



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

Planning Commission Staff Report

Hearing Date	September 12, 2024
Project Number/Name	2022-044 Tentative Parcel Map & Zoning Amendment for Donald Holsworth
Supervisory District Number	District 5, Supervisor Tofanelli
Assessor's Parcel Number(s)	048-025-013
Planner	Madeleine Flandreau, Planner III

PROJECT DESCRIPTION: The applicant is requesting approval of a Zoning Amendment to amend the zoning of a 20-acre parcel from A1 (General Agriculture) to RA (Residential Agriculture), and approval of a concurrent Tentative Parcel Map to divide the parcel into two parcels, 10.39 and 10.38 acres in size.

APPLICANT/LANDOWNER: Donald Holsworth, 5403 Pettinger Road, Valley Springs, CA 95252

PROJECT LOCATION: The subject property APN: 048-025-013 is located in a portion of Section 33, T4N, R10E, MDM.

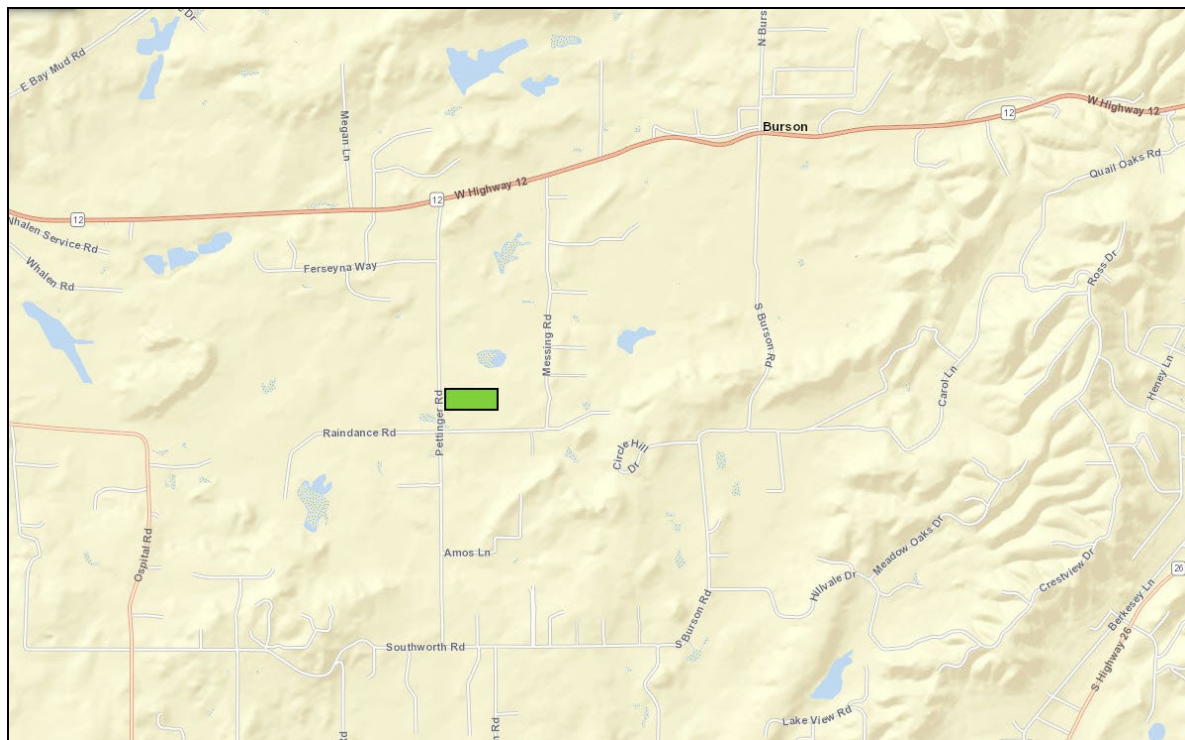


Figure 1 - Location Map



Figure 2- 2022 County Aerial Image (property lines are approximate)

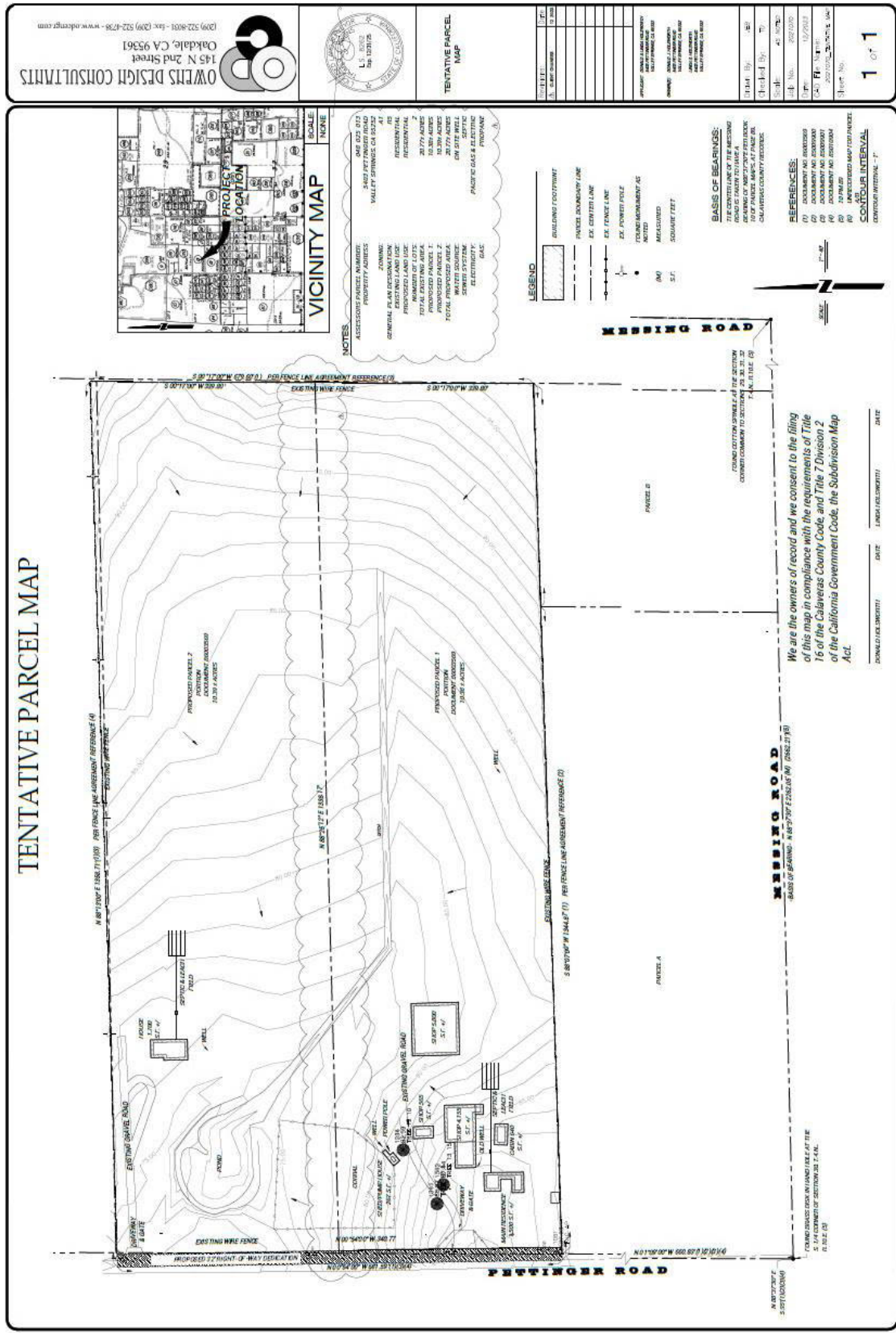


Figure 3- Tentative Parcel Map

GENERAL PLAN LAND USE DESIGNATION

The subject parcel is currently designated in the County General Plan as Rural Transition B, which recognizes historical rural residential subdivisions that developed in the County over time. The primary use is residential but may include small agriculture/forest operations for personal or small-scale commercial use with minimal potential for conflicts with more intensely developed areas. The General Plan identifies RTB lands as parcels ranging in size from 5 acres to 10 acres in size. Compatible zones within the RTB designation include Agriculture Preserve (AP), Residential Agriculture (RA), Rural Residential (RR), Recreation (REC) and Public Service (PS).

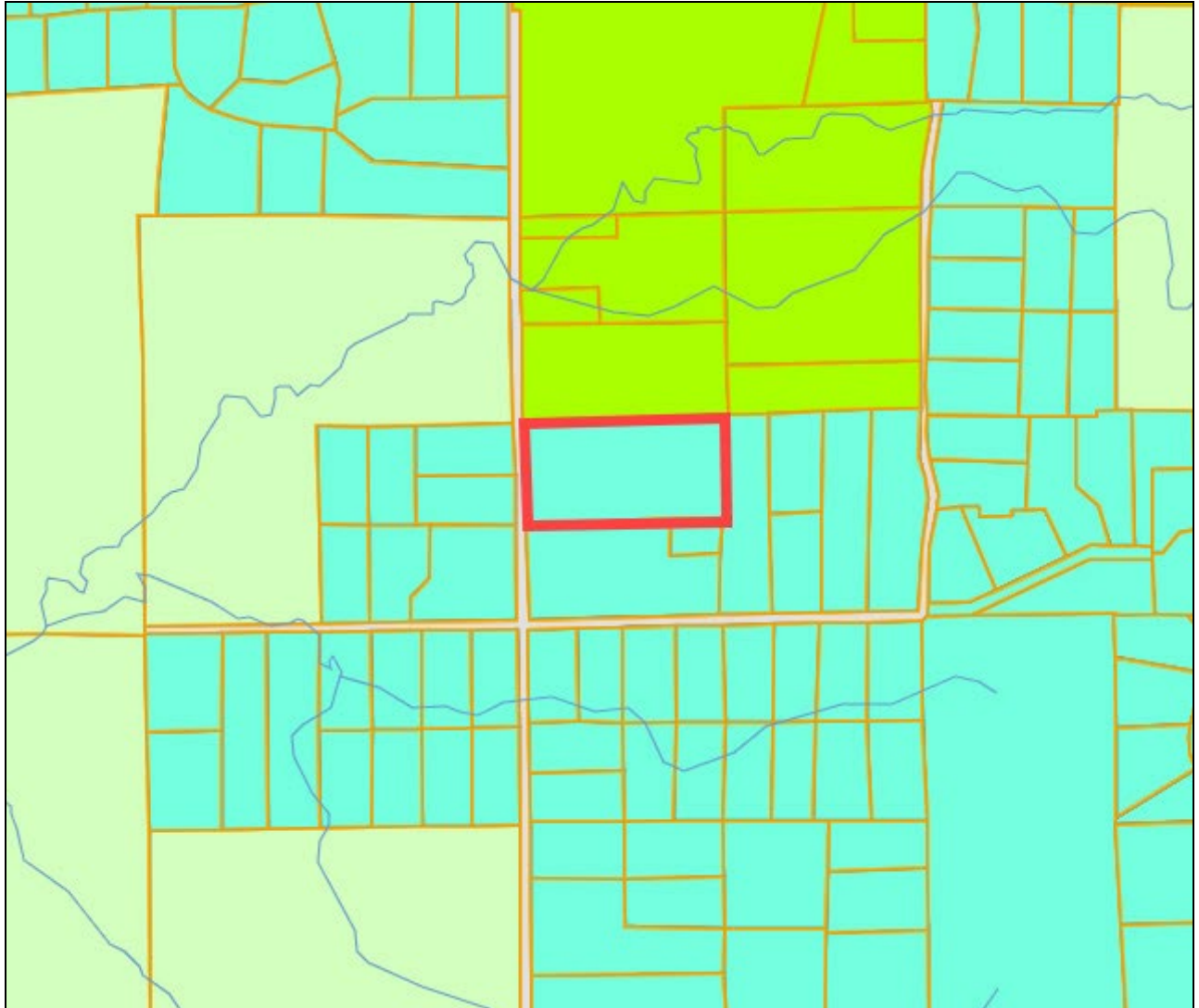


Figure 4 - General Plan and Zoning Map (Light Blue – Rural Transition B; Lime Green – Working Lands; Light Green – Resource Production)

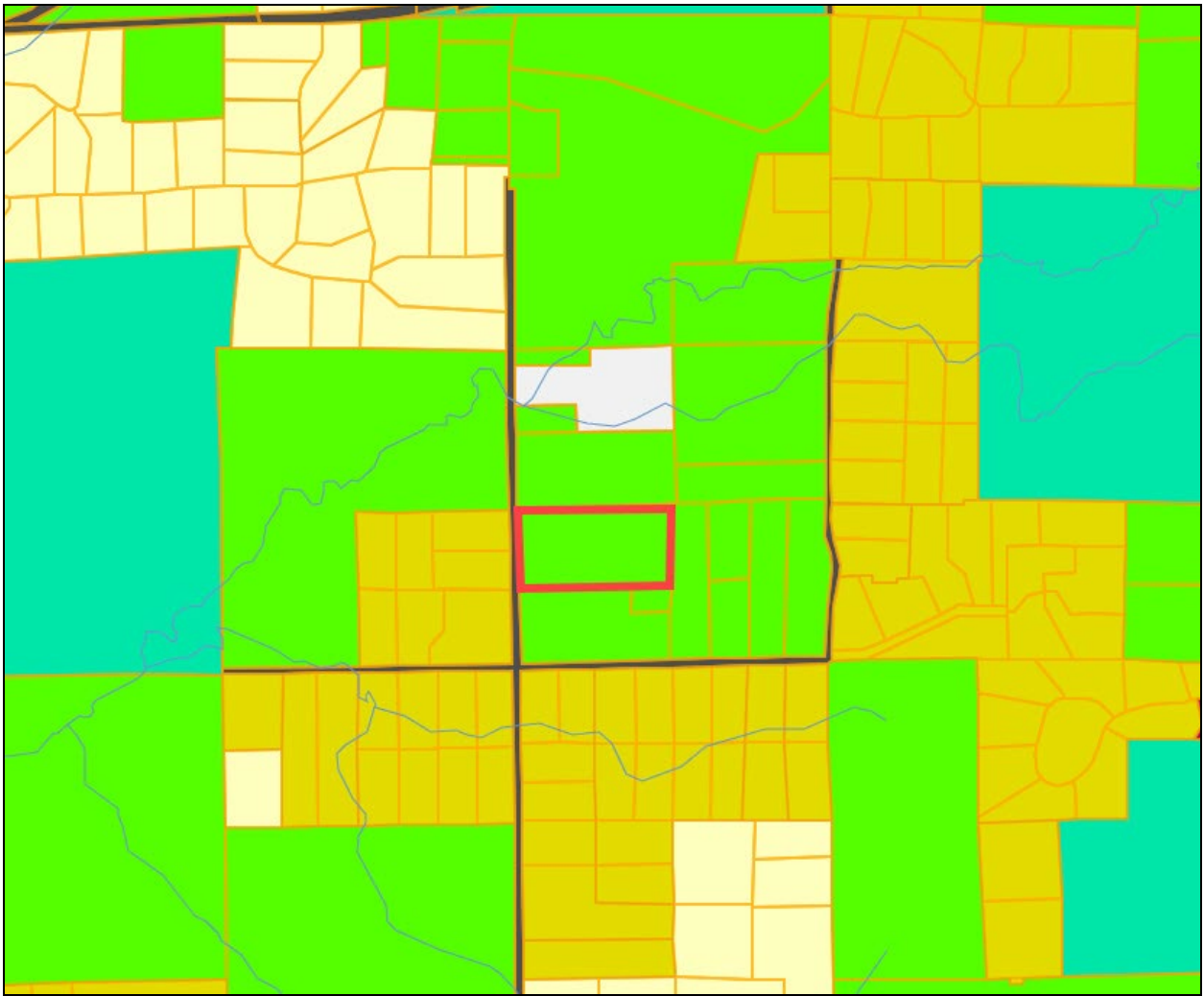


Figure 5- Zoning Classifications (Bright Green – General Agriculture (A1); Burnt Yellow - Residential Agriculture (RA); Teal – Agriculture Preserve (AP); Beige – Rural Residential (RR))

ZONING

The subject parcel is zoned General Agriculture (A1) which is intended to be the main resource production zone. It is to classify areas for general farming and ranching practices and assign such uses the primary emphasis for the area. It is the purpose of the A1 zone that residential uses are placed in a position of secondary importance when compared to the commercial scale production of food and fiber. The minimum parcel size for an A1 parcel is 20 acres.

The proposed zoning classification is Residential Agriculture (RA), which is intended to be a district in which an equal emphasis is given to residential and agricultural uses. The RA zone provides lands for small-scale and personal-scale farming and ranching, as well as larger residential parcels. All current uses on the subject parcel are permitted uses in the proposed RA zone. The Zoning Amendment from A1 to RA will allow the subdivision to 10-acre parcel sizes.

ADJACENT LAND USES/ZONING

North: Zoned A1 (General Agriculture) 1 parcel approximately 20 ± acres.

South: Zoned A1 (General Agriculture) 1 parcel approximately 20 ± acres.

East: Zoned A1 (General Agriculture) with two parcels ranging in size from 5-10 acres.

West: Zoned RA (Residential Agriculture) with two parcels approximately 5± acres.

ENVIRONMENTAL SETTING

The subject parcel encompasses 20 acres and is developed with a 2300 square foot (sq. ft.) single-family residence, and an 1100 sq. ft. accessory dwelling (ADU). In addition, there are twelve accessory structures, gravel access roads, parking/storage areas with approximately 173 vehicles/farm equipment which are used by the landowner for their hobby. The parcel consists of lowland foothills grassland with oak trees, and the northeastern portion of the parcel is an old defunct orchard. A stormwater drainage crosses through from east to west and drains into an on-site pond in the northwest corner. The surrounding lots in the vicinity range from 5 - 100 acres in size.

ANALYSIS

The applicant is requesting approval of a Zoning Amendment from A1 to RA on an approximately 20-acre parcel, with a concurrent request to divide the parcel into two (2) parcels. Parcel 1 is proposed to be 10.38 acres in size, and Parcel 2 is proposed to be 10.39 acres in size. The applicants wish to divide the parcel in order to increase the square footage of the existing ADU, as currently one single-family residence and one accessory dwelling unit with a maximum square footage of 1200 square feet are permitted per legal parcel. Therefore, the ADU would be converted to the primary residence on the newly created parcel. The creation of an additional legal parcel would allow for the future construction of an ADU as well as accessory structures per legal parcel; however, there are no other construction plans besides a small addition to the ADU proposed at this time.

The proposed parcels will be accessed from the existing driveways off Pettinger Road, which is within the County maintained system, and no improvements to the existing access roads are proposed, as the Public Works Department found that the project did not warrant the conditioning of on- or off-site road improvements. Other activities associated with construction of the addition may be required, such as grading and fire clearance measures. The applicant will be required to meet the provisions of all applicable County Codes in effect, including the County's Grading, Storm Water Quality and Subdivision Ordinances.

The original application requested to subdivide the parcel into four 5-acre parcels and amend the zoning to RR. However, due to the presence of California tiger salamander larvae (a federally threatened species with designated critical habitat by the USFWS in the vicinity) discovered during the Biological Assessment field work, the applicant amended their map to divide into two 10-acre parcels to remove the need to construct an access road. The request for 5-acre parcels required the RR zoning as the minimum parcel size for parcels served by on-site well and septic is 5 acres. The amended request to rezone from A1 to RA, is more consistent with the adjacent parcels, and allows for more agricultural uses on the proposed parcels.

AGENCIES CONTACTED/RESPONSE

The application was circulated to various County departments, local public, State, and federal agencies requesting comments relative to the request for a ZA and TPM. During the 30-day review period, comments were received from Caltrans, the Environmental Management Agency, and Public Works. The memo from the County's Environmental Management Agency included standard comments regarding water supply and onsite wastewater. The primary residence and ADU on the subject parcel are currently served by individual wells and on-site wastewater systems, and any future construction will need to comply with Environmental Health standards. Comments from the County Public Works Department require regulatory compliance with applicable regulations of the County Road Ordinance, the Storm Water Quality Ordinance, the Grading and Drainage Ordinance as well as the Subdivision Map Act. The Public Works Department also stated in their comments that the existing driveways are adequate to serve both individual parcels. Comments were also received from Calaveras Consolidated Fire Protection District, which had no conditions for the most recent version of the map. These comments can be found in Attachment 3.

GENERAL PLAN CONSISTENCY

The project is consistent with General Plan Land Use Policy LU 3.6, adhering to the density, land use intensity, and water and sewage disposal standards set forth in Table LU-1. The proposed project is also consistent with General Plan Policies COS 3.1 (use site planning techniques to protect biological resources), COS 3.2 (avoid impacts to habitats), COS 3.3 (require new development to identify and mitigate impacts to wildlife habitat) and Implementation Measure COS-4H (require project applicants to enlist the services of a qualified biologist and to minimize, avoid and/or mitigate significant impacts to special-status species). The subject parcel is not located in a Community Plan area.

ENVIRONMENTAL REVIEW

Pursuant to California Environmental Quality Act (CEQA) guidelines, an Initial Study and Mitigated Negative Declaration (ISMND) was prepared. The ISMND was distributed for a 30-day review and comment period from June 28, 2024, to July 28, 2024. Letters were received from Caltrans and the Department of Toxic Substances Control with standard comments that did not apply to the project and do not change the conclusions of the ISMND. No comments were received from the public. Potential impacts to habitat for the California tiger salamander (CTS) and to the Western spadefoot toad (WST) were identified, and mitigation measures are incorporated into the conditions of approval for the project, which reduces the potential impact to less than significant. A condition of approval has been imposed on the project that requires conformance with the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program. The prepared Mitigated Negative Declaration was completed in accordance with the California Environmental Quality Act (CEQA) and reflects the independent judgment and analysis of the preparer. The change in request from RR to RA does not affect the conclusions of the CEQA Initial Study.

Biological Resources / CTS Habitat

A Biological Resources Assessment (BRA) was initially prepared by Soar Environmental in

January 2023 and updated in April 2023 and April 2024, and an Aquatic Resource Delineation was prepared by Soar in November 2022. During the site visit conducted on February 19, 2023, by Soar Environmental biologists, a California tiger salamander larva was observed in the stormwater retention pond on the property, which is located approximately 87 feet from the ADU. Results concluded the stormwater retention pond in the northwest corner of the property provides suitable habitat for California tiger salamander (CTS) and potentially vernal pool brachiopods. Richard Kuyper, Supervisor for the Southern Sierra Division of the Endangered Species Program for the U.S. Fish and Wildlife Service (USFWS) reviewed the most recent BRA, Aquatic Resource Delineation, and a jurisdictional determination from the U.S. Army Corps of Engineers that the aquatic resources are not waters of the U.S. In his May 1, 2024, email, Mr. Kuyper stated that these documents indicate that the area around the house is highly disturbed, not suitable habitat for CTS, and also provide conservation measures such as exclusion fencing that can be implemented to avoid impacts to CTS when they might be dispersing between upland areas and the wetland. Mr. Kuyper concluded in his email that it is reasonable to assume that “take” of CTS won’t occur during construction of the house addition and therefore, by the proposed Project.

There will be no alteration to the stormwater retention pond in the northwest quarter of the property or the drainage ditch that feeds into it. The addition to the ADU is proposed to be limited to 12-30 feet around the existing footprint. This would allow for a 50-foot disturbance-free buffer around the stormwater retention pond. Groundcover immediately around the residence is highly disturbed. Disturbed and developed areas are not considered suitable habitat for sensitive species. The Project would have minimal impact on habitat because Project activities would only occur on ground that is already disturbed, and no suitable habitat would be lost.

Biological Resources / Wetlands

Soar Environmental prepared an Aquatic Resource Delineation Report to document the location and extent of waters, including wetlands, that may qualify as jurisdictional Waters of the United States by the United States Army Corps of Engineers (USACE). Hydrophytic vegetation, wetland hydrology, and hydric soils were examined to determine the presence of wetlands as defined by the USACE. On November 29, 2022, biologists with Soar Environmental conducted a site visit to delineate the 0.21-acre stormwater basin present onsite, located in the northwest corner of the property, which is fed in part by an approximately 983-foot stormwater drainage ditch. The purpose of the man-made basin and drainage ditch is to redirect stormwater on the property and avoid any flooding within the rest of the property. The basin and drainage ditch were determined to be the focus of this Aquatic Resource study, as there were no other potential aquatic resources observed through the Project area.

On October 3, 2023, the U.S. Army Corps of Engineers reviewed the report and concurred with the delineation. The USACE determined that the features described in the report are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act. The landowner confirmed that no alterations would be made to the stormwater basin nor the drainage ditch during the proposed project.

Therefore, impacts to jurisdictional wetlands would be less than significant.

CONCLUSION

The project is consistent with relative key policies and implementation measures of the Calaveras County General Plan, Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance). The project has been adequately conditioned to meet the applicable requirements of the County Code. The lots meet the minimum requirements for RA zoned parcels served by individual wells and on-site septic systems. There is no substantial evidence that the project, as designed and conditioned, will have a significant effect on the environment. The project application was circulated to County Departments providing service to the project in addition to Federal and State agencies with jurisdiction within the area of the project.

RECOMMENDATION

Staff recommends the Planning Commission take the following action:

1. Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.
2. Adopt Planning Commission Resolution 2024-015 and recommend the Board of Supervisors amend the zoning of APN 048-025-013 from General Agriculture (A1) to Residential Agriculture (RA), as shown in Exhibit A in said Resolution; and
3. Adopt Planning Commission Resolution 2024-016 and recommend the Board of Supervisors approve Tentative Parcel Map 2022-044 as shown in Exhibit A in said Resolution.

ATTACHMENTS

1. Initial Study and Mitigated Negative Declaration
2. Draft Planning Commission Resolutions 2024-015 and 2024-016
3. Comments Received
4. Tentative Parcel Map

Attachment 1 –
Initial Study and Mitigated Negative Declaration



County of Calaveras

Department of Planning

Phone (209) 754-6394

Fax (209) 754-6540

<https://planning.calaverasgov.us>

Initial Study / Mitigated Negative Declaration
Review Period: June 28, 2024, to July 28, 2024

Initial Study

ENVIRONMENTAL

CHECKLIST

For: Donald and Linda Holsworth
TPM and ZA 2022-044
Assessor's Parcel No. 048-025-013

1. Project Title: 2022-044 Tentative Parcel Map and Zoning Amendment for Holsworth
2. Lead Agency Name and Address: Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
3. Contact Person: Madeleine Flandreau, Planner III
mflandreau@calaverascounty.gov
(209)754-6394
4. Project Location: 5403 Pettinger Road, Burson, APN: 048-025-013
5. Project Sponsor's Name and Address: Donald and Linda Holsworth
5403 Pettinger Road
Valley Springs, CA 95252
6. General Plan Designation: Rural Transition B
7. Zoning: General Agriculture (A1)
8. Project Description: The application proposes to amend the zoning of APN: 048-025-013, a 20-acre parcel, from General Agriculture (A1) to Rural Residential (RR) and includes a request to divide the 20-acre lot into two. Proposed Parcel 1 is approximately 10.38 acres, and proposed Parcel 2 is approximately 10.39 acres. The subject parcel is currently developed with a single-family residence, an accessory dwelling, and multiple accessory structures, and is located at 5403 Pettinger Road, in Burson, in a portion of Section 33, T4N, R10E, MDM.

9. Surrounding land uses and setting: (Briefly describe the project's surroundings.)

Location	General Plan Designation	Zoning	Land Use
North	Rural Transition B	General Agriculture (A1)	Agricultural
South	Rural Transition B	General Agriculture (A1)	Single Family Dwellings
East	Rural Transition B	General Agriculture (A1)	Single Family Dwellings
West	Rural Transition B	Rural Agriculture (RA)	Single Family Dwellings

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?

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.? **N/A**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION (To be completed by Lead Agency):

On the basis of this initial evaluation:

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

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

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

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

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



Madeleine Flandreau, Planner III
Project Planner

6/18/2024
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

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

Figure 1 – Location Map

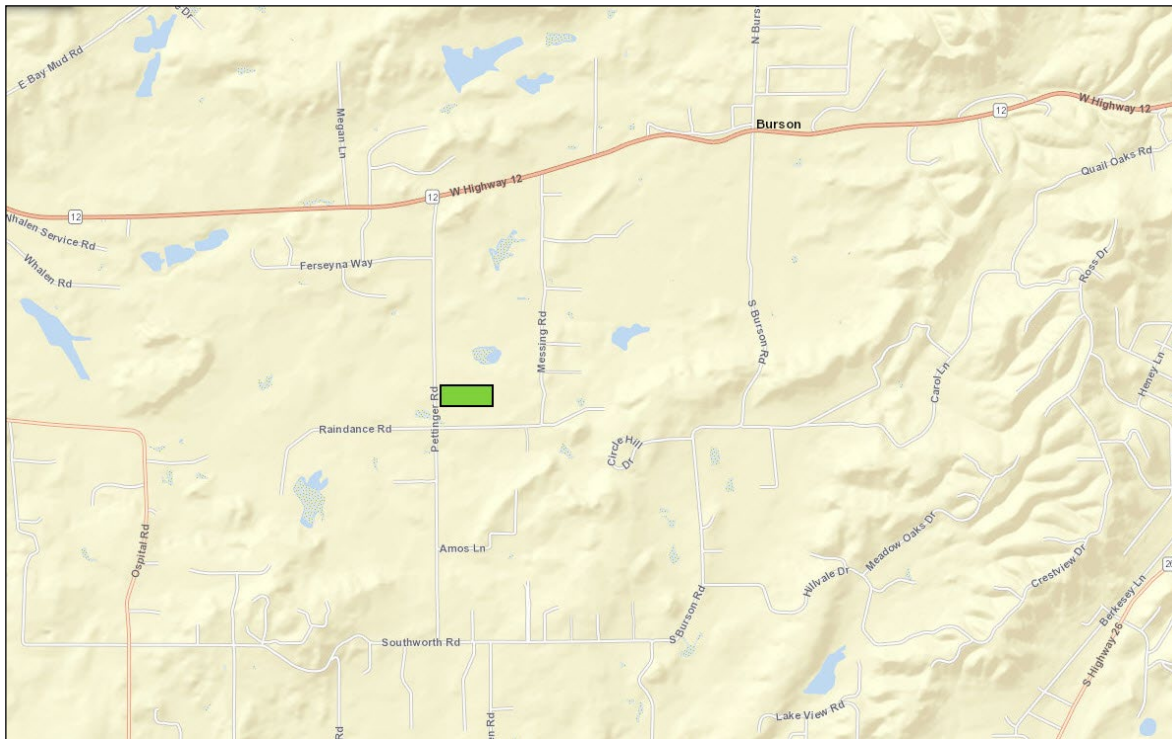


Figure 2 – August 2022 County Aerial Image (parcel boundaries are approximate)



TENTATIVE PARCEL MAP

OWENS DESIGN CONSULTANTS
145 N. 2nd Street
Oakdale, CA 95361
(209) 522-8051 - fax: (209) 522-8738 - www.owensdesign.com

TENTATIVE PARCEL
MAP

Tract No.:	1
Section:	36
Range:	14S
County:	Calaveras
City:	Oakdale
State:	CA
Map No.:	1
Scale:	1" = 40'
North Arrow:	True North
Prepared By:	OWENS DESIGN CONSULTANTS
Checked By:	OWENS DESIGN CONSULTANTS
Date:	10/20/2010
Project Name:	145 N. 2nd Street
Project Address:	145 N. 2nd Street
Project City:	Oakdale, CA
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Oakdale, CA 95361
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Figure 4 – Google Street View of Southern Driveway



Figure 5: Google Street View of Northern Driveway with ADU in Distance



Figure 6: View of Central Portion of Parcel



Figure 7: View Western Portion of the Parcel from the Pond Looking South



Environmental Impact Analysis:

The application proposes to amend the zoning of APN: 048-025-013, an approximately 20-acre parcel, from General Agriculture (A1) to Rural Residential (RR) and includes a request to divide the 20-acres into two 10+ acre parcels. The subject parcel is currently developed with a 2300 square foot (sq. ft.) single-family residence, an 1100 sq. ft. accessory dwelling (ADU), twelve accessory structures, gravel access roads, parking/storage areas with approximately 173 vehicles/farm equipment/their accessories which are used by the landowner for their hobby.

There are two encroachments off of Pettinger Road; the northern is the driveway for the ADU, and the southern the driveway for the primary residence. Access to the proposed parcels will not require improvement of the current encroachments. The land division is being proposed to allow for an addition to the ADU, bringing to total square footage above 1200 sq. ft. which is the maximum allowed for an ADU. The creation of an additional legal parcel would allow for the future construction of an ADU as well as accessory structures per legal parcel, however, there are no other construction plans besides the addition proposed at this time. Other activities associated with construction may be required such as grading, tree removal (from an old orchard), and fire clearance measures.

The parcel has a General Plan land use designation of Rural Transition B. The A1 zone is intended to be the main resource production zone. It is to classify areas for general farming and ranching practices and assign such uses the primary emphasis for the area. It is the purpose of the A1 zone that residential uses are placed in a position of secondary importance when compared to the commercial scale production of food and fiber. The proposed RR zone is intended to provide lands for personal ranches in which residential use is the primary land use. The RR zone is established to permit small-scale farming primarily for personal use and not as the primary use for the property.

The division of the parcel is consistent with the Calaveras County General Plan and with approval of the zoning amendment, will meet the zoning requirements of a minimum of 5-acre parcels for the RR zone. Conditions have been proposed for the project by all appropriate departments and agencies to ensure compliance with local and State codes and regulations.

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?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

DISCUSSION

a-c) **No Impact** – A scenic vista is an area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. The County General Plan's Conservation and Open Space Element notes that the County's scenic resources are some of its most valued assets and include forests, rolling hills, ranches, agricultural land, historic landscapes, oak woodlands, rock formations and other unique topographical features, river corridors, lakes, and streams. The Project site is located off of Pettinger Road in Burson on an approximately 20-acre parcel developed with a single-family residence, an accessory dwelling, and twelve accessory/storage structures. The majority of the parcel has been previously disturbed, with gravel access roads, an old orchard, and approximately 173 vehicles and equipment used by the landowner for their hobby. No trees will be removed as part of this project. The parcel consists of lowland foothills grassland with oak trees, and one stormwater drainage which crosses through from east to west and drains into an on-site pond in the northwest corner. The surrounding parcels range from 5 to 100 acres in size most of which are developed with single-family dwellings.

The purpose of the lot split is for an addition to the accessory dwelling unit (ADU) on proposed Parcel 2, however, with the proposed parcel being 10 acres in size, it is large enough to develop residentially while still retaining the natural landscape necessary to maintain the rural character and scenic beauty of the property. Any future development on the newly created parcels would be in accordance with the permitted uses of the Rural Residential zoning district and would have no impact on the current character or quality

of the site and its surroundings. The Project site is not designated as a scenic vista by the County General Plan, nor does it contain any unique or distinguishing features that would qualify the site for designation as a scenic vista. The only state highway in the area is State Highway 12, which is 4,300 feet to the north. According to Caltrans, this portion of State Highway 12 is not designated as a state scenic highway.

- d) **Less Than Significant Impact** – The addition of a new parcel which is already partially developed would not add a significant increase to the light or glare that currently exists in the area, nor would any views be adversely affected by the addition of any light that would be associated with a single-family residence on the property. Outdoor lighting for future development would be subject to Building Code, which requires that residential lighting be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way. With the adherence to outdoor lighting regulations at the time of development, the proposed project would not create new sources of substantial lighting or glare that would generate a significant impact.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of 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:

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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 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-e) **No Impact** - According to the County General Plan, the land use designation of the subject parcel is Rural Transition B (RTB) and is not considered to be located on land classified as high capability agriculture. The RTB designation identifies areas of existing rural neighborhoods where the primary use is residential but may include small agriculture/forest operations for personal or small-scale commercial use with minimal potential for conflicts with more intensely developed areas. The eastern portion of the parcel contains a remnant orchard; however, the property is not currently used for agriculture production, and has been heavily disturbed through residential use. The application proposes to amend the zoning from General Agriculture (A1) which is to be the main resource production zone to Rural Residential (RR) in which residential use is the primary land use. The A1 zone is not consistent with the RTB land use designation, but RR is consistent.

No prime farmland will be converted as a result of this Project. The subject property is not designated as prime, unique or farmland of statewide importance. The property is not currently being used for any type of agricultural operations or being converted to a non-agricultural use nor does the property qualify for the Agriculture Preserve under the Williamson Act. The land division and rezone would not cause additional changes in the existing environment that could result in the conversion of farmland to non-agricultural uses or forest land to non-forest land. The requested entitlement or potential to construct an accessory dwelling on the lots would not diminish the production of existing agricultural uses in the area.

Located at 300 feet in elevation, the parcel is not located in a forested area, nor is it considered to be forest land by the County's General Plan or Zoning Ordinance. Therefore, the proposed project would not result in the rezoning of forest or timberland and would not cause the loss of forest land or the conversion of forest land to non-forest land.

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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

DISCUSSION

a-b) **Less Than Significant Impact** - Calaveras County is part of the Mountain Counties Air Basin (MCAB). Air quality within the County is under the jurisdiction of the Calaveras County Air Pollution Control District (CCAPCD). The County has been classified as a non-attainment area for the State and Federal ozone standards (1-hour and 8-hour) and particulate matter standards (PM2.5 and PM10). To become designated as a non-attainment area for the State and Federal standards, there must be at least one monitored violation of the ambient pollutant standards within the area's boundaries. An area is designated in attainment of the State standard if concentrations for the specified pollutant are not exceeded. An area is designated in attainment for the Federal standards if concentration for the specified pollutant is not exceeded on average more than once per year.

The California Environmental Quality Act (CEQA) requires that projects be consistent with the local management plan and the State Implementation Plan (SIP). A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the County General Plan and the SIP in the following ways: (1) it fulfills the CEQA goal of fully informing local agency decision-makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are fully addressed; and (2) it provides the local agency with ongoing information assuring local decision-makers that they are making real contributions to clean air goals contained in the SIP. Projects that are consistent with the local general plan are, therefore, considered consistent with the air quality management plan.

Emissions that could be created by the proposed project would result from temporary impacts during construction of the addition to the ADU. These temporary construction activities would not generate significant volumes of air quality emissions and would be

required to comply with all applicable CCAPCD rules and regulations in addition to the General Plan policies, State, Federal Particulate Matter standards, and actions that aim to improve air quality and minimize pollutant concentrations. Therefore, it will not conflict with or obstruct the current air quality plans nor would it 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. As such, the project is consistent with the goals of County General Plan, the SIP, and does not present a significant air quality impact.

- c) **Less Than Significant Impact** – Although the only construction proposed is a small (100 sq. ft.) addition to an existing ADU, the proposed project to subdivide and rezone would allow two residential units per legal parcel, the construction of which would not typically expose sensitive receptors (i.e. schools, residential neighborhoods, etc.) to substantial pollutant concentrations. Construction activities such as the development of residential units or accessory structures will create temporary emissions of dust and exhaust from construction equipment. However, these activities are not considered to be significant and are temporary in nature and would be required by CCAPCD to have best management practices in place for construction to minimize dust and construction emissions.
- d) **No Impact** - The proposed project would not create any objectionable odors and is not near any sensitive receptors.

IV. BIOLOGICAL RESOURCES

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) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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?	☐	☒	☐	☐
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?	☐	☐	☒	☐
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?

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

DISCUSSION

a-b) **Less than Significant Impact with Mitigation** – A Biological Resources Assessment (BRA) was initially prepared by Soar Environmental in January of 2023, and updated in April of 2023, and April of 2024, and an Aquatic Resource Delineation was prepared by Soar in November of 2022. As part of the BRA, a records search was conducted for threatened or endangered plant and wildlife species that could potentially occur in the vicinity of the Project Area, and three site visits were conducted on June 20, and November 29, of 2022, and on April 19, 2023. The BRA identified the following habitats on the subject parcel: Grassland and a remanent orchard/woodland is found in the northeast corner of the property. The central portion and southwest corner are highly disturbed with residences and accessory structures, access roads, and hobby vehicles. These areas have little to no vegetation, which extends from the southeast corner after the structures, throughout the southern part of the property to the southeast corner of the property. A stormwater retention pond is found in the northwest corner of the property. This man-made pond has a canopy of trees surrounding it. The ADU in the northwestern portion of the parcel is adjacent to the stormwater retention pond.

The records search yielded 15 federally listed wildlife and 3 plant species with the potential to occur on the Project Site. The 15 wildlife species with potential to occur were either observed during a site visit or known to occur within 5 miles, and for which there was suitable habitat on the subject parcel. Of these 15 wildlife species, three were observed: California tiger salamander, Nuttall's woodpecker, and Oak titmouse; and seven were determined to have a high potential for occurrence: California linderiella, Conservancy fairy shrimp, Swainson's hawk, Vernal pool fairy shrimp, Vernal pool tadpole shrimp, Western spadefoot toad, and Yellow-billed magpie.

Potentially occurring federally listed plant species include: lone buckwheat, lone manzanita, and Sacramento Orcutt grass. None of the special status plant species identified in the BRA were observed on the subject parcel during any of the site visits.

California Tiger Salamander

California tiger salamander (CTS) is listed as Threatened on the Federal and State level. The subject parcel is located 0.41 miles north of an area designated by the U.S. Fish and Wildlife Service as Critical Habitat for the CTS. The designated Critical Habitat is Unit 5, Indian Creek Unit, of the Central Valley Geographic Region, which includes 3,128 acres, and is bordered by State Route 26 on the south and east, Warren Road on the west, and

State Route 12 on the north. According to the CNDDDB, California tiger salamander has been observed in the area approximately 1.06-miles northwest of the Project Site in 2001, and 1.07-miles southeast in 1990. California tiger salamanders are presumed extent in this area.

During the site visit conducted February 19, 2023, by Soar Environmental biologists, a California tiger salamander larva was observed in the stormwater retention pond on the property, which is located approximately 87-feet from the ADU. Results concluded the stormwater retention pond in the northwest corner of the property provides suitable habitat for California tiger salamander, and potentially vernal pool brachiopods. The pond was completely dry during the first site visit but inundated with water during the second and third site visits, and according to the property owner does not hold water every year. The BRA noted very few small mammal burrows in the proposed project area that could provide adequate refugia for California tiger salamander.

There will be no alteration to the stormwater retention pond in the northwest quarter of the property or the drainage ditch which feeds into it. The addition to the ADU is proposed to be limited to 12-30 feet around the existing footprint. This would allow for a 50-foot disturbance free buffer around the stormwater retention pond. Groundcover immediately around the residence is highly disturbed. Disturbed and developed areas are not considered suitable habitat for sensitive species. The Project would have minimal impact on habitat because Project activities would only occur on ground that is already disturbed, and no suitable habitat would be lost. However, there would still be potential for injury or mortality of California tiger salamander from project activities, and mitigation measures would be necessary to reduce potential “take” of the species.

Richard Kuyper, Supervisor for the Southern Sierra Division of the Endangered Species Program for the U.S. Fish and Wildlife Service (USFWS), reviewed the most recent BRA, Aquatic Resource Delineation, and a jurisdictional determination from U.S. Army Corps of Engineers (USACE). In his May 1, 2024, email, Mr. Kuyper stated that these documents indicate that the area around the house is highly disturbed, not suitable habitat for CTS, and also provides conservation measures such as exclusion fencing that can be implemented to avoid impacts to CTS when they might be dispersing between upland areas and the wetland. Mr. Kuyper concluded in his email that it is reasonable to assume that “take” of CTS won’t occur during construction of the house addition. Therefore, no ESA compliance is required for this project. The following mitigation measures were included in the BRA, and are required to reduce impacts to CTS to less than significant levels:

MITIGATION MEASURE BR-1
Prior to initiating construction of the residential addition on the ADU, a biologist approved by the Planning Department shall perform surveys for CTS within the project area plus a 50-foot buffer zone around the construction area. The approved biologist shall complete walking surveys of the project area prior to any ground-disturbing activity. The approved biologist shall survey suitable habitat features, such as aquatic and upland areas, beneath woody debris, ruts, dens, burrows, and holes that have the potential to contain CTS. The approved biologist shall conduct preconstruction surveys in conjunction with exclusion fencing installation. Surveys for CTS shall also be conducted during trenching and excavation.

MITIGATION MEASURE BR-2

Ground-disturbing activities within potential habitat for CTS shall occur outside the breeding and dispersal season (occur after July 31 and before October 15), to the maximum extent practicable. If construction activities must occur during the breeding and dispersal season (after October 15 and before July 31), construction activities should not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset. Also, ground-disturbing activities and heavy equipment use during the wet season shall cease 24 hours prior to a 40 percent or greater forecast of rain. Project activities may continue 24 hours after the rains cease if there is a less than 40 percent chance of precipitation in the 24-hour forecast for the project area according to the National Weather Service.

MITIGATION MEASURE BR-3

An approved biologist experienced with CTS identification and behavior shall be onsite to monitor all construction activities, including monitoring the integrity of any exclusion fencing. Construction workers should attend a Worker Education Awareness Program (WEAP) that provides information on CTS identification, encounter protocols, and contact information for the project biologist if CTS are found onsite. The surveys should occur before 7:00 AM or before construction activities.

MITIGATION MEASURE BR-4

Exclusion fencing shall be installed around the construction footprint to exclude CTS from entering the construction area. The barrier shall be designed to allow CTS to leave the project area using a one-way funnel or other efficient method. Exclusion fencing will be at least 1 foot tall and be buried at least 6 inches below the ground to prevent salamanders from going under the fencing. Prior to trenching, vegetation shall be mowed along the fence line to the width necessary to accommodate the trenching equipment and a walking buffer, to facilitate locating and avoiding burrows and CTS that may be present within the project area. Fencing will remain in place until all construction activities within potential CTS upland or aquatic habitat are complete. Exclusion fencing shall be inspected weekly and after storm events. The exclusion fence shall be maintained, and repairs made immediately to ensure it is functional and without defects. Permittee shall provide refuge opportunities along or near the exclusion fence on both sides of the fence (e.g., cover boards).

Western Spadefoot Toad

Western spadefoot toad (WST) is a federally listed endangered species, and State species of special concern. This species was not observed during the site visits, however, suitable habitat in and near the pond 0.2 mile north of the subject parcel was noted for this species.

The following mitigation measures are required to reduce impacts to WST to less than significant levels:

MITIGATION MEASURE BR-5

If project activities occur in 2024 (or any subsequent year), the approved biologist shall conduct a WST survey over all suitable habitat present within the project area. Surveys shall be conducted during the time of year when the species is most readily discoverable (typically February-March). The results of the survey shall be submitted to CDFW. If WST is encountered during surveys, a site-specific avoidance, and minimization plan shall be prepared for review and approval by CDFW. This plan shall be submitted and approved prior to starting construction activities within the areas where toads or egg masses were discovered. All the measures included in the approved plan shall be implemented during project activities.

MITIGATION MEASURE BR-6

If construction activities are implemented during the wet season (October 15 through May 15), silt fencing shall be installed around the project footprint to exclude WST from the work area. Additionally, construction workers should attend a WEAP that provides information on spadefoot identification, encounter protocols, and contact information for the project biologist if WST are found onsite. All excavated steep-walled holes and trenches greater than six inches deep shall be covered or escape ramps provided at the end of each workday to avoid WST entrapment. Erosion control materials used onsite must utilize non entangling material such as coconut coir matting and fiber rolls containing burlap. Permittee shall not use erosion control materials that contain monofilament. If a WST is encountered during construction activities, a 100-foot radius avoidance buffer shall be established until the animal leaves the project site on its own volition, or until the individual can be relocated in accordance with approved relocation plans.

In addition, several additional mitigation measures were included in the BRA for avoidance and minimization of impacts to both CTS and WST.

MITIGATION MEASURE BR-7

All construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored at a construction site for one or more overnight periods shall be securely capped prior to storage. Workers shall thoroughly inspect all construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored for one or more overnight periods for wildlife before the pipe is subsequently moved, buried, or capped. If wildlife is detected during inspection, workers shall notify the approved biologist and allow the animal to safely escape that section of the pipe before moving and utilizing the pipe. If the individual is found within the fenced project site, the approved biologist shall remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.

MITIGATION MEASURE BR-8

The approved biologist shall check all excavated open holes, pumps, and trenches for wildlife at the beginning, middle, and end of each day and immediately before filling, for trapped animals. If there is wildlife trapped in these features, the approved biologist shall remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.

- c) **Less Than Significant Impact** – Soar Environmental prepared an Aquatic Resource Delineation Report to document the location and extent of waters, including wetlands, that may qualify as jurisdictional Waters of the United States by the United States Army Corps of Engineers (USACE). Hydrophytic vegetation, wetland hydrology, and hydric soils were examined to determine the presence of wetlands as defined by the USACE. On November 29, 2022, biologists with Soar Environmental conducted a site visit to delineate the 0.21-acre stormwater basin present onsite, located in the northwest corner of the property, which is fed in part by an approximately 983-foot stormwater drainage ditch. The purpose of the man-made basin and drainage ditch is to redirect stormwater on the property and avoid any flooding within the rest of the property. The basin and drainage ditch were determined to be the focus of this Aquatic Resource study as there were no other potential aquatic resources observed through the Project area.

On October 3, 2023, the U.S. Army Corps of Engineers reviewed the report and concurred with the delineation. The USACE determined that the features described in the report are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act. The landowner confirmed that no alterations would be made to the stormwater basin nor the drainage ditch during the proposed project. Therefore, impacts to jurisdictional wetlands would be less than significant.

- d) **Less than Significant Impact with Mitigation** – The Migratory Bird Treaty Act (MBTA) protects all common wild birds in the United States except a select few species. California Fish and Game Code 3503 makes it illegal to destroy any bird nests or eggs protected under the MBTA. During the site visits conducted by Soar Environmental, two bird species which are federally listed as a USFWS Bird of Conservation Concern were observed during the study: Nuttall's woodpecker, and Oak titmouse. In addition, the Swainson's hawk was in the records search for this area which is listed as threatened on the State level and is a federally listed species under the Migratory Bird Treaty Act. This species was surveyed during the breeding season and not observed. Suitable habitat in the grassland and remanent orchard/woodland on the subject parcel was noted for this species. No construction or ground-disturbing activities are proposed to occur within the remnant orchard/woodland in the eastern portion of the subject parcel. There are no trees near the eastern side of the ADU where the residential addition is proposed, therefore, no trees are proposed to be removed as a result of the land division and rezone. However, the landowners would have the ability to add an ADU, and accessory structures to the proposed parcels. The following mitigation measures are required to reduce impacts to birds protected under the MBTA to less than significant levels:

MITIGATION MEASURE BR-9
In order to avoid take of protected raptors and migratory birds, vegetation removal shall be scheduled between September 1 and January 31. If vegetation removal must be conducted between February 1 and August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist canvassing the site and a 250-foot buffer area around the site with binoculars. The survey shall be conducted within two weeks prior to the beginning of vegetation removal in order to identify active nests within 250 feet of the reclamation area. If active nests are found within the survey area, vegetation removal shall be delayed until the qualified biologist determines nesting is complete.

- e-f) **No Impact** – The Project site 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 Project would 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?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

DISCUSSION

- a-c) **No Impact** – A Cultural Resources Assessment was conducted for the project site by Foothill Resources on June 22, 2022. The investigation found no significant cultural or historic resources within subject parcel. The Indirect Area of Potential Effects, the area within a ½ mile radius of the project site, was also researched. There are no cultural resources recorded in this radius. The results of the investigation that encompassed the Project area and vicinity were negative.

Development is not expected to have an impact on cultural resources within the project site, and no further studies were recommended. Local tribes were contacted as part of the study, and no responses received with concerns within the project area. In the event of accidental discovery of human remains, the procedures pursuant to Title 14 section 15064.5 of CA Code of Regulations should be followed. There was no evidence of cultural resources in the project area and there will be no impact to any archaeological or historical resources.

VI. ENERGY

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of 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-b) **Less than Significant Impact** – The California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings) was created by the California Building Standards Commission in response to a legislative mandate to reduce California's energy consumption. The code's purpose is to advance the state's energy policy, develop renewable energy sources and prepare for energy emergencies. These standards are updated periodically by the California Energy Commission. The code includes energy conservation standards applicable to most buildings throughout California. Calaveras County has not adopted a local renewable energy or energy efficient plan.

Any future development for residential dwellings on the proposed parcels will be subject to the California Energy Code. These requirements will also be applicable to any future construction ensuring that any impact to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be less than significant and also preventing any conflict with state or local plans for energy efficiency and renewable energy. The increased energy usage resulting from an additional residential parcel is incremental when compared to the existing baseline in the surrounding area. Per these regulations, the project will not have an impact on renewable energy nor energy efficiency.

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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

DISCUSSION

a) **No Impact** – Calaveras County lies within the Sierra Block, an area of historically low seismicity. Though ground shaking from earthquakes with epicenters located elsewhere have been felt, no major earthquakes have been recorded within the County. The closest known source of large earthquakes is the Sierra Frontal Fault System along the eastern margin of the Sierra Nevada, which includes the Carson Valley Fault. This fault is located east of the County and has been evaluated as capable of generating earthquakes of up to magnitude 7.0. However, the risk of surface rupture is not considered sufficient to restrict the development found in the County. The parcel and surrounding area were checked for faults using the “EQ Zapp: California Earthquake Hazards Zone Application” online map. No local faults are noted on the map. The project site is relatively flat and is not anticipated to directly or indirectly cause potential substantial adverse effects related to seismic-related ground failure or landslides. Therefore, any related impacts are anticipated to be not significant.

b-c) **Less Than Significant Impact** – The areas of landslide concern are those that include high elevations with steep ravines and gulches associated with river and stream channels. Located at approximately 300 feet in elevation, the parcel has no ravines or gulches associated with rivers or stream channels. According to the National Resource Conservation Service, the soil type mapped on the subject parcel is Amador sandy loam, 2-15% slopes. Amador sandy loam consists of 10-20 inches of sandy loam overlaying paralithic bedrock. Sites in Calaveras County with liquefaction potential would be those on 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

and are generally not present in the County. Soil erosion and loss of topsoil is expected during future construction/development of the site. Existing codes and Best Management Practices that regulate erosion control would be implemented during wet winter months and during future grading and development of the property in compliance with Title 8 as it pertains to the County's grading ordinance and improvement standards. If there are site specific concerns by Public Works, further investigations would be required during the grading, improvement and building permit process. A small residential addition to the existing ADU is the only future construction being considered with the proposal to rezone and subdivide the subject parcel. No additional residences are proposed to be constructed.

- d) **Less Than Significant Impact** – The proposed project is not located on expansive soil. The Building Department will review the required soil study and will not issue a Building Permit if it is found the development of the site could lead to the risk of a loss of life because of the expansiveness of the soil. As a result, it can be anticipated that any risk to life would be considered less than significant.
- e) **Less Than Significant Impact** – The existing residences currently utilize separate on-site wastewater disposal systems. No additional residences are proposed to be constructed. However, as one primary residence and one accessory dwelling are permitted per legal parcel, there is the potential for the applicant to construct additional dwellings in the future, following recordation of the map. Any future development will be required to meet the County standards for on-site wastewater systems from the Environmental Management Agency. As such, the project is expected to have a less than significant impact related to adequately supporting a wastewater system.
- f) **No Impact** – The subject parcel has not been determined to contain significant historic or prehistoric archeological artifacts that could be disturbed by potential future site development. The project site also does not contain any known unique geologic features. Therefore, damage to unique paleontological resources, sites or geologic features is expected to be less than significant. See discussion under Cultural Resources above for further details.

VIII. GREENHOUSE GAS EMISSIONS

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

DISCUSSION

a-b) **Less than Significant Impact** – SB 375, (Chapter 728, Statutes of 2008) links land use planning, transportation planning, affordable housing and CEQA to greenhouse gas reduction. The state-wide target is to reduce emission levels by 2020 to those of 1990. While it is unlikely that programs Calaveras County may adopt will play a significant part in overall reductions, every jurisdiction must play its part in addressing the issue. SB 375 does not apply to Calaveras County because it is not a part of a Metropolitan Planning Organization. However, as a part of the environmental review of this project, air quality and greenhouse gas emission impacts must be addressed. Development of a Sustainable Community Strategy is a primary tool to identify and achieve greenhouse gas reduction goals. Additionally, vegetation, open space, and natural resource lands have the ability to sequester carbon. Management activities that sequester carbon also provide additional benefits such as protection of watersheds, enhanced wildlife habitat, and reduced soil erosion.

In terms of potential temporary construction impacts as a result of this parcel map, the proposed Project would not conflict with any applicable state or county plan, policy, or regulation currently in place, or violate any air quality standard, or contribute substantially to an existing or projected air quality violation. An incremental increase in greenhouse gas emissions may be generated through construction due to construction equipment operations and heating and cooling of accessory dwellings after construction. Building standards contained in Title 24 of the California Code of Regulations (California Building Standards Code) dictate high-efficiency, materials, and construction for residential and non-residential buildings. Emissions from new construction are therefore already reviewed under the standards contained in Title 24.

Auto emissions are the primary source of greenhouse gas (GHG) emissions in Calaveras County. The County has not adopted a plan or program to reduce GHGs, therefore, the proposed project would not conflict with any such plan. The State of California has adopted legislation to reduce GHGs and charge local jurisdictions to develop plans for such reductions. While the County has not yet developed such a plan, construction of accessory dwellings and structures would have an insignificant impact by itself, as construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions

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

involving the release of hazardous materials into the environment?

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☒ | ☐ |

DISCUSSION

- a-b) **Less than Significant Impact** – The proposed Rural Residential zoning will still permit various agricultural operations to be conducted on the property. Hazardous materials are not routinely used in small scale farming operations and therefore, will not create a significant hazard to the public. Materials such as pesticides and fertilizers may be routinely used in general farming activities. Pesticide use is regulated by permit through the County Agricultural Commissioner's office to ensure safe handling of the materials. According to the project application, the project is not expected to use or store hazardous materials on site; therefore, the risk of hazard due to the transportation or use of hazardous materials is expected to be less than significant.
- c) **No Impact** – There are no existing or proposed schools within one quarter mile of the subject parcel.
- d) **No Impact** – The project site is not listed as a hazardous materials site on the California Department of Toxic Substances Control EnviroStor database map, compiled pursuant to Government Code 65962.5 and as noted above, does not include the use or storage of hazardous materials on-site. Therefore, the project is anticipated to have no impact on creating a significant hazard to the public or the environment.
- e) **No Impact** – The subject parcel is not within an airport land use plan or within 2 miles of a public airport or public use airport.

- f) **No Impact** – There is no adopted emergency response plan or emergency evacuation plan specifically involving the parcel in question. The proposed project does not impede any traffic or alter any roads. The proposed project has been reviewed by the Public Works Department. The existing driveways would continue to serve the project and meets County Road Standards. Therefore, the project would not obstruct emergency vehicle access. The project has been reviewed by the Calaveras Consolidated Fire Protection District and found acceptable, as conditioned.
- g) **Less than Significant Impact** – According to The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP), this area of the county has a moderate fire risk. Topography and natural vegetation in the form of dry grasses pose fire hazards, especially to structures located near wildlands if adjacent clearing is not done. However, introduction of residential development could reduce the amount of fire fuels on the property. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety.

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?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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:	☐	☐	☒	☐
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	☐	☐	☒	☐
(iii) create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems	☐	☐	☒	☐

or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(iv)impede or redirect flood flows?				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

DISCUSSION

- a) **Less than Significant Impact** – The action of the creating one additional parcel would not have a direct impact to water quality or storm water drainage systems; however, the potential of future development could result in minimal runoff and small amounts of erosion. These issues could occur with the grading and construction of the addition or outbuildings. Any future development of the site would be subject to the rules and requirements of the Environmental Management Agency related to water quality, and subject to the rules and requirements of the Department of Public Works related to storm drainage and groundwater. The Rural Residential zone permits various agricultural operations, some of which may need a waste discharge permit from the Central Valley Water Quality Control Board. If the agriculture operation will result in the discharge of waste, the property owner shall consult with the Board to determine if a permit is needed. As a result, impacts to water quality, groundwater, and storm drainage and any related implementation or management plans are expected to be less than significant.
- b) **Less than Significant Impact** – The subject parcel is currently served by a domestic well which draws from the East San Joaquin Groundwater Basin, an alluvial aquifer. The East San Joaquin Groundwater Basin is estimated to cover 70 square miles of the County and is part of the larger San Joaquin Valley Basin as identified in the Department of Water Resources Bulletin 118-80. The basin is currently in a state of overdraft. According to the Calaveras County Local Agency Ground Water Protection Program, all of the wells reaching into the East San Joaquin Groundwater Basin are very similar in regard to depth to water and yield.

Prior to the approval of the final map, the Applicant must prepare and submit water studies (i.e. Source Capacity Pump Test/Report, identification of groundwater zones, Storage Capacity Report) for review by the County Environmental Management Agency prior to residential development. These studies will ensure the proposed project does not significantly deplete groundwater supplies or interfere with groundwater recharge.

- c) **Less than Significant Impact** – The project site is located approximately 900 feet to the south of Bear Creek, an intermittent stream. Impacts resulting from future construction of residential and accessory structures would be minimal on a single 10-acre parcel and would not substantially alter the existing drainage patterns of the site or vicinity. Compliance with applicable codes, policies, and regulations regarding waste discharge and water quality would ensure that Project operations would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or

groundwater quality. Comments received from the County Public Works Department require compliance with the County Road Ordinance (Chapter 12.02), Encroachment Ordinance (Ch 12.08), Storm Water Quality Ordinance (13.01), and the Grading & Draining Ordinance (15.05), in order to prevent substantial impacts to erosion and pollution of water due to construction. These are utilized and enforced by not only the Public Works department during grading activities, but also the Building Department during construction through inspections. Compliance with these regulations and the small-scale of this project ensures there will not be substantial erosion, siltation or runoff that would impact the site or area off-site. Therefore, the project is expected to have a less than significant impact on the drainage pattern of the site.

- d) **No Impact** – The parcel is not located in an area that is subject to flood hazards, tsunamis, or seiches, and would not be at risk of releasing pollutants due to inundation. No impacts would occur.
- e) **Less than Significant Impact** – In 2014, the California Legislature passed the Sustainable Groundwater Management Act (SGMA) which tasked local agencies authorities with managing their groundwater resources in a sustainable manner. The SGMA requires preparation of a Groundwater Sustainability Plan to address measures necessary to attain sustainable conditions in the Subbasin. The East San Joaquin Groundwater Authority was created to develop and implement the Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan to insure ongoing SGMA compliance within the Basin. The GSP does not propose or require the monitoring of domestic wells, and therefore, the project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

DISCUSSION

- a-b) **No Impact** – The project would not occur within an established community, nor would it result in the division of an established community. The proposed project complies with the Calaveras County General Plan, applicable County Code sections, and all other applicable regulations. There are no habitat conservation plans or natural community conservation plans applicable to the property., the project results in no impact.

XII. MINERAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

DISCUSSION

a-b) **No Impact** – The Project site is not located within the County’s Mineral Resource Overlay. The Project site designated as Rural Transition B, which is not a land use designation for areas within the County with the potential to contain mineral resources, and there are no known resources on or in the vicinity of the Project site. The Project site is also not within or adjacent to any active mining operations. Thus, the Project would not result in the loss of 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. No impact would occur.

XIII. NOISE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in:				
a) Generation of a substantial, temporary, or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

DISCUSSION

- a-b) **Less than Significant Impact** – The County’s General Plan Noise Element identifies major noise sources as traffic noise, railroad noise, airport noise, and fixed noise sources (i.e. industrial related process). Noise levels contributed by the proposed project would include temporary construction noise. Construction noise associated with development will primarily be from the use of heavy equipment, generators, and power tools which would be temporary, and would not result in long-term noise impacts. Potentially, ground borne vibrations and/or noise could occur during preparation of construction or which would also be temporary. Other than existing residential dwellings, there are no known potential noise generators in the area.
- c) **No Impact** – The subject property is not located in the airport land use plan, nor is there a public or private airstrip within 2 miles.

XIV. POPULATION AND HOUSING

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

DISCUSSION

- a) **Less than Significant Impact** – The proposed project will create 1 additional parcel that, upon subdivision, will permit residential development in accordance with Chapter 17.22 of the County’s Zoning Ordinance. Chapter 17.22 permits the development of one primary residence per parcel and one accessory dwelling, limited to 1,200 square feet in size as well as usual and customary accessory structures and uses associated with a residence. Based on a review of the County’s Housing Element of the General Plan, dated September 2019, the County’s household size is 2.32 persons per household. Therefore, the proposed project may result in the population increase of four persons ($2.32 \times 2 = 4.64$). The increase in population created as a result of the proposed project is not considered significant.
- b) **No Impact** – The project does not involve the demolition or relocation of any existing housing on or adjacent to the project site. Therefore, the proposed project will not result in the displacement of the local population.

XV. PUBLIC SERVICES

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:

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

DISCUSSION

- a) **Less Than Significant Impact** – The proposed project could result in two additional accessory dwelling units, which could affect fire and police services. The proposed project is located within the jurisdiction of the Calaveras Consolidated Fire District and is provided police services by the Calaveras County Sheriff's Department. The access to the proposed parcels is via existing residential encroachments off of Pettinger Road which provide adequate access for emergency fire equipment. The proposed project has the potential to result in the addition of four persons, based on average household size, of which some may attend schools within the Calaveras Unified school districts. However, any new construction of residences as a result of the proposed project will be required to pay the appropriate school impact fees required by the State. These fees are intended to mitigate any impacts created as a result of new students entering the impacted School District. The proposed project is located within a rural portion of the county where there are no parks or other public facilities in the vicinity.

XVI. RECREATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
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?

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DISCUSSION

- a) **Less Than Significant Impact** – Increase in the demand for recreational facilities is typically associated with substantial increases in population. The proposed project will generate minimal growth if accessory dwelling units are constructed on the resultant parcels. The project may result in a less than significant increase in the use of county parks and recreational facilities.
- b) **No impact** – The proposed project does not include plans for additional recreational facilities, nor would it require expansion of existing recreational facilities. Therefore, the project would not result in any adverse physical effects on the environment from construction or expansion of recreational facilities.

XVII. TRANSPORTATION

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

DISCUSSION

- a) **No Impact** – The project will not conflict with any adopted policies, plans or programs related to public transit, bicycle, or pedestrian features. Goals, policies, and implementation programs regarding Calaveras County's transportation system, including transit, roadway, bicycle, and pedestrian facilities are contained with the Circulation Element of the 2019 General Plan. Public transit is provided by Calaveras Transit, however, there are no transit stops in the project vicinity. There are no sidewalks or bike lanes in the project vicinity, so there would not be any loss, nor are these facilities required as part of this project. In addition, the project has been reviewed and found consistent with the applicable road standards found in Title 12 and 15 of the County Code.

- b) **Less Than Significant Impact** – The proposed project has the potential to introduce new residences as well as accessory uses which would generate long-term changes in traffic volumes. On average one home could generate 10 trips per day which in this case would have an increase of 20 trips. Public Works did not indicate that this increase in traffic would require a traffic study. Although the Calaveras County Council of Governments (CCOG) is in the process of preparing SB 743 vehicle miles traveled (VMT) implementation guidelines, no CEQA thresholds have been adopted at this time. However, the County's Traffic Impact Study Guidelines includes an existing daily forecast of Vehicle Miles Travelled per Capita of 42.6. As this project will only create one additional residential parcel, and allow for two additional accessory dwelling units, no further analysis related to vehicle miles traveled is required.
- c-d) **No Impact** – No access roads are proposed as a part of this project as there are already existing encroachments off of Pettinger Road- a county-maintained road- to the existing residences. The existing encroachments are already designed to allow for sufficient emergency vehicle access. The Calaveras Consolidated Fire Protection District reviewed the proposed project and no objection was provided regarding the creation of an additional parcel significantly altering response times or other performance objectives. The project will not increase hazards due to a geometric design feature or incompatible uses.

XVIII. TRIBAL CULTURAL RESOURCES

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
- 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.

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

- a-b) **No Impact** – In accordance with AB 52, County staff-initiated consultation with tribes that have requested formal notification of proposed projects within their geographic area of traditional and cultural affiliation per AB 52 Notification Request, Public Resources Code Section 21080.3(b). The Calaveras Band of Miwuk Indians, California Valley Miwok Tribe, Lone Band of Miwok Indians, Buena Vista Rancheria, and the Washoe Tribe of NV and CA have been notified of this project. No responses were received from any of the tribes. No specific tribal cultural resources have been identified either through the sacred lands file search conducted by the Native American Heritage Commission or by any of the Native American tribes with cultural affiliations to the area.

XIX. UTILITIES AND SERVICE SYSTEMS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
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?	☐	☐	☒	☐

DISCUSSION

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

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

XX. WILDFIRE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

DISCUSSION

- a) **Less than Significant Impact** – The Project does not propose activities that would substantially impair the Calaveras County Emergency Operations Plan. All roads in the area would remain open. The project site is located on private property with adequate access to county roads. The project will not interfere with adjacent roadways that may be used for emergency response or evacuation. The project will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.
- b) **Less than Significant Impact** – A Fire Management Plan was prepared on June 30, 2023. The Plan reviewed proposed future residential construction to ensure compliance with applicable state, local, and national fire and life safety standards. The Plan did identify significant hazards on the subject parcel including: dry grass, dead trees, barns, old vehicles, residences, and other possible hazards. The Plan includes methods for maintaining healthy trees, reducing hazardous vegetation, creating defensible spaces, facilitating family and worker education on fire hazardous and fire behavior. The proposal to rezone and divide the parcel will not exacerbate fire risks. With application of the Plan, impacts will be less than significant.
- c) **Less than Significant Impact** – The project will not result in conditions to further maintenance of infrastructure which might exacerbate the risk of fire. The project was routed to all applicable fire departments and agencies and they had no additional conditions.
- d) **Less than Significant Impact** – Areas with slopes greater than 20% may be susceptible to erosion, instability, or landslides, especially during periods of high rainfall or snowmelt. In respect to areas recently affected by wildfires, steep slopes can be the site of fast-moving, highly destructive debris flows in response to heavy rains. Slopes on the project site are less than 20%, posing a less than significant risk to landslides and post-fire slope instability.

IX. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
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)?

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☒ ☐

DISCUSSION

- a) **Less than Significant Impact with Mitigation** – Based on the information and analysis provided throughout this Initial Study, implementation of the proposed Project would not substantially degrade the quality of the environment and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of California history or prehistory. As discussed in the biological resources section of this document, impacts to CTS or its habitat will be reduced to a level of less than significant with mitigation measures. The site does not contain any wetlands or water features with characteristics for habitat of species or rare plant life. Mitigation protocols for the Migratory Bird Treaty Act were recommended during certain months when constructing the proposed residential addition.
- b) **Less than Significant Impact** – The project would not create a cumulative impact to any of the items discussed above. The proposed land division is consistent with the General Plan land use designation and zoning. The impacts discussed above are either minor in nature or can be addressed either through the implementation of best management practices or compliance with County standards. Any impacts to the area are minor in nature and do not trip established thresholds or create significant and unavoidable impacts.
- c) **Less than Significant Impact** – The analysis of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial adverse effects on human beings, either directly or indirectly. Best management practices, compliance with standard regulations, and conditions of approval will reduce any impacts to a level of less than significant.

REFERENCES

1. Calaveras County General Plan adopted November 12, 2019.
2. Calaveras County Municipal Code.
3. Calaveras County Planning Department, Land Use Application completed by Donald and Linda Holsworth, dated September 26, 2022.
4. *Biological Resource Assessment, Holsworth Subdivision Development Project, Assessor Parcel Number 048-025-013, Valley Springs, CA*, by Soar Environmental Consulting, dated April 5, 2024.
5. *Aquatic Resource Delineation Report, 5403 Pettinger Road, Valley Springs, CA*, by Soar Environmental Consulting, dated November 29, 2022.
6. *Approved Jurisdictional Determination Memorandum for Records*, U.S. Army Corps of Engineers, dated October 3, 2023.
7. *Fire Management Plan for the Holsworth Parcel Map*, Owens Design Consultants, Inc.
8. *Cultural Resource Study for 5403 Pettinger Road, Valley Springs*, Foothill Resources, Ltd., dated June 30, 2022.
9. Calaveras County Air Quality Management District, Best Management Practices, 2004.
10. United States Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey. <https://websoilsurvey.sc.egov.usda.gov/app/WebSoilSurvey.aspx>
11. California Department of Transportation. California Scenic Highway Mapping System <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>
12. California Department of Forestry. *Fire Hazard Severity Zones in State Responsibility Areas*. Adopted by CAL FIRE on November 7, 2007.
13. California Department of Conservation, Division of Mines and Geology. Probabilistic Seismic Hazard Assessment for the State of California; CDOC/DMG Open File Report 96-08 and USDI/USGS Open File Report 96-706; prepared in cooperation with the U.S. Department of the Interior, U.S. Geological Survey; 1996.

Attachment 1 –
Mitigated Negative Declaration

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

MITIGATED NEGATIVE DECLARATION

PROJECT NUMBER: 2022-044

PROJECT TITLE: Tentative Parcel Map for Donald Holsworth

APPLICANT/LANDOWNER: Donald Holsworth
5403 Pettinger Road
Valley Springs, CA 95252

PROJECT DESCRIPTION: The application proposes to amend the zoning of a 20-acre parcel, from General Agriculture (A1) to Residential Agriculture and includes a request to divide the 20 acres into two 10+ acre parcels.

PROJECT LOCATION: The parcel is located at 5403 Pettinger Road in the community of Burson, one mile south of the Hwy 12 and Burson Road intersection. APN: 048-025-013 is in a portion of Section 33, T4N, R10E, MDM.

GENERAL PLAN LAND USE DESIGNATION: Rural Transition B

ZONING DESIGNATION: General Agriculture (A1)

FINDING FOR MITIGATED NEGATIVE DECLARATION:

1. Revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur.
2. On the basis of the whole record including the Initial Study and comments received, there is not substantial evidence in the public record that the project may cause a significant effect upon the environment and the Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis.

EVIDENCE:

Pursuant to California Environmental Quality Act (CEQA) guidelines, County staff provided review and concurrence with the Initial Study evaluating the potential environmental effects of the project. The Initial Study identified potentially significant adverse effects under Biological Resources. Mitigation measures were incorporated into the Initial Study, which mitigated the potentially significant impacts to less than significant and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration was distributed for a 30-day review and comment period between June 28, 2024, and July 28, 2024. Letters were received from Caltrans and the Department of Toxic Substances Control with standard comments that did not apply to the project and do not change the conclusions of the ISMND. No comments were received from the public. A Mitigation Monitoring and

Reporting Program (MMRP) has been prepared to ensure compliance during project implementation. A condition of approval has been imposed on the project that requires conformance with the MMRP.

MITIGATION MEASURES FROM ENVIRONMENTAL DOCUMENT:

MITIGATION MEASURE BR-1

Prior to initiating construction of the residential addition on the ADU, a biologist approved by the Planning Department shall perform surveys for CTS within the project area plus a 50-foot buffer zone around the construction area. The approved biologist shall complete walking surveys of the project area prior to any ground-disturbing activity. The approved biologist shall survey suitable habitat features, such as aquatic and upland areas, beneath woody debris, ruts, dens, burrows, and holes that have the potential to contain CTS. The approved biologist shall conduct preconstruction surveys in conjunction with exclusion fencing installation. Surveys for CTS shall also be conducted during trenching and excavation.

MITIGATION MEASURE BR-2

Ground-disturbing activities within potential habitat for CTS shall occur outside the breeding and dispersal season (occur after July 31 and before October 15), to the maximum extent practicable. If construction activities must occur during the breeding and dispersal season (after October 15 and before July 31), construction activities should not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset. Also, ground-disturbing activities and heavy equipment use during the wet season shall cease 24 hours prior to a 40 percent or greater forecast of rain. Project activities may continue 24 hours after the rains cease if there is a less than 40 percent chance of precipitation in the 24-hour forecast for the project area according to the National Weather Service.

MITIGATION MEASURE BR-3

An approved biologist experienced with CTS identification and behavior shall be onsite to monitor all construction activities, including monitoring the integrity of any exclusion fencing. Construction workers should attend a Worker Education Awareness Program (WEAP) that provides information on CTS identification, encounter protocols, and contact information for the project biologist if CTS are found onsite. The surveys should occur before 7:00 AM or before construction activities.

MITIGATION MEASURE BR-4

Exclusion fencing shall be installed around the construction footprint to exclude CTS from entering the construction area. The barrier shall be designed to allow CTS to leave the project area using a one-way funnel or other efficient method. Exclusion fencing will be at least 1 foot tall and be buried at least 6 inches below the ground to prevent salamanders from going under the fencing. Prior to trenching, vegetation shall be mowed along the fence line to the width necessary to accommodate the trenching equipment and a walking buffer, to facilitate locating and avoiding burrows and CTS that may be present within the project area. Fencing will remain in place until all construction activities within potential CTS upland or aquatic habitat are complete. Exclusion fencing shall be

inspected weekly and after storm events. The exclusion fence shall be maintained, and repairs made immediately to ensure it is functional and without defects. Permittee shall provide refuge opportunities along or near the exclusion fence on both sides of the fence (e.g., cover boards).

MITIGATION MEASURE BR-5

If project activities occur in 2024 (or any subsequent year), the approved biologist shall conduct a WST survey over all suitable habitat present within the project area. Surveys shall be conducted during the time of year when the species is most readily discoverable (typically February-March). The results of the survey shall be submitted to CDFW. If WST is encountered during surveys, a site-specific avoidance, and minimization plan shall be prepared for review and approval by CDFW. This plan shall be submitted and approved prior to starting construction activities within the areas where toads or egg masses were discovered. All the measures included in the approved plan shall be implemented during project activities.

MITIGATION MEASURE BR-6

If construction activities are implemented during the wet season (October 15 through May 15), silt fencing shall be installed around the project footprint to exclude WST from the work area. Additionally, construction workers should attend a WEAP that provides information on spadefoot identification, encounter protocols, and contact information for the project biologist if WST are found onsite. All excavated steep-walled holes and trenches greater than six inches deep shall be covered or escape ramps provided at the end of each workday to avoid WST entrapment. Erosion control materials used onsite must utilize non entangling material such as coconut coir matting and fiber rolls containing burlap. Permittee shall not use erosion control materials that contain monofilament. If a WST is encountered during construction activities, a 100-foot radius avoidance buffer shall be established until the animal leaves the project site on its own volition, or until the individual can be relocated in accordance with approved relocation plans.

MITIGATION MEASURE BR-7

All construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored at a construction site for one or more overnight periods shall be securely capped prior to storage. Workers shall thoroughly inspect all construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored for one or more overnight periods for wildlife before the pipe is subsequently moved, buried, or capped. If wildlife is detected during inspection, workers shall notify the approved biologist and allow the animal to safely escape that section of the pipe before moving and utilizing the pipe. If the individual is found within the fenced project site, the approved biologist shall remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.

MITIGATION MEASURE BR-8

The approved biologist shall check all excavated open holes, pumps, and trenches for wildlife at the beginning, middle, and end of each day and immediately before filling, for trapped animals. If there is wildlife trapped in these features, the approved biologist shall

remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.

MITIGATION MEASURE BR-9

In order to avoid take of protected raptors and migratory birds, vegetation removal shall be scheduled between September 1 and January 31. If vegetation removal must be conducted between February 1 and August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist canvassing the site and a 250-foot buffer area around the site with binoculars. The survey shall be conducted within two weeks prior to the beginning of vegetation removal in order to identify active nests within 250 feet of the reclamation area. If active nests are found within the survey area, vegetation removal shall be delayed until the qualified biologist determines nesting is complete.



PREPARED BY: _____
Madeleine Flandreau, Planner III

APPROVED BY PLANNING COMMISSION

Chairperson

Date

Attachment 2-
Comments Received

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 23, 2024

Ms. Madeleine Flandreau
Planner III
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

**CAL-12-PM 4.574 Initial Study
Tentative Parcel Map and
Zoning Amendment SCH
2024061317 - Holsworth**

Dear Ms. Flandreau,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Initial Study. The proposed project consists of amending the zoning of Assessor Parcel Number 048-025-013, a 20-acre parcel, from General Agriculture (A1) to Rural Residential (RR) and includes a request to divide the 20-acre lot into two. Proposed Parcel 1 is approximately 10.38 acres, and proposed Parcel 2 is approximately 10.39 acres. The subject parcel is currently developed with a single-family residence, an accessory dwelling, and multiple accessory structures, and is located at 5403 Pettinger Road in the community of Burson.

Caltrans has the following comments:

Hydrology

The developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way (ROW), it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. If historical undeveloped topography shows drainage from this site does not flow into the State ROW, then it will not be allowed to flow into the State ROW at this time.

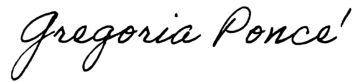
Encroachment Permits

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>

Ms. Madeleine Flandreau
July 23, 2024
Page 2

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,

A handwritten signature in black ink that reads "Gregoria Ponce". The script is cursive and fluid.

Gregoria Ponce'
Deputy District Director
Planning, Local Assistance, and Environmental

cc: Peter Maurer - Planning Director, Calaveras County Planning Department



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

July 17, 2024

Madeleine Flandreau

Planner III

Calaveras County Planning Department

891 Mountain Ranch Road

San Andreas, CA 95249

mflandreau@calaverascounty.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE TENTATIVE PARCEL MAP
AND ZONING AMENDMENT FOR THE HOLSWORTHS PROJECT DATED JUNE 28,
2024, STATE CLEARINGHOUSE NUMBER [2024061317](#)

Dear Madeleine Flandreau,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Tentative Parcel Map and Zoning Amendment for the Holsworths project (project). The applicant proposes to amend the zoning of a 20-acre parcel, from General Agriculture to Rural Residential and includes a request to divide the 20-acre lot into two parcels. Proposed Parcel 1 is approximately 10.38 acres, and proposed Parcel 2 is approximately 10.39 acres. After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs

requiring further analysis are Dichlorodiphenyltrichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [HHRA NOTE NUMBER 3, DTSC-SLs](#) approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds.

2. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required.
3. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's PEA Guidance Manual](#).

Madeleine Flandreau

July 17, 2024

Page 3

DTSC appreciates the opportunity to comment on the MND for the Tentative Parcel Map and Zoning Amendment for the Holsworths project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

A handwritten signature in cursive script that reads "Tamara Purvis".

Tamara Purvis

Associate Environmental Planner

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

Tamara.Purvis@dtsc.ca.gov

Madeleine Flandreau

July 17, 2024

Page 4

cc: (via email)

Governor's Office of Planning and

Research State Clearinghouse

State.Clearinghouse@opr.ca.gov

Dave Kereazis

Associate Environmental Planner

HWMP-Permitting Division – CEQA Unit

Department of Toxic Substances Control

Dave.Kereazis@dtsc.ca.gov

Scott Wiley

Associate Governmental Program Analyst

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

Scott.Wiley@dtsc.ca.gov

Attachment 3 –
Mitigation Monitoring and Reporting Program

EXHIBIT A

2022-044 TENTATIVE PARCEL MAP FOR HOLSWORTH
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing	Responsibility	Verification
BR-1: Prior to initiating construction of the residential addition on the ADU, a biologist approved by the Planning Department shall perform surveys for CTS within the project area plus a 50-foot buffer zone around the construction area. The approved biologist shall complete walking surveys of the project area prior to any ground-disturbing activity. The approved biologist shall survey suitable habitat features, such as aquatic and upland areas, beneath woody debris, ruts, dens, burrows, and holes that have the potential to contain CTS. The approved biologist shall conduct preconstruction surveys in conjunction with exclusion fencing installation. Surveys for CTS shall also be conducted during trenching and excavation.	Plan check & prior to issuance of building and/or grading permits. During trenching and/or excavation.	Owner	Planning
BR-2: Ground-disturbing activities within potential habitat for CTS shall occur outside the breeding and dispersal season (occur after July 31 and before October 15), to the maximum extent practicable. If construction activities must occur during the breeding and dispersal season (after October 15 and before July 31), construction activities should not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset. Also, ground-disturbing activities and heavy equipment use during the wet season shall cease 24 hours prior to a 40 percent or greater forecast of rain. Project activities may continue 24 hours after the rains cease if there is a less than 40 percent chance of precipitation in the 24-hour forecast for the project area according to the National Weather Service.	Plan check & prior to issuance of building and/or grading permits. During Construction.	Owner	Planning
BR-3: An approved biologist experienced with CTS identification and behavior shall be onsite to monitor all construction	During all construction activities	Owner	Planning

activities, including monitoring the integrity of any exclusion fencing. Construction workers should attend a Worker Education Awareness Program (WEAP) that provides information on CTS identification, encounter protocols, and contact information for the project biologist if CTS are found onsite. The surveys should occur before 7:00 AM or before construction activities.			
BR-4: Exclusion fencing shall be installed around the construction footprint to exclude CTS from entering the construction area. The barrier shall be designed to allow CTS to leave the project area using a one-way funnel or other efficient method. Exclusion fencing will be at least 1 foot tall and be buried at least 6 inches below the ground to prevent salamanders from going under the fencing. Prior to trenching, vegetation shall be mowed along the fence line to the width necessary to accommodate the trenching equipment and a walking buffer, to facilitate locating and avoiding burrows and CTS that may be present within the project area. Fencing will remain in place until all construction activities within potential CTS upland or aquatic habitat are complete. Exclusion fencing shall be inspected weekly and after storm events. The exclusion fence shall be maintained, and repairs made immediately to ensure it is functional and without defects. Permittee shall provide refuge opportunities along or near the exclusion fence on both sides of the fence (e.g., cover boards).	During all construction activities	Owner	Planning
BR-5: If project activities occur in 2024 (or any subsequent year), the approved biologist shall conduct a WST survey over all suitable habitat present within the project area. Surveys shall be conducted during the time of year when the species is most readily discoverable (typically February-March). The results of the survey shall be submitted to CDFW. If WST is encountered during surveys, a site-specific avoidance, and minimization plan shall be prepared for review and approval by CDFW. This plan shall be	Plan check & prior to issuance of building and/or grading permits.	Owner	Planning

submitted and approved prior to starting construction activities within the areas where toads or egg masses were discovered. All the measures included in the approved plan shall be implemented during project activities.			
BR-6: If construction activities are implemented during the wet season (October 15 through May 15), silt fencing shall be installed around the project footprint to exclude WST from the work area. Additionally, construction workers should attend a WEAP that provides information on spadefoot identification, encounter protocols, and contact information for the project biologist if WST are found onsite. All excavated steep-walled holes and trenches greater than six inches deep shall be covered or escape ramps provided at the end of each workday to avoid WST entrapment. Erosion control materials used onsite must utilize non entangling material such as coconut coir matting and fiber rolls containing burlap. Permittee shall not use erosion control materials that contain monofilament. If a WST is encountered during construction activities, a 100-foot radius avoidance buffer shall be established until the animal leaves the project site on its own volition, or until the individual can be relocated in accordance with approved relocation plans.	During all construction activities	Owner	Planning
BR-7: All construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored at a construction site for one or more overnight periods shall be securely capped prior to storage. Workers shall thoroughly inspect all construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored for one or more overnight periods for wildlife before the pipe is subsequently moved, buried, or capped. If wildlife is detected during inspection, workers shall notify the approved biologist and allow the animal to safely escape that section of the pipe before moving and utilizing the pipe. If the individual is found within the fenced project site, the approved biologist shall	During all construction activities	Owner	Planning

remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.			
BR-8: The approved biologist shall check all excavated open holes, pumps, and trenches for wildlife at the beginning, middle, and end of each day and immediately before filling, for trapped animals. If there is wildlife trapped in these features, the approved biologist shall remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.	During all construction activities	Owner	Planning
BR-9: In order to avoid take of protected raptors and migratory birds, vegetation removal shall be scheduled between September 1 and January 31. If vegetation removal must be conducted between February 1 and August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist canvassing the site and a 250-foot buffer area around the site with binoculars. The survey shall be conducted within two weeks prior to the beginning of vegetation removal in order to identify active nests within 250 feet of the reclamation area. If active nests are found within the survey area, vegetation removal shall be delayed until the qualified biologist determines nesting is complete.	During all construction activities	Owner	Planning

Attachment 2-
Planning Commission Resolutions 2024-015
and 2024-016

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

RESOLUTION NO. 2024-015

>> A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION AND ADOPT AN ORDINANCE TO APPROVE 2022-044 ZONING AMENDMENT OF APN 48-025-013 FROM A1 (GENERAL AGRICULTURE) TO RA (RESIDENTIAL AGRICULTURE)

WHEREAS, the Planning Department of the County of Calaveras received an application from Donald Holsworth, requesting a Zoning Amendment from A1 (General Agriculture) to RA (Residential Agriculture), for an approximately 20.00+ acre parcel, and concurrent approval of a Tentative Parcel Map to divide the parcel into two (2) parcels, 10.38 and 10.39 acres in size; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, at 5403 Pettinger Road in Burson, and more particularly described as APN: 048-025-013, in a portion of Section 33, T4N, R10E, MDM; and

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

WHEREAS, during a duly noticed public hearing held on September 12, 2024, the Planning Commission considered all the information presented to it, including its staff report, and information presented by the project proponent; and

BE IT THEREFORE RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the Mitigated Negative Declaration, adopt an ordinance amending the zoning of APN: 048-025-013 from A1 to RA as shown in Exhibit A, and approve Exhibit B, Mitigation Monitoring and Reporting Program, based on the following findings:

CEQA Findings

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

Evidence: Pursuant to CEQA guidelines, County staff prepared an Initial Study/ Mitigated Negative Declaration (ISMND). The ISMND was distributed for a 30-day review and comment period from June 28, 2024, to July 28, 2024. Letters were

received from Caltrans and the Department of Toxic Substances Control with standard comments that did not apply to the project, and do not change the conclusions of the ISMND. Potential impacts to habitat for the California tiger salamander and to the Western spadefoot toad were identified and mitigation measures are incorporated into the conditions of approval for the project which reduces the potential impact to less than significant.

Zoning Amendment Findings

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

Evidence: The parcel is currently designated in the County General Plan as Rural Transition B, for which the current A1 zoning is inconsistent. The proposed RA (Residential Agriculture) zoning is consistent with land use designation. The project as designed meets the performance standards for the RA zone as required by Section 17.04.030 of County Code. The prior code section for the RA zone is used here as this application was deemed complete prior to the adoption of the Zoning Code Update, which became in effect on August 15, 2024. In addition, there have been no substantive changes to the performance standards for the RA zone in the Zoning Code Update from the previous chapter for the RA zone.

The project is consistent with General Plan Land Use Policy LU 3.6, adhering to the density, land use intensity, and water and sewage disposal standards set forth in Table LU-1. The proposed project is also consistent with General Plan Policies COS 3.1 (use site planning techniques to protect biological resources), COS 3.2 (avoid impacts to habitats), COS 3.3 (require new development to identify and mitigate impacts to wildlife habitat) and Implementation Measure COS-4H (require project applicants to enlist the services of a qualified biologist and to minimize, avoid and/or mitigate significant impacts to special-status species). The subject parcel is not located within a Community Plan area.

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

Evidence: Neighboring and adjacent parcels are zoned RA and A1, range from 5 - 100 acres in size, and are used residentially and for small personal agricultural uses. The purpose of this Zoning Amendment is to rezone the subject parcel from A1 to RA in order to approve a Tentative Parcel Map to divide the 20+ acre parcel into two 10+ acre parcels, as the minimum parcel size for the A1 zone is 20 acres, and the minimum parcel size for the RA zone is 5 acres.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on September 12, 2024, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:

NOES

ABSTAIN:

ABSENT:

Chair, Planning Commission

ATTEST:

Madeleine Flandreau, Planner III

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

EXHIBIT "A" ZONING AMENDMENT

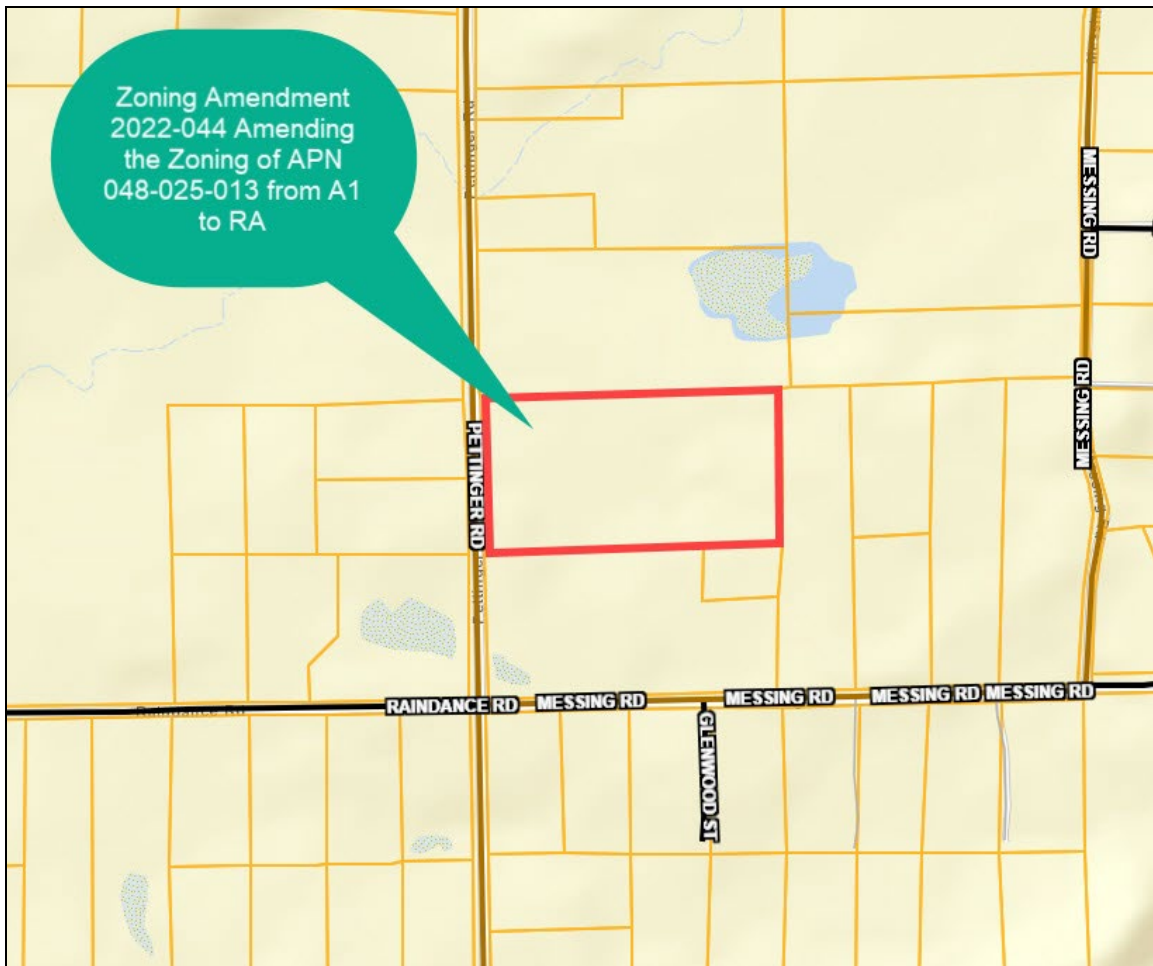


EXHIBIT “B”
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing	Responsibility	Verification
BR-1: Prior to initiating construction of the residential addition on the ADU, a biologist approved by the Planning Department shall perform surveys for CTS within the project area plus a 50-foot buffer zone around the construction area. The approved biologist shall complete walking surveys of the project area prior to any ground-disturbing activity. The approved biologist shall survey suitable habitat features, such as aquatic and upland areas, beneath woody debris, ruts, dens, burrows, and holes that have the potential to contain CTS. The approved biologist shall conduct preconstruction surveys in conjunction with exclusion fencing installation. Surveys for CTS shall also be conducted during trenching and excavation.	Plan check & prior to issuance of building and/ or grading permits. During trenching and/or excavation.	Owner	Planning
BR-2: Ground-disturbing activities within potential habitat for CTS shall occur outside the breeding and dispersal season (occur after July 31 and before October 15), to the maximum extent practicable. If construction activities must occur during the breeding and dispersal season (after October 15 and before July 31), construction activities should not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset. Also, ground-disturbing activities and heavy equipment use during the wet season shall cease 24 hours prior to a 40 percent or greater forecast of rain. Project activities may continue 24 hours after the rains cease if there is a less than 40 percent chance of precipitation in the 24-hour forecast for the project area according to the National Weather Service.	Plan check & prior to issuance of building and/ or grading permits. During Construction.	Owner	Planning
BR-3: An approved biologist experienced with CTS identification and behavior shall be	During all construction	Owner	Planning

onsite to monitor all construction activities, including monitoring the integrity of any exclusion fencing. Construction workers should attend a Worker Education Awareness Program (WEAP) that provides information on CTS identification, encounter protocols, and contact information for the project biologist if CTS are found onsite. The surveys should occur before 7:00 AM or before construction activities.	activities		
BR-4: Exclusion fencing shall be installed around the construction footprint to exclude CTS from entering the construction area. The barrier shall be designed to allow CTS to leave the project area using a one-way funnel or other efficient method. Exclusion fencing will be at least 1 foot tall and be buried at least 6 inches below the ground to prevent salamanders from going under the fencing. Prior to trenching, vegetation shall be mowed along the fence line to the width necessary to accommodate the trenching equipment and a walking buffer, to facilitate locating and avoiding burrows and CTS that may be present within the project area. Fencing will remain in place until all construction activities within potential CTS upland or aquatic habitat are complete. Exclusion fencing shall be inspected weekly and after storm events. The exclusion fence shall be maintained, and repairs made immediately to ensure it is functional and without defects. Permittee shall provide refuge opportunities along or near the exclusion fence on both sides of the fence (e.g., cover boards).	During all construction activities	Owner	Planning
BR-5: If project activities occur in 2024 (or any subsequent year), the approved biologist shall conduct a WST survey over all suitable habitat present within the project area. Surveys shall be conducted during the time of year when the species is most readily discoverable (typically February-March). The results of the survey shall be submitted to CDFW. If WST is encountered during surveys, a site-specific avoidance, and minimization plan shall be prepared for review and approval by CDFW. This plan shall be submitted and approved prior to starting construction activities within the areas where toads or egg masses were	Plan check & prior to issuance of building and/ or grading permits.	Owner	Planning

discovered. All the measures included in the approved plan shall be implemented during project activities.			
BR-6: If construction activities are implemented during the wet season (October 15 through May 15), silt fencing shall be installed around the project footprint to exclude WST from the work area. Additionally, construction workers should attend a WEAP that provides information on spadefoot identification, encounter protocols, and contact information for the project biologist if WST are found onsite. All excavated steep-walled holes and trenches greater than six inches deep shall be covered or escape ramps provided at the end of each workday to avoid WST entrapment. Erosion control materials used onsite must utilize non entangling material such as coconut coir matting and fiber rolls containing burlap. Permittee shall not use erosion control materials that contain monofilament. If a WST is encountered during construction activities, a 100-foot radius avoidance buffer shall be established until the animal leaves the project site on its own volition, or until the individual can be relocated in accordance with approved relocation plans.	During all construction activities	Owner	Planning
BR-7: All construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored at a construction site for one or more overnight periods shall be securely capped prior to storage. Workers shall thoroughly inspect all construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored for one or more overnight periods for wildlife before the pipe is subsequently moved, buried, or capped. If wildlife is detected during inspection, workers shall notify the approved biologist and allow the animal to safely escape that section of the pipe before moving and utilizing the pipe. If the individual is found within the fenced project site, the approved biologist shall remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.	During all construction activities	Owner	Planning
BR-8: The approved biologist shall check all excavated open holes, pumps, and trenches	During all construction	Owner	Planning

for wildlife at the beginning, middle, and end of each day and immediately before filling, for trapped animals. If there is wildlife trapped in these features, the approved biologist shall remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.	activities		
BR-9: In order to avoid take of protected raptors and migratory birds, vegetation removal shall be scheduled between September 1 and January 31. If vegetation removal must be conducted between February 1 and August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist canvassing the site and a 250-foot buffer area around the site with binoculars. The survey shall be conducted within two weeks prior to the beginning of vegetation removal in order to identify active nests within 250 feet of the reclamation area. If active nests are found within the survey area, vegetation removal shall be delayed until the qualified biologist determines nesting is complete.	During all construction activities	Owner	Planning

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

RESOLUTION NO. 2024-016

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE TENTATIVE PARCEL MAP 2022-044 FOR DONALD HOLSWORTH

WHEREAS, the Planning Department of the County of Calaveras received an application from Donald Holsworth requesting approval of a Tentative Parcel Map to divide a 20.00+ acre parcel into two (2) parcels, 10.38 and 10.39 acres in size, and a Zoning Amendment from A1 (General Agriculture) to RA (Residential Agriculture); and

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

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, at 5403 Pettinger Road in Burson, and more particularly described as APN: 048-025-013, in a portion of Section 33, T4N, R10E, MDM; and

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

WHEREAS, during a duly noticed public hearing held on September 12, 2024, the Planning Commission considered all the information presented to it, including its staff report, and information presented by the project proponent; and

BE IT THEREFORE RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the Mitigated Negative Declaration and approve Exhibit A, Tentative Parcel Map 2022-044, and Exhibit B, Mitigation Monitoring and Reporting Program, based on the following findings:

CEQA Findings

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

Evidence: Pursuant to CEQA guidelines, County staff prepared an Initial Study/ Mitigated Negative Declaration (ISMND). The ISMND was distributed for a 30-day

review and comment period from June 28, 2024, to July 28, 2024. Letters were received from Caltrans and the Department of Toxic Substances Control with standard comments that did not apply to the project, and do not change the conclusions of the ISMND. Potential impacts to habitat for the California tiger salamander and to the Western spadefoot toad were identified and mitigation measures are incorporated into the conditions of approval for the project which reduces the potential impact to less than significant.

Tentative Parcel Map Findings

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

Evidence: The subject parcel is currently designated in the County General Plan as Rural Transition B, identifying areas of smaller rural neighborhoods. A concurrent Zoning Amendment from A1 to RA zone is being requested with this TPM. The proposed parcels meet the minimum site development standards of the RA zone pertaining to lot size. In addition, the project is consistent with standards set forth in the subdivision ordinance and conforms with Chapter 12.02 pertaining to roads as verified and conditioned by Public Works.

The project is consistent with applicable policies and implementation measures of the General Plan including General Plan Policies LU 3.6 (conforms to density, land use intensity and water and sewage disposal standards set forth in table LU-1), COS 3.1 (use site planning techniques to protect biological resources), COS 3.2 (avoid impacts to habitats), COS 3.3 (require new development to identify and mitigate impacts to wildlife habitat) and Implementation Measure COS-4H (require project applicants to enlist the services of a qualified biologist and to minimize, avoid and/or mitigate significant impacts to special-status species). The subject parcel is not located within a Special, Specific or Community Plan area.

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

Evidence: The subject parcel encompasses approximately 20 acres and is currently developed with a single-family residence, accessory dwelling unit, and accessory structures. The parcel map proposes to subdivide the site into two (2) parcels. Proposed Parcel 1 is 10.38 acres and proposed Parcel 2 is 10.39 acres. The purpose of the parcel map is to separate the structures onto separate parcels so that an addition to the ADU may be constructed, which will bring the total square footage to greater than the maximum of 1200 sq. ft. for an ADU. By dividing the parcels, what was once an ADU can be converted to the primary residence on the new lot. The minimum lot size for parcels in the RA zone served by individual wells and on-site septic systems is 5 acres. This site is physically suitable to accommodate the future construction as well as additional permitted accessory structures, as the topography is relatively flat, already disturbed, and can

be worked on without negatively impacting vegetation and wildlife, while still retaining enough acreage for agricultural uses. Any future development will be reviewed for compliance for building setbacks and height during the building permit process.

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

Evidence: During the site visit conducted February 19, 2023, by Soar Environmental biologists, a California tiger salamander larva was observed in the stormwater retention pond on the property, which is located approximately 87-feet from the ADU. Results concluded the stormwater retention pond in the northwest corner of the property provides suitable habitat for California tiger salamander, and potentially vernal pool brachiopods. Richard Kuyper, Supervisor for the Southern Sierra Division of the Endangered Species Program for the U.S. Fish and Wildlife Service (USFWS) reviewed the most recent BRA, Aquatic Resource Delineation, and a jurisdictional determination from U.S. Army Corps of Engineers that the aquatic resources are not waters of the U.S. In his May 1, 2024, email, Mr. Kuyper stated that these documents indicate that the area around the house is highly disturbed, not suitable habitat for CTS, and also provides conservation measures such as exclusion fencing that can be implemented to avoid impacts to CTS when they might be dispersing between upland areas and the wetland. Mr. Kuyper concluded in his email that it is reasonable to assume that “take” of CTS won’t occur during construction of the house addition.

In addition, the proposed TPM as conditioned will not be the cause of discharged pollutants or hazardous materials that may cause substantial injury to fish and wildlife. Standard map requirements will protect the health and safety of the public.

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

Evidence: Parcels 1 and 2 will accessed via existing encroachments directly off Pettinger Road. The proposed project has been reviewed by the Public Works Department. The existing driveways would continue to serve the project and meets County Road Standards.

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

Evidence: Imposed conditions are based on review by local and state agencies and departments responsible for access, water, wastewater, public health, safety and general welfare. The project does not create any hazardous roadways, reduce response times, or impact existing emergency services provided in the area.

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

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

8. There is substantial evidence in the record that the subdivision is consistent with the regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code or consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.

EVIDENCE: The application was routed to CalFire, the local Fire District, County Building Department and Public Works, and proposed Project and existing access was found to comply with Sections 4290 and 4291 of the Public Resources Code.

9. There is substantial evidence in the record that structural fire protection and suppression services will be available through either the Department of Forestry and Fire Protection or through a county, special district, or other publicly funded and monitored entity organized solely to provide fire protection services.

EVIDENCE: As noted in the staff report, the resulting parcels will be served by the Calaveras Consolidated Fire District and CalFire.

BE IT FURTHER RESOLVED, the Planning Commission recommends the Board of Supervisors approve Tentative Parcel Map 2022-044 subject to the following conditions:

I. GENERAL CONDITIONS:

- I-1 The Tentative Parcel Map approval is valid for a period of 36 months or until October 8, 2027.

II PLANNING DEPARTMENT CONDITIONS/MITIGATION MEASURES

- II-1 Within five (5) calendar days from the date of approval, the applicant shall pay all applicable County Administrative fees (\$50) and State Department of Fish and Wildlife fees (\$2,916.75) to the County Recorder's Office to facilitate the filing of the Notice of Determination.
- II-2 The recorded map shall be in substantial conformance to the submitted tentative map included as Exhibit A of this resolution for project 2022-044.
- II-3 The applicant shall comply with the Mitigation Monitoring and Reporting Program for Project No. 2022-44 and attached hereto.

III PUBLIC WORKS

- III-1 The applicant shall meet all applicable requirements of the County Road Ordinance (Chapter 12.02), the Storm Water Quality Ordinance (Chapter 13.01), the Grading and Drainage Ordinance (Chapter 15.05), the Subdivision Ordinance (Chapter 16), and the requirements of other agencies having jurisdiction.
- III-2 Provide the following information on the Final Map:
- a. Delineate an easement for the drainage from Parcel 1 onto Parcel 2.
 - b. Delineate and cite all existing road and public utility easements including setbacks.
 - c. All proposed road and public utility easements are to be offered for dedication unless roads are to be private. The rights-of-way or easements are to extend five (5) feet beyond the top of cuts or toe of fills.
 - d. All areas subject to inundation due to a 100-year storm event are to be shown on the Final Map. If there are no such areas, a statement certified by a Registered Civil Engineer is to be placed on the Parcel Map stating so.
 - e. Omission of roads or easements from Parcel Map does not constitute abandonment of any legally existing rights. If applicant wishes owners of affected easements to abandon such rights, the action must be formalized or have all affected parties sign such agreement on the Parcel Map.
 - f. For disclosure purposes, the existence and location of and/or reference to recording data, if so recorded, for any maintenance arrangement shall be noted on the Parcel Map.
 - g. Dedicate a 64-foot road and public utility easement, 32-foot half width from the centerline for Pettinger Road.
 - h. Provide a drainage easement for the drainage from Parcel 1 onto Parcel 2 into the existing pond.
- III-3 Submit the following prior to recording the Parcel Map:
- a. Hydrology/hydraulics analysis in support of determination of areas of inundation from 100-year storm if areas of inundation occur.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on September 12, 2024, on a motion by Commissioner ____ and seconded by Commissioner ____.

AYES:
NOES
ABSTAIN:
ABSENT:

Chair, Planning Commission

ATTEST:

Madeleine Flandreau, Planner III

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

[illegible]

EXHIBIT “B”
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing	Responsibility	Verification
BR-1: Prior to initiating construction of the residential addition on the ADU, a biologist approved by the Planning Department shall perform surveys for CTS within the project area plus a 50-foot buffer zone around the construction area. The approved biologist shall complete walking surveys of the project area prior to any ground-disturbing activity. The approved biologist shall survey suitable habitat features, such as aquatic and upland areas, beneath woody debris, ruts, dens, burrows, and holes that have the potential to contain CTS. The approved biologist shall conduct preconstruction surveys in conjunction with exclusion fencing installation. Surveys for CTS shall also be conducted during trenching and excavation.	Plan check & prior to issuance of building and/ or grading permits. During trenching and/or excavation.	Owner	Planning
BR-2: Ground-disturbing activities within potential habitat for CTS shall occur outside the breeding and dispersal season (occur after July 31 and before October 15), to the maximum extent practicable. If construction activities must occur during the breeding and dispersal season (after October 15 and before July 31), construction activities should not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset. Also, ground-disturbing activities and heavy equipment use during the wet season shall cease 24 hours prior to a 40 percent or greater forecast of rain. Project activities may continue 24 hours after the rains cease if there is a less than 40 percent chance of precipitation in the 24-hour forecast for the project area according to the National Weather Service.	Plan check & prior to issuance of building and/ or grading permits. During Construction.	Owner	Planning
BR-3: An approved biologist experienced with CTS identification and behavior shall be onsite to monitor all construction activities, including monitoring the integrity of any exclusion fencing. Construction workers should attend a Worker Education Awareness Program (WEAP) that provides information on CTS identification, encounter protocols, and contact information for the project biologist if CTS are found onsite. The	During all construction activities	Owner	Planning

surveys should occur before 7:00 AM or before construction activities.			
BR-4: Exclusion fencing shall be installed around the construction footprint to exclude CTS from entering the construction area. The barrier shall be designed to allow CTS to leave the project area using a one-way funnel or other efficient method. Exclusion fencing will be at least 1 foot tall and be buried at least 6 inches below the ground to prevent salamanders from going under the fencing. Prior to trenching, vegetation shall be mowed along the fence line to the width necessary to accommodate the trenching equipment and a walking buffer, to facilitate locating and avoiding burrows and CTS that may be present within the project area. Fencing will remain in place until all construction activities within potential CTS upland or aquatic habitat are complete. Exclusion fencing shall be inspected weekly and after storm events. The exclusion fence shall be maintained, and repairs made immediately to ensure it is functional and without defects. Permittee shall provide refuge opportunities along or near the exclusion fence on both sides of the fence (e.g., cover boards).	During all construction activities	Owner	Planning
BR-5: If project activities occur in 2024 (or any subsequent year), the approved biologist shall conduct a WST survey over all suitable habitat present within the project area. Surveys shall be conducted during the time of year when the species is most readily discoverable (typically February-March). The results of the survey shall be submitted to CDFW. If WST is encountered during surveys, a site-specific avoidance, and minimization plan shall be prepared for review and approval by CDFW. This plan shall be submitted and approved prior to starting construction activities within the areas where toads or egg masses were discovered. All the measures included in the approved plan shall be implemented during project activities.	Plan check & prior to issuance of building and/ or grading permits.	Owner	Planning
BR-6: If construction activities are implemented during the wet season (October 15 through May 15), silt fencing shall be installed around the project footprint to exclude WST from the work area.	During all construction activities	Owner	Planning

Additionally, construction workers should attend a WEAP that provides information on spadefoot identification, encounter protocols, and contact information for the project biologist if WST are found onsite. All excavated steep-walled holes and trenches greater than six inches deep shall be covered or escape ramps provided at the end of each workday to avoid WST entrapment. Erosion control materials used onsite must utilize non entangling material such as coconut coir matting and fiber rolls containing burlap. Permittee shall not use erosion control materials that contain monofilament. If a WST is encountered during construction activities, a 100-foot radius avoidance buffer shall be established until the animal leaves the project site on its own volition, or until the individual can be relocated in accordance with approved relocation plans.			
BR-7: All construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored at a construction site for one or more overnight periods shall be securely capped prior to storage. Workers shall thoroughly inspect all construction pipes, culverts, or similar structures with a diameter of 2 inches or greater that are stored for one or more overnight periods for wildlife before the pipe is subsequently moved, buried, or capped. If wildlife is detected during inspection, workers shall notify the approved biologist and allow the animal to safely escape that section of the pipe before moving and utilizing the pipe. If the individual is found within the fenced project site, the approved biologist shall remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.	During all construction activities	Owner	Planning
BR-8: The approved biologist shall check all excavated open holes, pumps, and trenches for wildlife at the beginning, middle, and end of each day and immediately before filling, for trapped animals. If there is wildlife trapped in these features, the approved biologist shall remove and relocate the animal(s) to a safe location within suitable habitat prior to the start of work activities at that site.	During all construction activities	Owner	Planning

BR-9: In order to avoid take of protected raptors and migratory birds, vegetation removal shall be scheduled between September 1 and January 31. If vegetation removal must be conducted between February 1 and August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist canvassing the site and a 250-foot buffer area around the site with binoculars. The survey shall be conducted within two weeks prior to the beginning of vegetation removal in order to identify active nests within 250 feet of the reclamation area. If active nests are found within the survey area, vegetation removal shall be delayed until the qualified biologist determines nesting is complete.	During all construction activities	Owner	Planning
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Attachment 3 – Comments Received



COUNTY OF CALAVERAS

DEPARTMENT OF PUBLIC WORKS

Robert J. Pachinger, Director

MEMORANDUM

Date: May 9, 2024
To: Madeleine Flandreau, Planner III
From: Monica Remus, Analyst *MR*
Subject: 2022-044 ZA & TPM for Donald & Linda Holsworth, Third Initial Routing

BACKGROUND

Subsequent to our comments dated September 22, 2023, the applicant submitted a revised proposal dated March 15, 2024. The new Tentative Parcel Map shows one lot being divided into two. Proposed Parcel 1 is approximately 10.38 acres, and proposed Parcel 2 is approximately 10.39 acres. The proposal also shows lots labeled Parcel A and Parcel B, which are not part of this subdivision.

DISCUSSION

In response to the Third Initial Routing (received April 17, 2024), Public Works reviewed the project in terms of roadways, grading, and drainage. In reviewing the project, the following were noted:

1. The parcel split will create 2 lots.
2. Two permitted encroachments exist in this location, and access is adequate to serve both individual parcels.
3. The map shows drainage off Parcel 1 draining onto Parcel 2. An easement for drainage should be shown on the map.

REGULATORY COMPLIANCE

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

1. *Provide the following information on the Parcel Map:*
 - a. Delineate an easement for the drainage from Parcel 1 onto Parcel 2.
 - b. Delineate and cite all existing road and public utility easements including setbacks.

- c. All proposed road and public utility easements are to be offered for dedication unless roads are to be private. The rights-of-way or easements are to extend five (5) feet beyond the top of cuts or toe of fills.
 - d. All areas subject to inundation due to a 100-year storm event are to be shown on the Parcel Map. If there are no such areas, a statement certified by a Registered Civil Engineer is to be placed on the map stating so.
 - e. Omission of roads or easements on Parcel Map does not constitute abandonment of any legally existing rights. If applicant wishes owners of affected easements to abandon such rights, he must formalize the action or have all affected parties sign such agreement on the Parcel Map.
 - f. For disclosure purposes, the existence and location of and/or reference to recording data, if so recorded, for any maintenance arrangement shall be noted on the Parcel Map.
 - g. Dedicate a 64-foot road and public utility easement, 32-foot half width from the center line for Pettinger Road.
 - h. Provide a drainage easement for the drainage from Parcel 1 onto Parcel 2 into the existing pond.
2. *Submit the following prior to recording the Parcel Map:*
- a. Hydrology/hydraulics analysis in support of determination of areas of inundation from 100-year storm if areas of inundation occur.



Calaveras County

Environmental Management Agency

891 Mountain Ranch Road, San Andreas, CA 95249

Phone: 209-754-6399 Fax: 209-754-6722

www.calaverasgov.us

TO: Planning Department

FROM: Environmental Management Agency

DATE: October 20, 2022

RE: 2022-044 Zoning Amendment and Tentative Parcel Map for Donald & Linda Holsworth

This office has reviewed the subject file and has no objection to the proposed land use provided the following conditions are met prior to approval of the final map. The applicant shall provide to the satisfaction of the Environment Health and Onsite Wastewater Departments the following:

Environmental Health Department

1. On each proposed undeveloped parcel which is not serviced by an existing domestic water supply, the applicant shall submit information that an adequate water supply can be developed as demonstrated by either A or B:
 - A. A statement from a public water purveyor indicating water will be provided to each parcel and the terms for the same, or
 - B. Applicants must complete the following items prior to recordation of final map:
 1. The applicant shall clearly identify which ground water zone where each proposed parcel is located (Zone I - zero to low ground water potential or Zone II – moderate to high ground water potential). A ground water map is available for review at the County Environmental Health and Planning Departments and may also be reviewed on the County's internet web site where Zone I is pink and Zone II is blue.
 - a. **If the proposed parcel is located in Zone I then a well shall be developed with the required source capacity test, source capacity report and potability test (bacteriological and nitrate).**
 - b. If the proposed parcel is located in Zone II or both Zone I and Zone II a well can be developed on the original parcel and serve as proof of groundwater for all proposed parcels within 1320 feet of the developed well. The well must have the required source capacity report, source capacity pump test and potability test, or

Analysis of well statements as submitted by a qualified professional identifying source capacity from two wells within 1320 feet of the proposed property line for each proposed parcel. Both wells must have the required source capacity test, source capacity report and potability test.
 2. A Source Capacity Pump Test/Report (min 5 gpm for 24 hrs. or until 7200 gallons of water have been pumped, whichever is less) must be conducted by a Qualified Professional (A-1 General Engineering Contractor, C-57 Well Drilling Contractor, C-61/D21 Limited Specialty Contractor-Machinery and Pumps, Registered Environmental Health Specialist, Registered Geologists or Professional Civil Engineer).

3. The Source Capacity Report shall be filed with the Department and shall include the following: identification of time and date for commencement and conclusion of pump test, well depth, static water level, identification of water level draw down as recorded every eight (8) hours, identification of water level upon conclusion of the test, time for full recovery and meter readings including total gallons pumped as recorded by a continuous meter. Well completion reports shall not be used to determine source capacity.
4. Storage Capacity (storage tank) may be used to supplement wells that cannot produce the required minimum yield. Storage capacity shall be based on the equivalent of a 5 gpm for 24 hr., 7200 gallon. Example: If a well produces only 3.0 gpm. $(3\text{g} \times 60\text{min} \times 24\text{hr} = 4320 - 7200 = 2880)$ a minimum 3000 gallon storage tank will be required.
5. Water must be potable. Each well will require a bacteriological and nitrate test by a state certified lab.

Onsite Wastewater Department

1. On each proposed undeveloped parcel the applicant shall submit information that an adequate liquid waste disposal method can be completed by one of the following:
 - A. A written statement from a sanitation district indicating sewer service will be provided to each proposed parcel and the terms for the same, or
 - B. A written approval from the Onsite Wastewater Department in the Environmental Management Agency that the waste disposal requirement of "acceptable individual waste disposal systems" has been completed pursuant to Ordinance 2921 & Resolution 10-147. The applicant should contact the Onsite Wastewater Department (209-754-6400) regarding the land use approval process for individual waste disposal systems.

NOTE: Coordinate the well and septic locations prior to any construction work.

The above comments were e-mailed to the Planning Department. The signed copies are in the Environmental Management Agency office files.

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 23, 2024

Ms. Madeleine Flandreau
Planner III
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

**CAL-12-PM 4.574 Initial Study
Tentative Parcel Map and
Zoning Amendment SCH
2024061317 - Holsworth**

Dear Ms. Flandreau,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Initial Study. The proposed project consists of amending the zoning of Assessor Parcel Number 048-025-013, a 20-acre parcel, from General Agriculture (A1) to Rural Residential (RR) and includes a request to divide the 20-acre lot into two. Proposed Parcel 1 is approximately 10.38 acres, and proposed Parcel 2 is approximately 10.39 acres. The subject parcel is currently developed with a single-family residence, an accessory dwelling, and multiple accessory structures, and is located at 5403 Pettinger Road in the community of Burson.

Caltrans has the following comments:

Hydrology

The developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way (ROW), it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. If historical undeveloped topography shows drainage from this site does not flow into the State ROW, then it will not be allowed to flow into the State ROW at this time.

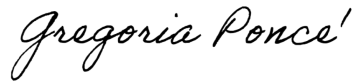
Encroachment Permits

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>

Ms. Madeleine Flandreau
July 23, 2024
Page 2

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,

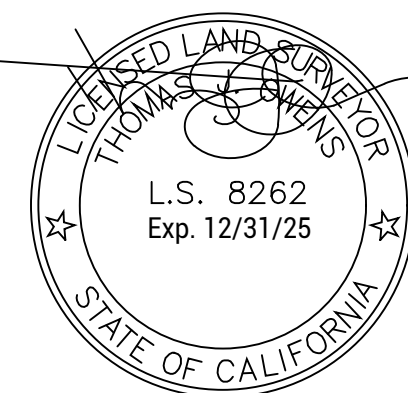
A handwritten signature in black ink that reads "Gregoria Ponce". The script is cursive and fluid.

Gregoria Ponce'
Deputy District Director
Planning, Local Assistance, and Environmental

cc: Peter Maurer - Planning Director, Calaveras County Planning Department

Attachment 4 –
Tentative Parcel Map

OWENS DESIGN CONSULTANTS
145 N 2nd Street
Oakdale, CA 95361
(209) 522-8031 - fax: (209) 522-4738 - www.odcengr.com



TENTATIVE PARCEL
MAP

[illegible]

APPLICANT: DONALD & LINDA HOLSWORTH
5403 PETTINGER ROAD
VALLEY SPRINGS, CA. 95252

OWNER(S): DONALD J. HOLSWORTH
5403 PETTINGER ROAD
VALLEY SPRINGS, CA. 95252

LINDA S. HOLSWORTH
5403 PETTINGER ROAD
VALLEY SPRINGS, CA. 95252

Drawn By: JEB

Checked By: TO

Scale: AS NOTED

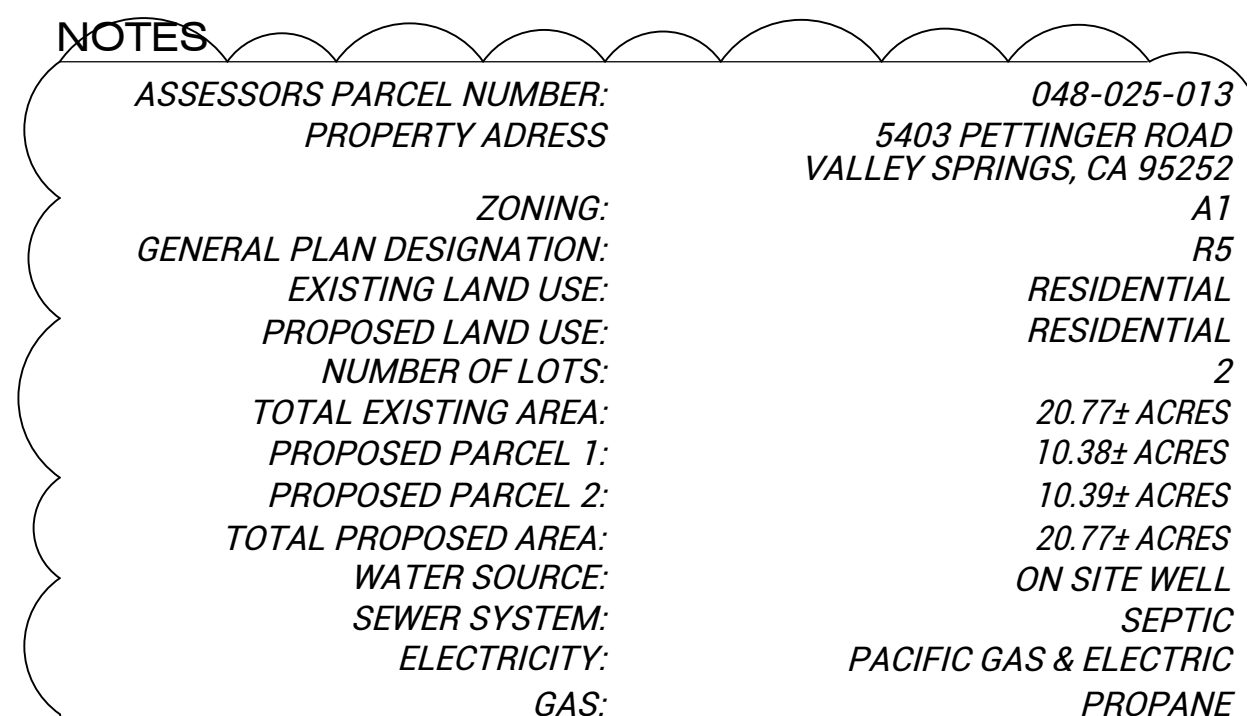
Job No.	2021070
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Date: 12/2023

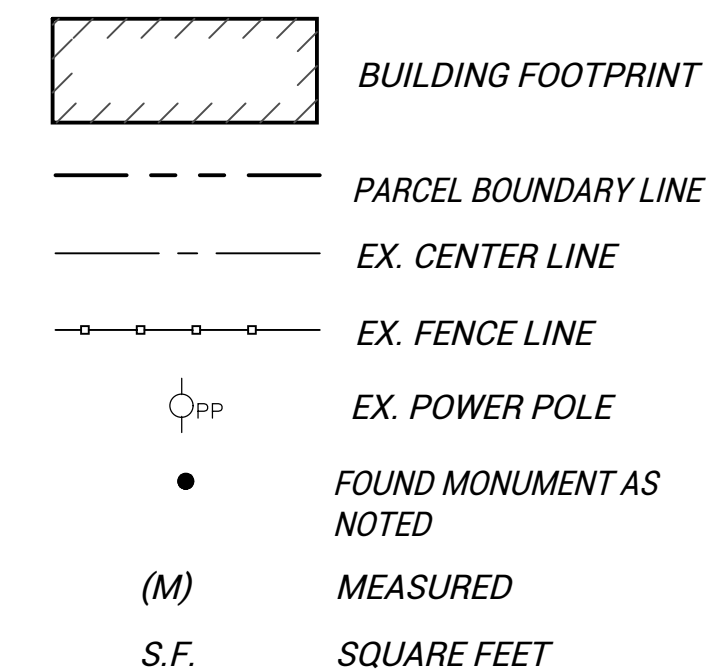
CAD File Name:

Sheet No.

1 of 1



LEGEND



BASIS OF BEARINGS:

THE CENTER LINE OF THE MESSING ROAD IS TAKEN TO HAVE A BEARING OF N88°37'30"E PER BOOK 10 OF PARCEL MAPS, AT PAGE 89, CALAVERAS COUNTY RECORDS.

REFERENCES:

- (1) DOCUMENT NO. 86003569
(2) DOCUMENT NO. 85009900
(3) DOCUMENT NO. 85009901
(4) DOCUMENT NO. 85010904
(5) 10 PM 89
(6) UNRECORDED MAP FOR PARCEL

CONTOUR INTERVAL
CONTOUR INTERVAL = 1'

We are the owners of record and we consent to the filing of this map in compliance with the requirements of Title 16 of the Calaveras County Code, and Title 7 Division 2 of the California Government Code, the Subdivision Map Act.

<i>DONALD HOLSWORTH</i>	<i>DATE</i>	<i>LINDA HOLSWORTH</i>	<i>DATE</i>
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