public Service _____ lots _____ total acres

Recreation/Open Space _____ lots _____ total acres

CUP/PD Is the proposed use an expansion of an existing use? ☐ Yes ☐ No

If yes, when was it established? _____

Project No. 022 - 039-040

CUP/PD

Is the proposed use part of an intended larger future project? ☐ Yes ☐ No

If yes, describe: _____

CUP/PD

Will all proposed uses be confined within a building? ☐ Yes ☐ No

If no, describe what activities will not be (including storage that will occur outdoors): _____

CUP/PD

Expected total number of people to be employed at the proposed uses:

Full Time _____ Part Time _____

CUP/PD

For commercial uses, the number of parking spaces to be provided: _____

CUP/PD

Estimated number of vehicles to use the facilities daily: _____

CUP/PD

How many trees with a breast-height diameter of 12" or greater will be removed as a result of the site development? _____

Any additional information or explanations supporting the proposal is encouraged and may be submitted on a separate sheet of paper.

Project No. 2022-039 & 040

ACKNOWLEDGMENT / AUTHORIZATION / VERIFICATION PAGE¹

Calaveras County Agriculture Disclosure Statement

Real property within or adjacent to areas zoned for agricultural operations or areas in zones which permit agricultural operations may be subject to inconveniences or discomfort arising from such operations. Calaveras County has determined that the use of real property for agricultural operations, as defined by County Code, is a high priority and a proper and necessary use, and will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are consistent with accepted agricultural practices and standards.

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge having read and understood this disclosure.

Right of Entry

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge that by making this application, and under the authority of Government Code Section 65105, County agency personnel, in the performance of their functions, may enter upon the subject property and make examinations and surveys, provided that the entries, examinations and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Verification of Application / Declaration Under Penalty of Perjury

NOTE: If someone other than an individual applicant or land owner signs below (e.g. business entity representatives, agents) satisfactory documentation of signature authority must be provided [see application instructions]. Each record title property owner must sign the application.

APPLICANT(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the applicant(s) for the project described in this application, and I (we) have completed and verified the truthfulness and accuracy of this application and all other documents required for its submittal.

Printed Name(s) of Applicant(s): Stephen and Dorene Humason

Authorized Signature: [Signature]

Date: 8-4-2022

Authorized Signature: Dorene Humason

Date: 8-4-2022

LAND OWNER(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the record title owner(s) of the property on which the project described in this application will be located and I (we) consent to the applicant's(applicants') preparation and submission of this application.

Printed Name(s) of Property Owner(s): Stephen and Dorene Humason

Authorized Signature: [Signature]

Date: 8-4-2022

Authorized Signature: Dorene Humason

Date: 8-4-2022

FOR OFFICIAL USE ONLY

Receipt Number

338 & 339

Date Stamp

Application Number

2022-039 & 040

Method of Payment

[] Cash [x] Check # 175

Amount

7,160- & 3,760-

RECEIVED

AUG 04 2022

(Revised July 1, 2021)

Calaveras County
Planning Department

Page 6 of 6

¹ May be signed in counterparts.
Land Use Application

From: [Dorene Humason](#)
To: [Katherine Stefani](#)
Cc: dorenej@comcast.net
Subject: RE: 73 Mitchler Avenue ZA/GPA
Date: Wednesday, August 31, 2022 4:54:59 PM

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

Hi Katherine,

Thank you for making sure you understand the reasoning for the Zone change. I understand it is confusing.

Yes the reason we want the zone change is to prevent any limitations it would cause if we wanted to expand, enlarge or sell the house. Or any other issue the current Commercial zoning with its nonconforming would pose a problem for us in the future.

Does that help clarify the Zone Change amendment request? I can give you a call as well if that is helpful.

Cheers!

Dorene Humason

From: Katherine Stefani <KStefani@co.calaveras.ca.us>
Sent: Wednesday, August 31, 2022 3:50 PM
To: 'dorenej@comcast.net' <dorenej@comcast.net>
Subject: 73 Mitchler Avenue ZA/GPA

Good afternoon,

I'm working on the zoning amendment and general plan amendment for 73 Mitchler Avenue in Murphys. The application is vague and states that the zoning amendment is required to continue use of the property as a residence. However, the residence has been deemed a legally existing nonconforming use and can be continue being used as a home without a rezone. Expansion or enlargement of the home would require a conditional use permit and if the home was damaged or destroyed it would only be permitted in substantially the same square footage as it originally existed though.

Based on conversations I've had with other planners who have spoken with you, I'd like to confirm the reason for the application. As I understand it, you have plans to remodel/expand the house in the future and don't want to have to get a CUP every single time you have a new

project, is this correct?

Best regards,

Katherine Stefani

Planner I

Calaveras County Planning Department

(209)754-6394

Disclaimer

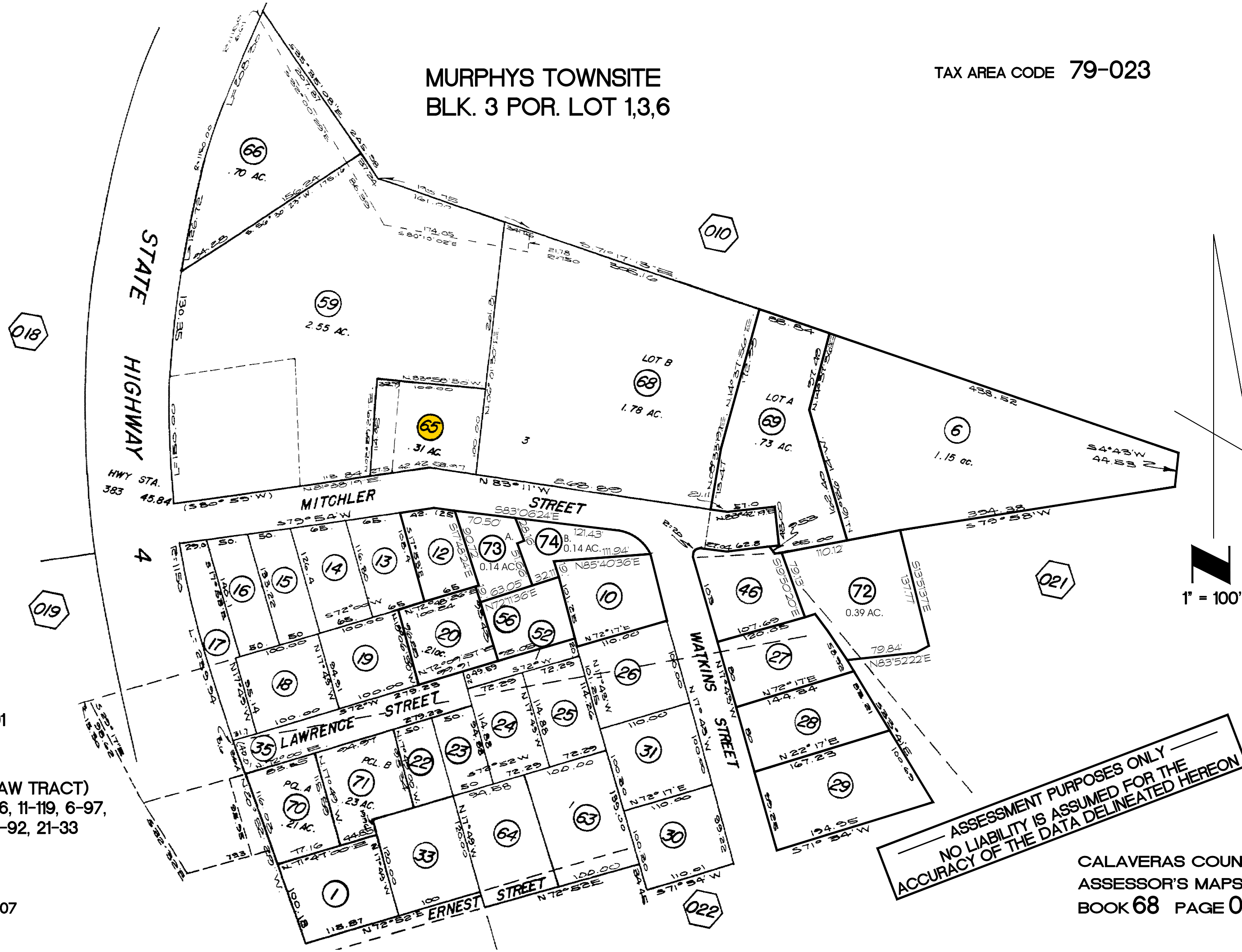
This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

Attachment #4

Assessor's Parcel Map

**MURPHYS TOWNSITE
BLK. 3 POR. LOT 1,3,6**

TAX AREA CODE 79-023



P.M. 2-180, 9-101

**R.O.S. 1-35 (SHAW TRACT)
1-60, 7-83, 11-76, 11-119, 6-97,
14-52, 14-148, 7-92, 21-33**

REV. 26 03/14/07

ASSESSMENT PURPOSES ONLY
NO LIABILITY IS ASSUMED FOR THE
ACCURACY OF THE DATA DELINEATED HEREON

CALAVERAS COUNTY
ASSESSOR'S MAPS

CALAVERAS COUNTY
ASSESSOR'S MAPS
BOOK 68 PAGE 020