

**FINAL**  
**Initial Study**  
and  
**Negative Declaration**  
for  
**175 Sutter Hill Road**  
**Campbell**

Vesting Tentative Parcel Map  
General Plan and Zoning Amendment

**Lead Agency:**  
City of Sutter Creek  
18 Main Street  
Sutter Creek CA 95685

**Prepared by:**  
City of Sutter Creek  
Hauge Brueck Associates

**State Clearinghouse No. 2020120118**

**February 2021 ~~November 2020~~**

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### **APPENDIX A. COMMENT LETTERS AND RESPONSES TO COMMENTS**

## **1. Introduction and Project Description**

This Project Information, Description, and Environmental Checklist contained herein constitute the contents of an Initial Study in accordance with Section 15063 of the California Environmental Quality Act (CEQA) Guidelines:

<b>Project Title</b>	Campbell Vesting Tentative Parcel Map No. 2894
<b>Lead Agency</b>	City of Sutter Creek 18 Main Street Sutter Creek CA 95685
<b>Contact Information</b>	Amy Gedney, City Manager 209-267-5647 agedney@cityofsuttercreek.org
<b>Project Sponsor's Name/Address</b>	Jeffrey and Jessie Campbell 175 Sutter Hill Road Sutter Creek, CA 95685 (209) 256-2125
<b>Project Location</b>	The 19.5-acre parcel is located in the City of Sutter Creek in Amador County, California, at the intersection of Sutter Hill Road and Old Highway 49, specifically 175 Sutter Hill Road (APN 018-270-010). (Refer to Figure 1: Tentative Parcel Map
<b>General Plan Designation</b>	Commercial with a Planned Development (pd) overlay.
<b>Zoning</b>	C-2 Commercial with a Planned Development (pd) overlay.

### **Project Description**

The Project proposes a vesting tentative map in which the 19.5 acre Commercially designated and zoned parcel with a planned development (pd) overlay would be split, creating a 5.26 acre commercial parcel on which Campbell Construction is currently located, and a 14.24 acre parcel to be rezoned and re-designated as RE – Residential Estate, with no (pd) overlay. Therefore, an amendment to both the General Plan Land Use designation and Zoning Map is required. The purpose of the tentative parcel map, rezone, and General Plan designation amendment are to create a residential parcel on which one single-family unit would be constructed. No new development is proposed on the existing commercially-used portion.

### **Surrounding Land Uses and Setting**

The site is located just south of Main Street. The majority of the parcel is undeveloped and consists of hilly terrain and steep slopes with areas of oak woodland. A portion of the parcel is currently used for a commercial construction business and contains an office, shop building, material and equipment storage, and a gravel access roadway. A driveway is located at the northern limit of the parcel at Old Highway 49, creating an access to residences north and east of the parcel. A portion of the parcel forms the eastern City limit with Amador County. Surrounding land uses are designated and zoned Commercial (C-2) to the north, east, and southwest, Residential Estate (RE) to the east, and Recreation (R) and Commercial (C-2) to the south within the City limit. The area to the east in Amador County is zoned for agriculture (AG). Although parcels to the north and east are designated and zoned for commercial use, many of the parcels are undeveloped or contain barns, garages or accessory structures.

### **Other Public Agencies Whose Approval is Required**

- Sutter Creek Fire Protection District
- Amador Water Agency
- Airport Land Use Commission
- California Department of Toxic Substances Control
- Environmental Health Department (if a septic system is installed)

### **California Native American Tribal Consultation**

Consultation letters were sent to the following tribes on November 13, 2020 by the City of Sutter Creek pursuant to AB 52 and SB 18:

- Jackson Rancheria
- Ione Band of Miwok Indians
- Buena Vista Tribe of Miwok Indians
- Shingle Springs Band of Miwok Indians

The Shingle Springs Band of Miwok Indians responded on December 11, 2020, indicating they had no records of resources on the site and requesting the sharing of information regarding the site and coordination if new information or human remains are identified. No response has been received to date from the other tribes. The City will inform the appropriate parties if resources or human remains are identified per City and State protocol.

### **Existing Environmental Setting**

The City of Sutter Creek is located in Central Amador County and is bisected by Old State Route 49 (Main Street and Hanford Street) in a north-south direction. The City was incorporated in 1913 and is a full service city for residential, commercial, industrial, and institutional land uses. The current population within the City is approximately 2,500.

The project parcel is located at 175 Sutter Hill Road at the intersection with Old Highway 49, just south of Main Street. The site can be characterized as having very steep slopes, particularly near the roadways and having a continuous slope across the entire parcel, ranging in elevation from 1260 feet at the northwestern point of the parcel to 1580 feet at the southeastern point of the parcel. This 320-foot elevational difference spans 16,000 linear feet between the highest and lowest points. Near the midpoint of the parcel the elevational change is over 110 feet within a 450-foot linear span. Surrounding uses include residences, and undeveloped or pastureland.

The 19.5-acre parcel is partially developed at the north western portion of the parcel. Campbell Construction currently operates from this use, occupying an office structure, a larger operations structure, and a number of equipment and materials storage areas. There are existing sewer, water, and electrical connections serving this use. Greenstone Terrace, a private gravel roadway serving the residences east of the Campbell property connects to Old Highway 49 at the northern end of the parcel and a driveway extending from Gold Dust Trail to a neighboring property to the east also cuts through this northern segment of the property. An existing gravel road cuts through the parcel.

The undeveloped portion of the parcel is characterized by oak woodland and grassland. There are no stream channels or ponds on the property. Due to the continual slopes there are no notable wetland features. The site drains to the northwest and overland flows would run toward the existing commercial uses and roadways.

### **Proposed Project Approvals**

The proposed project will require the following approvals:

- **Vesting Tentative Parcel Map**

Creating a 5.26-acre commercial parcel with a (pd) overlay and a 14.24-acre residential estate parcel with no (pd) overlay from a 19.5-acre commercial parcel with a (pd) overlay.

Approval by the Sutter Creek Planning Commission

- **General Plan Amendment**

To amend the Sutter Creek General Plan Land Use Map for the created 14.24-acre portion from C (Commercial)/(pd) to RE (Residential Estate) with no (pd) overlay

Approval by the City Council upon recommendation of the Planning Commission

- **Re-Zone**

To re-zone that 14.24-acre portion to R-E (Residential Estate) with no (pd) overlay from C-2 (Commercial) with a (pd) overlay

Approval by the City Council upon recommendation of the Planning Commission

## **Regulatory Guidance**

This document is an initial study, which provides justification for a Negative Declaration pursuant to the California Environmental Quality Act (CEQA). This Negative Declaration has been prepared in accordance with CEQA, Public Resources Code Section 21000 et seq., and the State CEQA Guidelines 14 California Code Regulations Section 15000 et seq. An initial study is conducted by the Lead Agency to determine if a project may have a significant effect on the environment. In accordance with the CEQA Guidelines Section 15063, an EIR must be prepared if an initial study indicates that the proposed project under review may have a potentially significant impact on the environment. A Negative Declaration may be prepared instead, if the Lead Agency prepares a written statement describing the reasons why the proposed project would not have a significant effect on the environment, and therefore, why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a proposed Negative Declaration shall be prepared for a project subject to CEQA when either:

*(a) The initial study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or the initial study identifies potentially significant effects, but:*

*(1) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and;*

*(2) There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.*

## **Circulation and Public Comments**

A formal public review of the Project IS/ND is accomplished with the circulation of this document, responses to comments received on this document, and through public hearings held to consider approval of the proposed action. The Project was presented to the Planning Commission and the public for comment during the public meeting held on January 11, 2021.

The Draft Initial Study/Negative Declaration was circulated for a 30 day review period from December 7, 2020 to January 5, 2021. The document was available to view on the City's website

(<https://cityofsuttercreek.org/sutter-creek-planning-building/>), at City Hall during normal business hours, and through CEQAnet and notice was provided in the newspaper and via email.

The Final IS/ND modifies the November 2020 Draft IS/ND. Modifications are presented in legislative format to display modified text reflecting the comments received on the IS/MND. New text has been underlined and deleted text has been struck out. Changes include a listing of the Conditions of Approval, which addresses outstanding issues associated with potential septic use, the existing elevated concentrations of arsenic on portions of the Project, and additional requirements of the City.

Two comment letters were received during the circulation period from the Department of Toxic Substances Control (DTSC) and the Department of Transportation (Caltrans). The comment letters and responses are located in Appendix A.

### **Conditions of Approval**

The following Conditions of Approval are included for this Project. These conditions are presented here as they address outstanding issues associated with the proposed Project. These conditions are required to be met as noted per condition. The Project may not proceed if the conditions are not met.

1. The applicant shall pay to the City all appropriate fees and shall submit to the City grading detail, drainage studies, tree removal plans, and any other documentation required by the City prior to the issuance of permits.
2. Prior to approval of the Final Map, the applicant shall provide the City with confirmation from DTSC that the contaminant levels on Parcel 2 has been adequately addressed to the satisfaction of DTSC.
3. The applicant will be responsible to design and construct all on and off-site water improvements deemed necessary by the City, Fire Department, State & Amador Water Agency to adequately serve the Development. This condition shall be completed prior to final map approval.
4. The applicant shall first identify connection to the City sewer from Parcel 2 per the requirements of the City. If it is found to be infeasible, and the applicant desires to install a private residential septic system, the applicant must go through the process of obtaining a waiver or variance from the City for the use of the system. Conditions for the private septic system include all necessary data to determine the appropriate size and location of the septic system, including soils reports, a design by a licensed civil engineer or environmental health specialist with approval and installation oversight by the Amador County Environmental Health Department. The applicant shall pay all necessary fees.
5. The applicant shall obtain and provide to the City “Will Serve” letters from utility and service providers prior to the Final Map approval, including Amador Water Agency, City of Sutter Creek Public Works (sewer), and the Sutter Creek Fire Protection District.
6. Prior to issuance of development permits, drainage volumes, patterns and directions, as a result of increased coverage, need to be identified and submitted to the City for review to ensure drainage flows do not increase and affect adjacent parcels or roads. The applicant shall be responsible for constructing any drainage devices or infrastructure required by the City to manage runoff.
7. Prior to the Final Map, the applicant shall provide to the City concurrence obtained from the SCFPD, indicating there is adequate water provided to the residential site and that driveway improvements meet SCFPD standards for accessibility.
8. Prior to the Final Map, the applicant shall submit driveway design and grading plans and contours for City review. The applicant shall submit a grading permit application with required data and

- drainage study, and pay appropriate fees for the improvement of the driveway connecting to the residential parcel.
9. Future development of structures within Parcel 2 shall be located outside the VSA on the property. No Heritage Oak removal shall occur within the VSA unless it can be demonstrated that the tree is dead, dying, or diseased.
  10. Any structural development on the parcels is subject the Sutter Creek Design Standards and the Design Review process due to the location of the parcels within the City's Historic District and shall comply with the CBC and Title 24 regulations, as well as demonstrate defensible space.
  11. If site grading or development requires the removal of trees, those trees shall be documented, a tree removal permit application submitted, and the appropriate fees paid. The applicant shall provide all necessary documentation in relation to the tree removal and shall comply with any required tree removal mitigation.
  12. Grading shall comply with cultural resource discovery reporting protocol and the protocol shall be included on all construction plans. If resources are uncovered, work shall cease immediately and the City notified per General Plan Implementation measure H-1.1.4.1: Sign of historic or prehistoric occupancy or use of the site that is discovered during grading or building activities will cause an immediate halt to such activities and the prompt notification of the City, the Chairperson, Jackson Rancheria and the North Central Information Center or the State Office of Historic Preservation.
  13. Future submittals and construction documentation shall include the following requirement, "If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact Gary Jones, California Department of Transportation District 8, so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable."
  14. Prior to the Final Map, the applicant shall submit to the City a copy of the easement providing access to Molin, Wooten, and Russell properties and a copy of the emergency access easement to Greenstone Terrace and Gold Dust Trail to ensure access during emergency evacuation events.
  15. Prior to granting of any occupancy, all construction must be completed and approved. All City fees and costs, including those related to this project's sewerage connection/collection must be paid in full.
  16. Prior to the Final Map, the applicant shall dedicate road right-of-way on Sutter Hill Road between sanitary sewer manholes 248 and 249 in fee title to the City of Sutter Creek. Dedication shall be 26.5 ft from the centerline of Sutter Hill Road easterly into the proposed Parcel 2 per City Standard Detail ST-1.
  17. All improvements shall be made to City standards, including improvements to the driveway encroachment on Old Highway 49.
  18. Parcel 2, as depicted on the Vesting Tentative Parcel Map, shall be deed restricted so that it may not be further subdivided from the mapped 14.24 acre parcel lot.
  19. The ordinance requirements of the Amador Fire Protection District shall be met by participation in the annexation to the County's Community Facilities District No. 2006-1 for fire protection services.

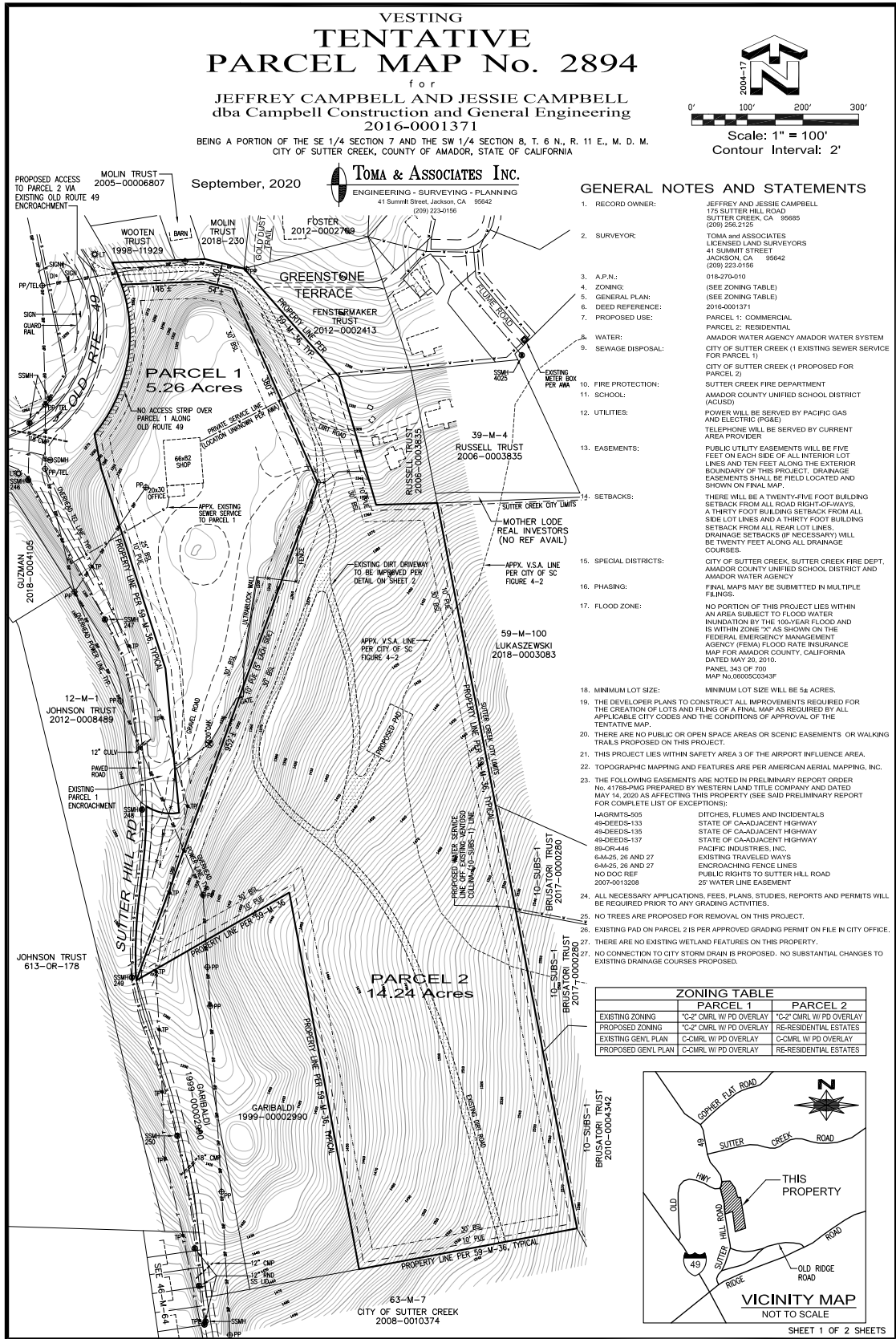


Figure 1: Tentative Parcel Map

## 2. Environmental Determination

### Environmental Factors Potentially Affected

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

Aesthetics	Agriculture and Forestry Resources	Air Quality
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:

On the basis of this initial evaluation:

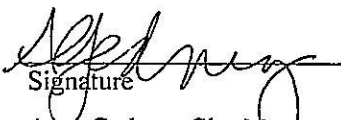
☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

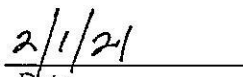
☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

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

  
Signature  
Amy Gedney, City Manager

  
Date  
City of Sutter Creek

**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.

### 3. Environmental Checklist

#### I. Aesthetics

Except as provided in Public Resources code Section 21099, would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

#### Discussion

##### a, c-d) Less Than Significant:

A single-family, residential estate dwelling would be constructed on the created lot, similar to adjacent single-family dwellings in the surrounding neighborhood. Light and glare similar to that emitted by existing homes in the area are anticipated, and would not be significant with the creation of one new residence in the area. Rezoning/designating this portion would result in fewer aesthetic impacts due to a lower-intensity of land use. The decreased intensity use would also result in reduced potential for substantial tree removal. Due to the steep slopes on the property and vegetation, visibility from area roadways is substantially low.

A portion of the property is located within a Visually Sensitive Area (VSA) as depicted in the General Plan and on the Tentative Parcel Map. The proposed Tentative Parcel Map shows a portion of a proposed pad within the VSA. As a Condition of Approval on the parcel map, the City will require future development within the VSA to comply with height limits and to provide additional screening. There is adequate space on the lot to build a residence so that it does not encroach into the VSA. Design Review will also be required if the created parcel is developed as it is located in the City's Historic District.

##### b) No Impact:

The Project area is not within a scenic vista or visible from a State Scenic Highway.

#### Mitigation

None. Conditions of Approval will limit development within the VSA and compensate for tree loss.

## II. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California 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. <b>Would the project:</b>	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forestland or conversion of forestland to non-forest use?				X
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

### Discussion

#### a-e) No Impact:

According to the Amador County Important Farmland Map, the subject property is designated as Grazing Land, and is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The subject property is designated by the City of Sutter Creek for commercial development. Therefore, the project does not conflict with; and does not encroach on agriculture or timber resources. Properties within the City are not utilized for agricultural or commercial timber purposes.

### Mitigation

None required.

### III. Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. <b>Would the project:</b>	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

#### Discussion

##### a-d) Less Than Significant:

The General Plan and Zoning amendment would result in a decrease potential for pollutant emissions be decreasing the potential intensity of use of the 14.24-acre portion of the site. Use of the area for a residential estate, rather than a commercial use results in fewer air emissions from operation and fewer traffic-related air emissions. The construction or operation of a residential estate unit would not result in significant air emissions.

Future development of the parcel would require compliance with existing regulations to control dust (Amador Air District Rule 218) during construction, which would further reduce the potential impact to less than significant levels. The project is not in an area known to have naturally occurring asbestos, and would be less than significant for this criterion. Construction odors from use of diesel-powered equipment at the existing commercial use is localized and temporary, and likely not noticeable for extended periods of time outside the site boundaries. As a result of the site topography and steep slopes, the existing trees on the property, and the area required for residential estate uses, there is sufficient buffer area in which air emissions from the construction business would dissipate. Therefore, air emissions and odor impacts would be less than significant.

#### Mitigation

None required.

### IV. Biological Resources

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	

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

## Discussion

### c and f) No Impact:

The site exhibits no wetlands, open water, seasonal or ephemeral drainages, vernal pools, or any other feature that would meet any criteria as jurisdictional waters under the Clean Water Act (PEA, 2006). The site is extensively sloped from the southeast with a continual decrease in elevation toward the northwest. There are no HCPs or NCCPs on the site.

### a-b, d-e): Less Than Significant:

There is no riparian habitat or sensitive natural communities on the property, which consists of grassland and oak/pine woodland in the areas not already developed with some cottonwood and willow within the adjacent roadway ROW drainage below the parcel. Rezoning and amending the land use designation from commercial to residential estate would decrease the development density and intensity on the created parcel. This would reduce the potential for disturbance to biological resources as less grading and coverage would result.

A preliminary environmental assessment prepared for the parcel revealed no presence of listed species or protected habitat. Development on the residential parcel would result in minor change to the site as the driveway would utilize the existing gravel road and the dwelling pad would be located in a clearing, leaving the majority of the property unchanged, particularly the areas of denser vegetation.

Access occurs over an existing gravel roadway that would be improved for residential use. Since there is an existing gravel driveway on the created parcel, tree removal for driveway improvements is expected to be less than significant. Use of the existing roadway footprint would result in little impact to the vegetation or habitat onsite. Some tree removal may be needed for development of a residence, however grading plans

indicate the dwelling footprint would be in an area with few existing trees and no significant tree removal would be necessary. Tree removal would be required to comply with the Town ordinances and requirements for oak woodlands as a Condition of Approval. Pursuant to Section 13.24.120 of the Sutter Creek Municipal Code, replacement trees of like species are required to be planted should healthy oaks be removed for driveways or residential footprints. A majority of trees would be retained.

Stormwater generated from the single residential unit would drain overland toward the northwest and the commercial portion of the site; however, the coverage from the unit would be minor compared to the extent of the site and would not pose a flooding or erosion hazard.

Runoff from the driveway near the intersection with Old Highway 49 would collect at the base of the driveway due to the severity of slope. Therefore, a Condition of Approval requires a drainage study in conjunction with building permits for the residential estate portion. Based on the drainage study, the City Engineer may require roadside drainage improvements prior to development.

#### Mitigation

None required beyond the Conditions of Approval included with the tentative parcel map.

### V. Cultural Resources

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

#### Discussion

##### a–c) No Impact:

There are no historical or archaeological resources known to occur on the parcel. Although the parcel served as a portion of the Central Eureka Mine, remnants of the mining operation, with the exception of the gravel roadways cutting through the site have been removed and capped. Splitting the parcel and amending the General Plan Land Use Designation and Zoning would not result in an impact to cultural, historical, or archaeological resources. No human remains are known to occur in the area. Should unknown buried resources or human remains become inadvertently uncovered during grading or other earth disturbing activities, construction is required to stop within 50 feet of the find and the City of Sutter Creek is to be notified. If human remains are uncovered, the Amador County Coroner will be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) shall be followed. These requirements shall be integrated into future grading permit requirements.

#### Mitigation

None required.

## VI. Energy

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

### Discussion

#### a and b) No Impact:

A residential unit does not obstruct plans for renewable energy use or energy efficiency. Construction of an individual residential dwelling unit would utilize conventional construction equipment which are not expected to be energy-related wasteful, inefficient, or unnecessary. By amending the General Plan Land Use Designation and Zoning from Commercial to Residential Estate on a portion of the site, the potential density and intensity of use would decrease and result in less potential energy consumption. With the State-mandate for new housing to include rooftop solar, the future development of a residential use would not affect energy efficiency goals.

### Mitigation

None required.

## VII. Geology and Soils

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
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.			X	
(ii) Strong seismic ground shaking?			X	
(iii) Seismic-related ground failure including liquefaction?			X	
(iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	

<b>Would the project:</b>	<b>Potentially Significant</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant</b>	<b>No Impact</b>
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?			<b>X</b>	
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?			<b>X</b>	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				<b>X</b>

## Discussion

### **a–e) Less Than Significant:**

The project site is located adjacent to the Melones Fault, a major north-south trending fault associated with the Foothills Fault System. The maximum credible earthquake for the area is 6.0 to 6.5 on the Richter scale. Sutter Creek is in Zone 3 under the California Building Code classification system. Zone 3 specifies special design requirements for buildings and foundations. All new residential structures are required to meet Zone 3 standards.

On-site soils are classified as Exchequer very Rocky Silt Loam, 31-51 percent slopes on a majority of the site, a small area of Supan Very Cobbly Loam, Moderately Deep, 31-51 percent slopes in the southeast corner of the site, and a large area of Mine tailings and riverwash located centrally on the existing parcel and encompassing the existing commercial use (USDA NRCS Soil Survey, accessed November 2020). There are no unstable soils on site. Erosion potential associated with these soil types is high as soils are well drained, however only a small portion of the site would include new coverage and existing drainage patterns would persist. Although there are steep slopes onsite, the commercial development is in a flat area and the single dwelling pad would not induce landslides or impact surrounding uses.

The exiting commercial use is connected to the sewer system. It is unclear if single-family dwelling would be capable of connecting to the sewer main in Sutter Hill Road due to distance at approximately 500 feet from the pad to the main. A soils report has not been conducted for a septic system. Therefore, a Condition of Approval for the tentative parcel map is to conduct a soil investigation to determine if the site is suitable for a septic system should the distance from the dwelling to the sewer main be prohibitive of a sewer connection. A sewer connection would be required if possible and studies for septic system suitability would be required prior to allowing site development with a septic system.

Development of one residence on the created parcel would result in fewer impacts to soils and geology than more dense and intense commercial development. Therefore, the general plan land use amendment and rezone would not result in less environmental impact.

### **f) No Impact:**

There are no known Paleontological resources or unique geologic features in the area.

## Mitigation

None required beyond the Conditional of Approval for the project in regard to sewer connection and septic suitability, which must be met prior to recording the Final Map and site development.

## VIII. Greenhouse Gas Emissions

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Generate greenhouse gas emissions, directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X	

### Discussion

#### a-b) Less Than Significant:

The tentative parcel map would result in a minimal increase in operational emissions and long term vehicle miles traveled (VMT) production; and energy consumption would not hinder the ability of the State of California to reach its 2020 or 2030 goals. The project proposes less dense development than what could occur if the entire parcel were used for commercial uses. There would be a reduction in potential greenhouse gas emissions as a result of the land use designation change and rezone. Residential uses are associated with fewer vehicle trips as customers would not be coming and going from the site. In addition, the number of units or development density would decrease resulting in fewer construction and operational emissions. The addition of a single family residence on the created parcel would not emit significant quantities of greenhouse gas emissions.

### Mitigation

None required.

## IX. Hazards and Hazardous Materials

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

## Discussion

### a–c) No Impact:

No hazardous materials would be routinely used, transported, or generated by the parcel split or the rezone or General Plan amendment. Diesel fuel and oils would be used during construction; however, no significant impact is anticipated.

### d) No Impact:

The DTSC Envirostor database ([https://www.envirostor.tsc.ca.gov/public/profile\\_report?global\\_id=03100010](https://www.envirostor.tsc.ca.gov/public/profile_report?global_id=03100010), accessed November 12, 2020) lists the site as the Old Eureka Mine in which a voluntary cleanup agreement is needed. The database indicates the following:

*“The Old Eureka Mine is a former hardrock gold mine that was discovered in the 1850s and operated until 1942. The mine was reopened following World War II and operated until 1953. Amador Surplus operated as a salvage yard for storage and maintenance of equipment on site in the early 2000s.*

*In early 2005, the City of Sutter Creek conducted oversight for the abatement of equipment, vehicles, and trash from the site. Amador County Environmental Health Department (ACEHD), under its authority has been conducting oversight for the removal of containerized waste, vehicle batteries, and the investigation and removal of underground storage tanks. A Phase II Environmental Assessment (EA) was completed in January 2005. This EA was conducted for the sale of the property for future development. ACEHD notified the owner on March 23, 2005, that this site is being referred to the DTSC for oversight of the characterization and mitigation of elevated arsenic, chromium, and petroleum found in the soil during the EA.*

*DTSC notified the owner on April 11, 2005, that a Preliminary Endangerment Assessment (PEA) is required for this site. DTSC requested that the owner participate in DTSCs Voluntary Cleanup Program. A Revised Final PEA, accepted by DTSC on December 1, 2006 concluded that the contaminant of greatest concern is arsenic. Due to the volume of waste rock fill remaining on site, the Revised Final PEA recommended that remedial alternatives such as capping of the waste rock be evaluated in a Removal Action Workplan (RAW).*

*DTSC received a draft RAW from the new site owner in 2008. DTSC requested that Formine Investments participate in DTSCs Voluntary Cleanup Program to allow DTSC to provide oversight for the review and implementation of the RAW. Formine Investments did not enter into a Voluntary Cleanup Agreement with DTSC and the RAW was not reviewed by DTSC. In 2019, DTSC received a request for agency oversight from a new property owner. A Standard Voluntary Agreement was*

*drafted and sent to the owner for review. DTSC did not receive a response from the owner and cancelled the pending agreement in March of 2020.”*

The applicant has indicated that they are currently working with DTSC and are not cancelling the Voluntary Agreement. They have not completed their final report with DTSC, but are in progress of meeting that. Once the second parcel is formed, they will conduct a second risk assessment for the created residential parcel to meet the requirements of DTSC. (Personal communication with Jeff Campbell, November 18, 2020)

The 2006 PEA identifies a contamination area primarily within the area of the existing commercial use, but also within portions of the area that would be rezoned for residential use near the northernmost portion of the driveway and at the southern end of the parcel. The PEA indicates concern for future residential and commercial occupants, although arsenic does not appear to pose a significant threat to public health or the environment in its current state, **if the parcel is unoccupied and potential release of COCs is limited.** Furthermore, development of the site requires further action to limit site occupants’ potential exposure to COCs through skin contact, ingestion or inhalation of arsenic. The level of health risk is not acceptable for use of the area with high concentrations of arsenic and require mitigation through removal of waste rock and backfilling with clean fill. Most of the residential portion is outside the area used by Central Eureka Mine to deposit mine waste; however, there are elevated concentrations of arsenic and shallow soil remediation is recommended in those areas. The closed mine shaft is located on the area to remain as commercial.

On April 28, 2016, DTSC sent the Campbells a letter indicating that operations on the site for uses other than material storage or any improvements on site present a health risk to employees and nearby residents unless a Voluntary Cleanup Agreement and Removal Action Workplan is established with DTSC. If used only for storage, no risk is posed; however, activities such as digging, scraping, disturbing soil, office use, or dust-generating activities are considered exposure risks. As noted above, the Campbells are working with DTSC to address contaminant removal and will prepare another study specifically for the residential lot after the parcel is created. Prior to approval of the Final Map proof of cleanup activity must be provided to the City of Sutter Creek as a Condition of Approval.

**e-g) Less Than Significant:**

The project is within Westover Field’s Safety Zone 6, which is the Traffic Pattern Zone. Safety Zone 6 generally allows for single-family residential use, but requires review and conditional approval for higher density residential or commercial uses, with limits on development density and height. The land use designation amendment and rezone to Residential Estate use, and the development of a single residence would not result in a significant impact. The project is within a CAL FIRE moderate severity wildfire area.

**Mitigation**

Implementation of the Project’s Conditions of Approval address outstanding issues regarding onsite arsenic levels and must be met prior to recording the final map or any site development.

**X. Hydrology and Water Quality**

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	

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

## Discussion

### a-c) Less Than Significant:

As described in Section 7 – Geology and Soils, a soils analysis and drainage study are required as Conditions of Approval to ensure runoff and water quality standards will be met. The drainage study is required to determine whether development of a driveway connection to Old Highway 49 would result in an increase in runoff into the roadside drainage. Should the study reveal a drainage issue, the applicant would be held responsible for improvements as required by the City Engineer. If development of the created lot discharges waste that could affect the quality of surface waters of the State, the project will require coverage under a National Pollutant Discharge Elimination System (NPDES) General Construction permit. In such cases, a complete Report of Waste Discharge must be submitted to the Central Valley Regional Water Quality Control Board in order to obtain a NPDES permit. The soil study is required to identify whether a septic system is feasible should the applicant pursue such a system over connection to the sewer line in Sutter Hill Road or Old Highway 49. If the Department of Environmental Health determines a septic system is not feasible, future development would be required to connect to the sewer system or abandon future development proposals.

Wells are not located onsite and are not proposed as part of this project. A substantial portion of the site would remain undeveloped to allow for rainwater to infiltrate. Although impervious coverage would

increase, no significant impact to groundwater quantity or quality would occur. By reducing the potential density onsite, runoff volumes would be less than what could occur as currently zoned/designated.

Amending the General Plan land use designation and zoning on a portion of the property would result in less potential runoff or changes to existing drainage patterns as less dense development occurs from a Residential Estate use as compared to a Commercial use. Therefore, the rezone and amendment would result in less potential impact on hydrology and water resources.

**d) No Impact:**

The parcel is not within a flood zone and the additional grading for a single-family residence would not alter flood flows such that offsite flooding would occur or cause flows to be redirected so as to increase flooding risk elsewhere.

**e) No Impact:**

The proposed project does not conflict with the adopted Integrated Regional Water Management Plan.

**Mitigation**

Implementation of the Project's Conditions of Approval address drainage study requirements. The drainage study would be used to direct infrastructure improvements, if needed to address runoff and drainage from site development

**XI. Land Use and Planning**

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

**Discussion**

**a) Less Than Significant:**

The proposed project is adjacent to existing residential uses, and therefore, will not divide the community. The PEA prepared for DTSC in regard to arsenic hazards in 2006 indicates the portion of the property to be split and rezoned/designated as RE/Residential Estate was previously **proposed to be** zoned and designated for residential use at the time the PEA was prepared (2006). Therefore, it would not be a significant change of rezone or amendment as the site was once considered for such uses in the past.

The existing access driveways at the northern limit of the parcel is used by neighbors to the north and east, despite the location of the access driveways on the Campbell property. The Campbells have indicated they will voluntarily enter into access agreements or easements with those neighboring parcels currently using their driveway to maintain access to those parcels through Gold Dust Trail and Greenstone Terrace (Personal Communication, Jeff Campbell, November 18, 2020).

**b) Less Than Significant:**

Amending the General Plan Land Use Element Map to create a new parcel and change the land use designation on the newly created parcel from C (Commercial) (pd) to RE (Residential Estate) and zoning from C-2 (pd) to RE will not cause a significant environmental impact. This action would result in a potential decrease in development density on the created parcel which would otherwise reduce the potential

for significant environmental impact associated with intensive use of the land. Although this entire parcel was identified in the Housing Element Vacant Land Inventory as a potential site for the development of high-density senior housing, that assessment was based on a potential use and assumptions on that use were made prior to analysis of the constraints on the land, such as slope, accessibility, tree removal, safety, and other limitations. It also assumed no other commercial use onsite and pre-dated the existing use as headquarters and storage for a construction business. The use of the site for construction operations is not conducive to high density senior apartments and therefore, the land is no longer vacant in relation to the total area assumed for senior housing in the vacant land inventory. The purpose of the (pd) overlay was to evaluate the site for larger-scale development; however, evaluation of the site indicates there are significant site constraints in relation to use of the site for large mixed commercial development, and the site is more suited to lower density residential in which there is adequate area to site a residential unit outside of severe slopes and with minimal impact to native vegetation.

The City conducted a General Plan consistency analysis as part of the application review process to evaluate the action in relation to the goals, objectives, policies and implementation measures. Where compliance was not fully demonstrated, the City placed Conditions of Approval on the Tentative Parcel Map:

<b>Areas of Potential General Plan Inconsistency</b>	<b>Conditions of Approval to Ensure Compliance</b>
Goal PS-1: Upgrade deficiencies in existing public facilities and achieve well-planned expansions of services and facilities to keep pace with the City's growth and ensure the long-term health, safety, and welfare of the City's residents.	COA - Will serve letters are required prior to issuance of development permits, including AWA, City sewer, and the SCFPD.
Policy PS-1.3.1: New development projects shall upgrade, expand, and/or provide new sewage infrastructure that is sized adequately to meet expected peak flow demands from the development. The sizing of new infrastructure shall be based upon cumulative growth of the region. Reimbursement agreements may be arranged to pay back developers the cost of oversizing to accommodate cumulative growth.	COA -If septic is proposed on the residential site, the applicant shall apply for a variance to allow septic to be constructed onsite. The application shall include a soils report, all necessary data to determine the appropriate size and location of the septic system, the appropriate applications and fees shall be submitted, and the application shall be reviewed by Environmental Health to ensure the safety of such a system onsite.
Policy PS-1.4.1: Drainage from new construction should be planned carefully to guide water into the citywide drainage system. New developments shall analyze and improve off-site drainage systems to ensure their capabilities to handle increased flows.	COA - Prior to issuance of development permits, drainage volumes, patterns and directions, as a result of increased coverage, need to be identified to ensure drainage flows do not increase and affect adjacent parcels or roads.
Policy PS-1.4.2: New development projects will provide for their incremental effect on existing storm drainage facilities as well as provide new facilities needed to adequately service the increased runoff they may generate.	COA - Prior to issuance of development permits, drainage volumes, patterns and directions, as a result of increased coverage, need to be identified to ensure drainage flows do not increase and affect adjacent parcels or roads.
Policy PS-1.4.3: New development applications will be denied unless it is proven they will not overload existing drainage facilities or add to flood hazards in Sutter Creek.	COA - Prior to issuance of development permits, drainage volumes, patterns and directions, as a result of increased coverage, need to be identified to ensure drainage flows do not increase and affect adjacent parcels or roads.
Policy PS-1.4.5: Drainage should be directed through landscaped swales or underground pipes or a combination of both, wherever feasible. Open concrete or rock ditches are discouraged in most cases.	COA - Prior to issuance of development permits, drainage volumes, patterns and directions, as a result of increased coverage, need to be identified to ensure drainage flows do not increase and affect adjacent parcels or roads.
Objective PS-1.12: New development shall pay for its fair share of new, improved, or expanded public services and facilities and not bring an undue burden upon the City, its existing residents, or rate payers.	COA - Appropriate fees shall be paid
Policy S-1.2.1: Site-specific soils investigations will be required for construction projects when and wherever there is concern for soils-related hazards.	COA - if a septic system is proposed, appropriate soil surveys shall be completed to ensure the system is adequately located on appropriate soils. A variance and application, with associated fees are required and the submittal may be reviewed by Environmental Health prior to approval to ensure no hazardous conditions are created.

<b>Areas of Potential General Plan Inconsistency</b>	<b>Conditions of Approval to Ensure Compliance</b>
Policy S-1.4.2: New development shall ensure there is sufficient water supply and facilities for fire suppression units in the event of a wildland fire.	COA - Will serve letters are required to be provided by both AWA and the SCFPD prior to Development permits to ensure there is adequate water service, fire flow, and fire access.
Policy S-1.4.6: New roadways shall comply with City standards	COA – The driveway location and design should be provided to and reviewed by the SCFPD prior to development to ensure there is adequate accessibility for firefighting equipment per City standards
Policy H-1.1.4: Development projects shall notify the City and relevant parties if historic or prehistoric occupancy or use of the site is discovered during grading or building activities.	COA - future grading shall comply with cultural resource discovery reporting protocol should resources become uncovered.
Implementation Measure H-1.1.4.1: Discretionary development project approvals shall contain the condition that sign of historic or prehistoric occupancy or use of the site that is discovered during grading or building activities will cause an immediate halt to such activities and the prompt notification of the City, the Chairperson, Jackson Rancheria and the North Central Information Center or the State Office of Historic Preservation.	COA - future grading shall comply with cultural resource discovery reporting protocol should resources become uncovered
Implementation Measure PR-1.1.2.1: New residential development will either dedicate land or pay an in-lieu fee for parkland (or a combination, at the option of the City) based upon a ratio of 5 acres per 1,000 residents anticipated in the development.	COA - Appropriate fees shall be collected for future development

### **Mitigation**

None required in addition to implementation of the Conditions of Approval.

## **XII. Mineral Resources**

<b>Would the project:</b>	<b>Potentially Significant</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant</b>	<b>No Impact</b>
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>X</b>	
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?			<b>X</b>	

### **Discussion**

#### **a–b) Less Than Significant:**

The subject property is within a mineralized zone, including a portion of the Mother Lode Gold Belt, and was once a portion of the Central Eureka Mine. However, these mineral claims do not affect surface land use activities, and are normally effective 300-feet or more below the surface. Splitting the parcel and designating one half as residential estate while maintaining the other as commercial would not affect the underground mineral resources.

### **Mitigation**

None required.

### XIII. Noise

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

#### Discussion

##### a-c) Less Than Significant:

The lot split and amendment to the General Plan land use designation and zoning on the created lot from Commercial (C-2) to Residential Estate (RE) would not generate new noise or groundborne vibration. Decreasing the potential intensity of use by changing the designation and zoning from commercial to residential would result in less potential for noise generation and vibration.

The parcel is within the Westover Field Airport Influence Area – Safety Zone 6. Safety Zone 6 comprises the traffic pattern zone, which covers regular traffic patterns and pattern entry route both in and out of the airport. The project site is outside the 55 CNEL (Community Noise Equivalent Level), which is the lowest noise level calculated for airport operations.

#### Mitigation

None required.

### XIV. Population and Housing

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
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)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

#### Discussion

##### a-b) Less than Significant:

The proposed lot split and land use designation amendment and rezone from Commercial (pd)/C-2 (pd) to Residential Estate/RE on the created lot would not induce population growth. Since Commercial/C-2

properties allow multi-family residential development, the change in land use designation and zone to Residential Estate would result in fewer potential dwelling units and therefore, no substantial unplanned population growth. Only a driveway located on an existing gravel road is proposed in terms of roadway infrastructure. A water and sewer connection, or possibly septic connection, would not induce growth as it would be a single connection to the existing main lines in Sutter Hill Road. There are no existing homes on the property; therefore, no persons or housing would be displaced by the tentative parcel map project.

It should be noted that this parcel was identified in the 2015 Housing Element Update Vacant Land Inventory as a potential site for 40 senior apartments, likely due to a potential proposal for such use on that property prior to occupancy by the current owners and use of the site by Campbell Construction. While the site was recognized in the Housing Element, no investigation of site suitability for such high density use occurred. It is likely that the assumption was based on use of the existing flattened area that was once a mine disposal area and currently used by Campbell Construction was the area considered for senior apartment use. Given the steep and continuous slopes across the remainder of the parcel, it is unlikely 40 senior apartments would be feasibly constructed on the portion of the parcel to be rezoned/designated Residential Estate, particularly without extensive grading, site engineering and tree removal. The Vacant Land Inventory in the Housing Element identifies vacant parcels at the time the study was prepared, but does not prevent landowners or future landowners from using their property for allowed uses other than housing.

#### Mitigation

None required.

### XV. Public Services

a) <b>Would the project:</b> 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:	<b>Potentially Significant</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant</b>	<b>No Impact</b>
Fire protection?			<b>X</b>	
Police protection?			<b>X</b>	
Schools?			<b>X</b>	
Parks?			<b>X</b>	
Other public facilities?			<b>X</b>	

#### Discussion

##### a) **Less Than Significant:**

Public services (including law enforcement, fire protection, and schools) presently serve the project area. No changes to the level of service are anticipated. The project parcels would continue to be served by Amador County Public Schools and the potential increase in additional students (approximately 1-2 students Kindergarten through 12<sup>th</sup> Grade) would not adversely affect capacity or require the development of additional school facilities. Existing park facilities are adequate to serve the additional residents from this project and additional park facilities are not proposed.

The site is currently served by the Sutter Creek Police Department and Sutter Creek Fire Protection District and no increase in service demand would result from the creation of one Residential Estate unit on land currently designated and zoned commercial.

The ability of service providers to provide public services will be verified through 'Referral Letters' or 'Will Serve Letters' which are required as a Condition of Approval and must be provided prior to the final map and development of the site. At this time, there are no known limitations on the ability of these agencies to provide public services.

### Mitigation

None required outside the Conditions of Approval requiring service referral letters prior to recording the final map.

## XVI. Recreation

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

### Discussion

#### a-b) Less Than Significant:

The addition of one residential unit will have a negligible effect on the City park system. The tentative map and creation of a single residential estate parcel is too small to justify new park facilities. However, the applicant will contribute to support park facilities through payment of a Park and Recreation Impact Fee upon issuance of a building permit.

### Mitigation

None required.

## XVII. Transportation

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			<b>X</b>	
d) Result in inadequate emergency access?			<b>X</b>	

## Discussion

### a-d) Less Than Significant:

No changes to the circulation system are anticipated. The Tentative Parcel Map would not result in the creation of new roads. No changes would occur at the existing commercial use at the intersection of Sutter Hill Road and Old Highway 49. A driveway would extend from the existing gravel access at Old Highway 49 associated with Greenstone Terrace and would follow the existing gravel road that runs across the created parcel. This driveway would be improved with asphalt concrete, providing a 12-foot travelway within a 40-foot private access and public utility easement. A Condition of Approval placed on the project is to receive confirmation from the Sutter Creek, Fire Protection District indicating that the driveway is appropriately designed for emergency vehicle access.

Since this access also serves as access to Greenstone Terrace and since a portion of Gold Dust Trail extending to the Russell Trust parcels east of the project site are located within this Tentative Parcel Map area, an easement or easements showing access for these adjacent parcels and these roadways must be provided to the Town as a Condition of Approval. These easements must be provided prior to recording the Final Map.

Since the project would split a parcel into two and rezone/amend the land use designation on the created parcel from Commercial (pd)/C-2 to Residential Estate/RE, the potential increase in traffic and the traffic levels previously analyzed in the General Plan CEQA documentation would decrease as residential estate uses result in less density and fewer vehicle trips than commercial uses. Since the commercial use on proposed parcel 1 would not change, no change in VMT is associated with that portion of the tentative map. Total VMT generated by parcel 2, which would be used for one single-family residence would be less than what could be generated had that portion of the tentative map remained as commercial. One residence would not generate VMT such that thresholds were exceeded.

The City Engineer reviewed the application materials related to roadway prism at the driveway intersection with Old Highway 49 and found no significant potential for traffic hazard. With only one residence proposed, there would be no significant increase in traffic volume to increase hazard risk. No changes are proposed for the existing driveway to Campbell Construction off of Sutter Hill Road.

## Mitigation

None required in addition to the Conditions of Approval on the project in regard to driveway improvement and emergency responder review of the driveway alignment to ensure adequate accessibility.

## XVIII. Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subsection (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X

### Discussion

#### a-b) No Impact:

No tribal cultural resources have been identified within or adjacent to the project site. Pursuant to Assembly Bill 52 and Senate Bill 18, the City is required to consult with affected Tribes regarding effects of the project and General Plan amendment on tribal resources. Local tribes include the Jackson Rancheria Band of Miwok Indians, the Buena Vista Tribe of Miwok Indians, the Ione Band of Miwok Indians, and the Shingle Springs Band of Miwok Indians who have requested to be added to the City's consultation list. Letters were sent to the tribes on November 13, 2020. The Shingle Springs Band of Miwok Indians responded on December 11, 2020, indicating they knew of no resources on the site and requesting information sharing and consultation if resources or human remains are identified. To date, no response has been received from the other three tribes who were contacted. The City will inform the appropriate parties if resources or human remains are identified per City and State protocol. Amending the zone and land use designation to a less-intensive use would result in less potential to affect resources.

### Mitigation

None required.

## XIX. Utilities and Service Systems

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	

Would the project:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

## Discussion

### a-c) Less Than Significant:

Utility services for the site will be provided by the following service providers:

Service	Utility Provider
Water:	Amador Water Agency
Wastewater:	City of Sutter Creek
Storm Drainage:	City of Sutter Creek
Electricity:	Pacific Gas & Electric Company
Natural Gas:	Pacific Gas & Electric Company
Telecommunications:	AT&T, AT&T U-verse, HughesNet, Viasat, Xfinity, DIRECTV, Dish Network

The ability of service providers to provide public services need to be verified through 'Will Serve Letters' and 'Referral Comments' as part of the Conditions of Approval. At this time, there are no known limitations on the ability of these agencies to provide public services. With the exception of sewer service given the distance of the future residence from the sewer mains in Sutter Hill Road and Old Highway 49. However, if a septic system is proposed due to connection limitations to the City sewer, then Conditions of Approval require a soil investigation and permitting.

### d and e) Less Than Significant:

Solid waste services are provided within Sutter Creek by ACES Waste Services, Inc. under a franchise agreement with the City of Sutter Creek. ACES provides weekly garbage service and alternating weeks for yard waste and recyclables. At this time, there are no known limitations on the ability of ACES to provide solid waste services, and the lot split and rezone and General Plan land use designation amendment from commercial to residential estate on the created lot would result in no significant increase in solid waste generation. One residence would not produce solid waste in volumes that exceed current capacities. Furthermore, the rezone and designation amendment would reduce the potential solid waste volumes generated on the property. Amador County contracts with Sacramento County for disposal of its solid waste, which is transported by ACES to the Kiefer Landfill in eastern Sacramento County. No solid waste is disposed of in Amador County. The Kiefer Landfill has a 60-year life expectancy.

### Mitigation

None required outside of the Condition of Approval for service letters from the utility providers and the soil investigation for a septic system, if proposed.

### XX. Wildfire

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

### Discussion

#### a-d) No Impact:

The project is not within a very high fire hazard severity zone. It is located within a Local Responsibility Area, adjacent to a Moderate fire hazard severity zone. Moderate is the lowest classification and may require specific building requirements and establishment of 'defensible space'. A Condition of Approval requires residential development in the future to follow Fire Code and defensible space requirements prior to issuance of building permits. The parcel contains and is adjacent to open grassland and scattered oak woodland. Splitting the parcel and rezoning/amending the land use designation from intensive Commercial to very low intensity residential reduces the potential number of vehicles using the driveway for evacuation.

### Mitigation

None required.

## XXI. Mandatory Findings of Significance

Mandatory Findings of Significance	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
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)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

### Discussion

#### a-c) Less Than Significant:

The proposed project has the potential to reduce effects on the quality of the environment by changing the land use designation and zoning from a high density designation/zone that allows extensive coverage to a very low density designation and zone in which the existing landscape would remain largely undeveloped.

There is no potential for significant cumulative impacts from implementation of the project, as the project is a lot split and land use designation/zoning amendment in which the development density would decrease and result in less impact to the natural environment. There is no potential to induce growth as no significant change in public service, utility connection, or circulation would occur. Although the rezone and land use designation change reduces the potential use of the property for higher density housing, the property is not conducive to extensive development due to the existing slopes, access limitations as a result of those slopes, and the extent of oak woodland. Therefore, the amendments would result in a cumulative decrease in impact. It should also be noted that a Commercial designation does not prevent a parcel from being used for non-residential commercial uses and that property owners are not forced to develop a property for a specific commercial use.

The parcel has been identified by DTSC as having elevated arsenic levels that must be addressed prior to development and occupancy of the site. The majority of the affected area is located within the limits of the existing commercial use, which would remain in commercial use with no proposed changes to the operation. Capping of the arsenic would prevent arsenic dust from being created. There are small areas on the portion of the parcel to be created as a Residential Estate parcel. These areas are located at the southern end of the parcel where no alteration to the land is proposed, and at the northern end of the site where the existing gravel roadway is located and where the driveway improvements would occur. The house pad would not be located within an area of elevated arsenic levels. Since improvement and use of the driveway may create

arsenic dust, the City has placed a Condition of Approval on the project for the property owner/applicant to provide the City with evidence that they are actively working with the DTSC and that the DTSC has finalized agreements for arsenic capping and actions have been taken to address the issues. The applicant has indicated that they will conduct further studies on the created parcel to ensure arsenic exposure risks are addressed and mitigated per DTSC requirements.

**Mitigation:**

None required beyond the City's Conditions of Approval placed on the Tentative Parcel Map.

## 4. Preparers and References

### Report Preparation

Christy Consolini, Hauge Brueck Associates, LLC

### References

California Code of Regulations. Title 14 Natural Resources, Division 6 Natural Resources Agency, Chapter 3 *Guidelines for Implementation of the California Environmental Quality Act, Appendix G – Environmental Checklist Form*. Sacramento, CA.

California Department of Forestry and Fire Protection. *Fire Hazard Severity Zones*. August 2018.

California Department of Toxic Substances Control (DTSC). *Envirostor*. Site accessed November 2020.  
[https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=03100010..](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=03100010..)

\_\_\_\_\_. DTSC. 2005. *Letter to AMCAL Properties Regarding Approval of Final Work Plan for Preliminary Endangerment Assessment*. October 18, 2005.

\_\_\_\_\_. DTSC. 2016. *Letter to Jeff Campbell Regarding Appropriate Uses of the Old Eureka Mine Site*. April 28, 2016.

\_\_\_\_\_. DTSC. 2020. *Letter to Jeff Campbell Regarding Proposed Cancellation of Draft Standard Voluntary Agreement*. March 6, 2020.

California Resources Agency, Department of Conservation, Division of Local Resource Protection, Farmland Mapping and Monitoring Program. *Amador County Important Farmland Map*. March 2018.

Campbell, Jeff. *Personal communication*. November 18, 2020.

City of Sutter Creek. *General Plan, Volume I -- Policy Document*. July 15, 2019.

\_\_\_\_\_. *General Plan, Volume III – City of Sutter Creek Setting*. July 15, 2019.

\_\_\_\_\_. Sutter Creek General Plan Update, Land Use Element. *Figures 4-1 an 4-2, Land Use Diagram and Land Use Overlay Diagram*. July 15, 2019.

\_\_\_\_\_. Sutter Creek General Plan Update, *Chapter 8 – Safety Element*. July 15, 2019.

ESA. *Draft Westover Field Airport Compatibility Plan*. June 2017.

GEOCON Consultants. 2006. *Revised Final Preliminary Endangerment Assessment for the Old Eureka Mine and Salvage Yard*.

USDA Natural Resources Conservation Service. *Websoil Survey*. Site accessed November 2020.  
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

# Appendix A

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## Comment Letters and Responses to Comments

A comment letter was received from the Shingle Springs Band of Miwok Indians on December 11, 2020 in response to tribal consultation letters sent in November per SB 18 and AB 52. That letter did not include a comment on the IS/ND, but commented on the site and consultation process. The letter indicated the tribe did not know of any resources on the site but requested to be contacted should resources or human remains be discovered. The City will inform the tribes per City and State protocol if resources or human remains are found.

During circulation of the IS/ND, comment letters were received from:

- The Department of Toxic Substances Control, December 22, 2020
- California Department of Transportation, December 30, 2020

The content of the letters is outlined below with responses provided following each comment in *italics*.

### Letter 1. Department of Toxic Substances Control, December 21, 2020

#### General Comments

1) The Revised Final Preliminary Endangerment Assessment (PEA) Report for the Old Eureka Mine and Salvage Yard was approved by DTSC on December 1, 2006. Due to the time that has elapsed since the approval of the PEA Report, it may be necessary for a new evaluation of the suitability of the Site for proposed residential and commercial use utilizing current DTSC screening levels and an updated risk assessment for Contaminants of Concern (COCs).

*Thank you for the clarification. The Condition of Approval on the Project requires that the applicant “provide confirmation from DTSC that the contaminant levels on the parcels have been adequately addressed to the satisfaction of DTSC” prior to approval of the Final Map. From this comment, DTSC may require a new PEA Report to reflect current screening levels and an updated risk assessment. These reports would then also be required prior to the Final Map under the Condition of Approval as DTSC would not provide confirmation to the applicant that the issues on the parcels had been adequately addressed without those new reports or any other reports or agreements that DTSC may require in this process. A list of Conditions of Approval the City will require has been added to the IS/ND to illustrate why some impacts are not found to be significant, as those conditions must be met prior to further activity on the site.*

2) The PEA identified elevated levels of arsenic throughout proposed commercial Parcel 1, and along former roads, in the southern portion, and in the north- eastern portion of proposed residential Parcel 2. These areas may have impacts from the Old Eureka Mine and adjacent Central Eureka Mine, and would require remediation and potentially long-term stewardship activities.

*Those areas in the PEA were identified in the City’s review of the property and noted in the IS/ND question IX.d which indicates the majority of the area with elevated arsenic is within the commercially-used parcel, but that there are also areas of elevated of arsenic along the area of the driveway for the proposed Residential Estates parcel and within the southern portion of that*

parcel. Those areas are also addressed by the Condition of Approval requiring the applicant to address these areas to the satisfaction of DTSC prior to recording the Final Map.

### Specific Comments

#### 1) V: Cultural Resources

The Project states that “remnants of the mining operation, with the exception of the gravel roadways cutting through the site have been removed and capped.” DTSC did not oversee the described removal and capping activities that have occurred on proposed Parcel 1 and has not reviewed or approved documentation of these activities.

This statement refers to the removal of historic mining mechanical equipment and structures which are no longer present on site. The capping refers to capping mining access, not to capping the materials or mine waste. This analysis is in reference to the historical aspect of mining activity and the mining facilities and not in reference to any residual toxicity or removing and capping toxic residuals.

#### 2) VII: Geology and Soils

The Project indicates that the commercial portion of the Site, proposed Parcel 1, is connected to the sewer system and it is unclear if the proposed residence is capable of connecting to this system. If connection to the existing sewer system is proposed for development of the residence, construction activities may encounter soil from the commercial area with elevated levels of COCs. If proposed Parcels 1 and 2 are not remediated to levels that are safe for unrestricted (residential) use, a soils management plan will be needed to eliminate a health risk to workers and the surrounding community for any soil disturbing activities, including construction of a septic system or connection to the existing sewer system.

This comment is correct and makes an important statement on safety in relation to installation of sewer infrastructure. As noted above, the applicant is required to provide evidence of DTSC approval of actions taken on the parcels in relation to the elevated COC levels prior to recording the Final Map as a Condition of Approval.

#### 3) IX: Hazards and Hazardous Materials

a) The Project states that “the applicant has indicated that they are currently working with DTSC and are not cancelling the Voluntary Agreement.” DTSC does not have an active Voluntary Agreement with the applicant and is not currently conducting a risk assessment or evaluating plans for contaminate removal. The Site status is listed as “Inactive - Action Required” as of April 8, 2020 in DTSC’s Envirostor database. DTSC has communicated to the applicant that they will need to reapply to DTSC’s Voluntary Cleanup Program as the previous draft agreement was never executed and work of the draft agreement was closed administratively.

Comment noted. The City is aware that DTSC does not have an executed Voluntary Agreement with the applicant, as the applicant has not yet provided any evidence of such agreement or any other action in regard to addressing contaminants. The City also reviewed the letter sent to the applicant regarding the agreement that DTSC sent in March. Due to the lack of an agreement or action on the part of the applicant, the City is requiring the applicant to provide evidence of both working with DTSC and evidence of DTSC’s approval prior to the City taking any action on the subsequent Final Map. The City has also noted the email from DTSC to the applicant on

September 15, 2020 regarding the contents of the scope of work in the draft Voluntary Agreement from 2019, outstanding costs, and next steps for a new application.

b) The Project states that “the PEA indicates concern for future residential and commercial occupants, although arsenic does not appear to pose a significant threat to public health of the environment in its current state.” The PEA defined the “current state” of the Site as “unoccupied, access is limited and pathways for the public health or the public to be exposed to COCs from the Site are limited or non-existent.” Per the DTSC December 1, 2006 PEA approval letter, remediation is necessary for both the proposed commercial (Parcel 1) and residential (Parcel 2) areas in order for both areas to not pose a significant threat to future residential and commercial occupants.

Thank you for this important clarification. Clarification has been added to the referenced sentence, “The PEA indicates concern for future residential and commercial occupants, although arsenic does not appear to pose a significant threat to public health or the environment in its current state, **if the parcel is unoccupied and potential release of COCs is limited.**” However, please note that the subsequent sentence indicates that remediation is necessary for the Project area to protect human health, “Furthermore, development of the site requires further action to limit site occupants’ potential exposure to COCs....” This is why the Conditions of Approval require the applicant to provide evidence of DTSC approval of actions taken on the parcels in relation to the elevated COC levels prior to recording the Final Map.

#### 4) XI: Land Use and Planning

The Project states that the “PEA prepared for DTSC in regard to arsenic hazards in 2006 indicates the portion of the property to be split and rezoned/designated as RE/Residential Estate was previously zoned and designated for residential use at the time the PEA was prepared (2006).” Section 2.1 of the PEA Report indicates that the site had a Land Use and Zoning designation of Commercial (PD).

Thank you for this clarification. The PEA indicates that the property was proposed to be split and a portion rezoned/designated residential at the time the PEA was prepared. The appropriate phrasing has been added to correct the sentence meaning as follows: “...PEA prepared for DTSC in regard to arsenic hazards in 2006 indicates the portion of the property to be split and rezoned/designated as RE/Residential Estate was previously **proposed to be** zoned and designated for residential use at the time the PEA was prepared (2006).”

DTSC appreciates the opportunity to comment on the IS/ND. DTSC is prepared to assist the project applicant through DTSC’s Voluntary Cleanup Program to evaluate the Site and conduct the necessary activities required to make it safe for unrestricted land use, including residential housing.

Comment noted. We appreciate DTSC’s oversight in this process and look forward to receiving data from the applicant on their progress and DTSC’s concurrence on site safety prior to the City’s action on the Final Map.

**Letter 2. California Department of Transportation, December 30, 2020**

Caltrans appreciates the opportunity to review and respond to the application for vesting tentative parcel map No. 2894, and adopt an Initial Study Negative Declaration (IS-ND) SCH 2020120118. The project purpose is to split the property initiating the tentative parcel map, rezone, and General Plan designation amendment to create a residential parcel on which one single-family unit would be constructed.

A 19.5-acre, commercially designated and zoned parcel (C-2 Commercial with a Planned Development (pd) overlay would be split, creating a 5.26-acre commercial lot retaining its existing designation, and the remaining 14.24-acre parcel to be rezoned and re-designated as Residential Estate (RE), with no (PD) overlay. The associated Assessor Parcel Number (APN) is 018-270-010 and is located in the city of Sutter Creek. Based on the information provided on this project, Caltrans at this time has no comment. If there are any future changes to the scope of work or developments on parcels related to this project, Caltrans requests to review those changes and/or developments.

Comment noted. We appreciate Caltrans' review.