

August 13, 2018

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

VIA E-MAIL TO: [pmaurer@co.calaveras.ca.us](mailto:pmaurer@co.calaveras.ca.us)

RE: Calaveras County General Plan Draft EIR

Dear Peter:

On behalf of the City of Angels Camp, I offer the following comments regarding the Draft EIR for the Calaveras County General Plan:

**Air Quality:**

For the following implementation measure, please amend as follows:

*IM COS-5B GHG Baseline for Calaveras County. Undertake a greenhouse gas (GHG) emissions inventory to establish baseline levels of GHGs generated from all major emission sources in the County, including those in the City of Angels, consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006) and SB 32.*

The City of Angels would like to work collaboratively with Calaveras County on this program.

**Cultural Resources:**

Dependent upon the timing of your Final EIR and General Plan adoption, the County may wish to consider amending the following language to recognize that, possibly in September 2018, it is anticipated that the California Valley Miwok Tribe (based in Sheep Ranch) will become a federally recognized tribe within Calaveras County. The tribal contact is Lawrence Wilson who may be reached at (209) 304-2307 or by fax at (209) 293-3179. He has indicated to the City of Angels that the tribe will request consultations pursuant to AB52.

*Pg. 4.5-26 Furthermore, pursuant to pursuant to Public Resources Code § 21080.3.1, Calaveras County has provided formal notification to tribes requesting consultation under AB 52, including the Buena Vista Rancheria of Me-Wuk Indians, the Calaveras Band of Mi-Wuk Indians, and the Lone Band of Miwok. Responses requesting consultation were not received within the 30- day response period, which ended June 1, 2017.*

**Mineral Resources:**

For the following implementation measure, please amend as follows:

*IM RP-4A County Code – Amend the County Code to:*

- *Address the use and development of geothermal resources*
- *Update the ME combining zone district to be consistent with the State's mineral classification scheme.*

- Clarify that a conditional use permit is required for all surface and subsurface mining activity unless specifically exempted pursuant to Section 17.56.040 (or equivalent), and that conditions will be imposed as necessary to protect mineral resources.
- Include notification procedures for designating mineral reserve areas.
- Continue to use the ME Combining Zone to designate existing permitted and grandfathered mining operations, to identify lands with commercial mineral potential and to allow owners of land containing commercially valuable mineral resources to apply for mineral extraction permits.
- Address changes to state law and regulations from the State Mining and Geology Board.
- Require consultation with the City of Angels prior to designating new mineral reserve areas or approving any new mining operations within the City of Angels' area of interest (as defined in the City of Angels General Plan).
  
- Recognize that large mining operations may be incompatible with existing and/or planned land uses in or adjacent to the City of Angels by apply the following minimum standards, or their equivalent, as established in the Angels Camp General Plan Program 4.A.f:
  - ✓ The site has been classified by the California Geological Survey as a Mineral Resource Zone (MRZ-2a or MRZ-2b) under the State Classification System; and
  
  - ✓ The property does not have over 25% of its area zoned as an urban level residential zoning district (i.e., allowing one acre or less), or over 25% of its area designated as HDR, MDR, SFR, ER, HC, C, CC, SC, SP, P or PR by the City of Angels General Plan; and
  
  - ✓ There are no concentrations of 20 acres or more of property designated by the City of Angels General Plan as HDR, MDR, SFR, ER, HC, C, CC, SC, SP, P or PR by the General Plan within 600 feet of the property; and
  
  - ✓ There are no high occupancy structures (i.e., those accommodating more than six persons) such as schools, health care facilities, skilled nursing facilities, residential care homes, hotels or motels within 600 feet of the site.

A Notice of Action shall be recorded on those lands meeting the preceding criteria in conjunction with establishing the Mineral Preserve (MPZ) combining district (or equivalent) on qualifying properties.

**Transportation:**

The City of Angels appreciates the County's recognition of the alternative levels of service allowed for City roadways as reflected in the Angels Camp General Plan in the following implementation measure. However, to avoid the necessity for amending *both* the City of Angels General Plan and Calaveras County General Plan should these LOS standards be changed by the City, and to avoid cross-jurisdictional conflicts, please amend as follows:

*Policy C 2.2 Road impacts created by new development shall not reduce the minimum level of service (LOS) below D for roadways and intersections in Community Areas (as indicated on the General Plan Land Use Diagram – Figure LU-1) and in the City of Angels or below LOS C on County-maintained roadways outside*

of Community Areas and outside the City of Angels. The County shall allow for the following exceptions on County-maintained roadways and on Caltrans-maintained roadways outside the City of Angels, except as specified below, assuming that roadway safety is addressed consistent with Policy CIR 2.1.

- SR 26 from the San Joaquin County line to Silver Rapids Road – LOS D is acceptable to the County.
- SR 4 from Vallecito Road to Kurt Drive – LOS D is acceptable to the County.
- SR 4 from Lakemont Drive to Henry Drive – LOS D is acceptable to the County.
- SR 4 from Henry Drive to Sierra Parkway – LOS D is acceptable to the County.
- SR 12 from SR 26 to SR 49 – LOS D is acceptable to the County.
- SR 49 from Pool Station Road to Gold Oak Road – LOS D is acceptable to the County. SR 49 from Gold Oak Road to Mountain Ranch Road – LOS D is acceptable to the County.
- SR 49 from Dog Town Road to SR 4 (W) – LOS D E is acceptable to the County.
- SR 49 from SR 4 (W) to Murphy's Grade Road – LOS D is acceptable to the County.
- SR 49 from Stanislaus Avenue to Mark Twain Road – LOS D is acceptable to the County.
- SR 49 from Mark Twain Road to Bret Harte Road – LOS D is acceptable to the County.
- SR 49 from Bret Harte Road to SR 4 (S) Vallecito Road – LOS D is acceptable to the County.
- SR 49 from SR 4 (S) Vallecito Road the southern City of Angels City Limits to Tuolumne County Line – LOS D is acceptable to the County.

LOS along SR 49 and 4 through the City of Angels Camp shall be in accordance with the standards established in the Angels Camp General Plan (Implementation Programs 3.A.e and 3.A.f), as may be amended.

Additional exceptions to this policy may be allowed by the Board of Supervisors on a case-by-case basis for roadways located outside the City of Angels Camp, where reducing the level of service would result in a clear public benefit in furtherance of public health, safety, and welfare. Exceptions to the LOS standards may include, but are not limited to, the following circumstances:

- Improvements necessary to achieve the LOS standard result in significant impacts to a unique historical resource;
- Improvements necessary to achieve the LOS standard result in impacts to a sensitive environmental area; or
- Improvements necessary to achieve the LOS standard would prohibit or significantly impair the County's implementation of bicycle and pedestrian facilities or adversely impact areas of historic significance. (IM C-2A and C-2B)

### **Land Use**

And, finally, the following Calaveras County General Plan Land Use Implementation Program is acceptable in its current form; however, the following might more accurately reflect coordination efforts between the City and County as it may relate to other future planning efforts (e.g., housing, inter-jurisdictional recreational trails):

LU 6.3 Provide coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence and Area of Interest to coordinate the effective provision of infrastructure and services and promote regional planning goals.

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**CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048**

Thank you for the opportunity to provide input on this important project. The City looks forward to working collaboratively with Calaveras County. Please call me if you have any questions or require additional information.

Sincerely,



Amy Augustine, AICP  
City Planner, City of Angels

cc: Melissa Eads, City Administrator



Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

RE: Comments on the Draft General Plan DEIR

Dear Mr. Maurer:

Thank you for the opportunity to comment on the General Plan DEIR

The over all language of the DEIR is difficult to navigate and doesn't seem to have enough MANDATORY mitigations for the over two dozen significant impacts that are associated. Protecting against over development in our county depends on a well drafted General Plan.

The community plans don't seem to be included in the General Plan. They should be a part of the mandatory frame work upon which future development and growth standards are based on. Community members took the time to decide what is best for each region and needs to be built in to the plan so that the citizens have some ground to stand on.

Calaveras must focus on mitigating the impacts of future development in our region. Maintaining, preserving and reviving the historical character of our small communities is crucial. We need to work on protecting our forests and farmlands. Including small scale agriculture. Allowing agriculture lands to be converted to other future development uses will not protect the character and the appeal of our rural areas. Reevaluating the Williamson Act contract to protect the large acreage preserves under non-renewal status. (Figure 4.2) Calaveras is a right to farm county, so encouraging small scale agriculture in our region throughout the county and a variety of zones will help with the local economy and create more sustainable communities.

We do not want to leave our General Plan open for too much interpretation and not enough mandatory mitigation or alternative solutions. Large scale developments and corporations will be looking at our open land, forests and water resources to capitalize on if we do not have the demands written in the EIR.

The deforestation of our region due to logging is going to leave a clear cut checkerboard map of our beautiful Calaveras foothills for decades. Living at the doorstep of SPI land has opened my eyes to the disturbing practices that happen without enough oversight.

Noise, air quality, water quality, traffic, safety, soil erosion. You name it. These are beyond significant impacts. If our General Plan does not have adequate and Mandatory mitigation requirements for protection, including financial repercussions, then it leaves policies open for interpretation from companies and developers that have the money to strong arm our county into situations where we won't be able to protect our rural character.

Please review section 4.2 and realize there are significant impacts that have not been addressed thoroughly enough and may drastically impact the future of our Calaveras communities.

Thank you  
Jessica Benson

August 13, 2018

Richard Blood  
9033 Old Toll Road  
Mokelumne Hill, CA 95245  
[newrichard.blood@outlook.com](mailto:newrichard.blood@outlook.com)

RECEIVED

AUG 13 2018

Calaveras County  
Planning Department

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RE: Comments on the Draft General Plan Draft Environmental Impact Report (DEIR).

Dear Mr. Maurer:

Below are some comments and concerns regarding the General Plan DEIR. In reviewing the DIER There was no discussion of the occurrence of radon in Calaveras in Chapters 4.6 GEOLOGY, SOILS, AND SEISMICITY or 4.7 HAZARDS AND HAZARDOUS MATERIALS. Below is a paragraph that mentions radon.

Chapter 4.7 page 4.7-9

Toxic Substances Control Act (15 U.S.C. §2601 et seq. [1976])The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from the TSCA, including, among others, food, drugs, cosmetics and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

Radon is a naturally occurring odorless colorless elemental radioactive gas that can cause cancer. Radon comes from the radioactive decay of uranium that may be present in soil, water and rock. Radon in soil and rock under homes is the biggest source of radon in indoor air and presents a greater risk of lung cancer than radon in ground water used for drinking water. As uranium breaks down, radon gas forms and because it is gas, can travel through the soil and seep into building such as a house. Indoor air levels of radon at 4 picocurie (pCi/L) present an increased risk of contracting lung cancer. The risk of cancer with indoor radon exposure level at 4 pCi/L is 5 times greater than risk of dying in a car crash. The risk of cancer with indoor radon exposure level at 8 pCi/L is 30 times greater than risk of dying in from a fall . Below are test results from indoor radon tests conducted in Calaveras County sorted by zip code from the California Department of Public Health's website. A review of this data reveals there are a significant number of indoor radon exposure levels at or above 4 pCi/L. The occurrence of radon is geologically controlled. So the geological conditions in the zip codes are a very significant factor in causing elevated indoor air radon concentration.

Zip Code	Number of Tests Reported to CDPH	Number of Tests ator $\geq$ 4pCi/L	Percent of Tests $\geq$ 4pCi/L	Max. Result (pCi/L)
95221	14	2	14.00%	6.2
95222	70	9	12.90%	15.1
95223	141	58	41.10%	24.2
95224	25	18	72.00%	95.5
95225	11	4	36.40%	6.8
95226	2	1	50.00%	4.3
95227	1	0		0
95228	41	8	19.50%	11.7
95232	7	1	14.30%	12.1
95233	31	16	51.60%	86.8
95236	7	1	14.30%	4.1
95237	1	0		1.4
95240	24	3	12.50%	5.1
95241	5	0		3.6
95242	19	3	15.80%	13.2
95245	63	17	27.00%	22.6
95246	36	8	22.20%	12.4
95247	137	39	28.50%	41.7
95248	9	5	55.60%	12.3
95249	59	12	20.30%	12.2
95240	4	1	25.00%	7.3
95241	9	1	11.10%	5.6
95252	208	48	23.10%	19
95254	15	6	40.00%	14.7
95255	30	13	43.30%	18.1
95257	2	2	100.00%	10.4

The DEIR needs to discuss potential for elevated radon concentration in the air of the structures with human occupancy. In addition the DEIR should discuss and address role of radon in drinking water from wells (ground water) has on the indoor radon levels in a home. Attached to this email for your reference is The Geological Controls on the Distribution of Radon in California by Ron Churchill, Associate Geochemist, For the California Department of Health Services, January 25, 1991. Information regarding radon can be found at the website below:

<https://www.epa.gov/radon/health-risk-radon>

<https://www.epa.gov/radon/radon-resistant-construction-basics-and-techniques>

<https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/EMB/Radon/Radon.aspx#>

[http://www.conservation.ca.gov/cgs/geologic\\_hazards/hazardous\\_minerals/Pages/index.aspx](http://www.conservation.ca.gov/cgs/geologic_hazards/hazardous_minerals/Pages/index.aspx)

There are mitigation measures that can be implemented to lower indoor radon levels in existing building and radon resistant construction technique are used for new construction in area that have elevated potential for causing indoor radon levels at or above 4 pCi/L. The data for zip 95233 and 95224 indicates there maybe areas of high radon potential in the zip code. As mention early the geological conditions in the near vicinity of a building are a significant factor causing elevated indoor air radon concentration.

Please respond to these comments in the Final EIR. Please put me on the list of people to notify when the Final EIR is complete.

Thank you for the opportunity to comment on the General Plan DEIR.

Sincerely,



Richard Blood

August 13, 2018

Richard Blood  
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Mokelumne Hill, CA 95245  
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RE: Comments on the Draft General Plan Draft Environmental Impact Report (DEIR).

Dear Mr. Maurer:

Below are my comments and concerns regarding the General Plan DEIR:

#### 4.6.4 IMPACTS AND MITIGATION MEASURES

Section 4.6-1 page 4.6-11

In this section there is the statement “Therefore, fault rupture and seismic ground shaking would not pose a risk to new development or new populations occurring in the County as a result of build out of the Draft General Plan (DPG).” The conclusion that there is no risk posed by ground shaking or fault rupture makes the assumption that there are no hidden unmapped active faults in the County. This No risk postulate is based an assumption of absolute certainty that there are no hidden unmapped active faults in the County.

Section 4.6-4 page 4.6 -15

Section 4.6-4 comes to the conclusion that the environmental impacts from onsite wastewater treatment systems (OWTs formally know as septic systems) will be less than significant. There is not enough information in the DEIR to conduct an adequate analysis to conclusively make the finding that the environmental impacts will be less than significant. Also assumptions in the analysis may be erroneous. In this section the statement is made that “However, most Draft General Plan development is not anticipated to use septic systems, as population growth and new development would likely be focused in existing community areas of the County, where existing wastewater infrastructure exists.” There are a large number of existing undeveloped parcels that are not located in the vicinity of existing wastewater infrastructure. When these parcels are developed the means of wastewater treatment will be OWTs. Was an analysis conducted to determine the total number of exiting undeveloped lots that can not be served by community wastewater treatment plants? Was an analysis conducted to estimate the number undeveloped parcels that



can be served by existing treatment plants taking into account the land designation of these parcels in the DGP which maybe subdivided to create additional parcels? Comparison of these two estimates: the number of parcels that can be served by waste water treatment plants; and those parcel that can't would provide a better indication as to where population growth and new development (housing) would likely be focused. The estimates of the number of undeveloped parcels by DGP designation that can be served by waste water treatment plants and those undeveloped parcels that can't need to be included in this analysis.

The environmental settings sections in the DEIR do not adequately describe the occurrence, distribution and density of OWTs in the County. There is a county document that provides some insight regarding environmental setting of the OWTs in Calaveras County. However, there is no mention of this document in the DEIR or the DGP. It is not available on the Calaveras County Website. Repeated searches were made of the Calaveras County Website and the document could not be found. The Calaveras County Local Agency Management Plan (LAMP attached to email), April 20, 2016, was available on the Central Valley Regional Water Quality Board's Website at this link:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/calaveras/r5-2017-0097\\_lamp.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/calaveras/r5-2017-0097_lamp.pdf)

Calaveras County made application to Central Valley Regional Water Quality Board to be Local Agency to regulate OWTs in the county. It received designation as the Local Agency to regulate OWTs in the county. The LAMP was approved by the Central Valley Regional Water Quality Board and governs the administration of the OWTs by the Calaveras County Environmental Health Department. The LAMP needs to be posted on the Calaveras County website and the link should be in the EIR. In the introduction (page 10) of the LAMP it states "Approximately 75% of homes and 20% of businesses in Calaveras County are served by individual OWTS." This estimate is evidence that future development and population growth will not be focused near existing wastewater treatment plants. Figure 2 (page 5) from the LAMP is a bar graph that depicts the number of OWTs permits issued for new and replacement OWTs (modifications also?) for the period from Fiscal Year (FY) 2009/10 to March of FY 2015/16. The range for permits issued during FY 2009/10 to FY2015/16 is from 310 (FY10/11) to 470 (FY14/15). A review of this bar graph reveals that average number of permits for the period was approximately 350 QWTs permits issued per FY year. For the period FY2009/10 to FY 2012/13 during the economic down turn over 300 OWT permits were issued during each of the FY. For period from FY2009/10 to FY 2015/16 how many OWTs received a final inspection? For period from FY2009/10 to FY 2015/16 how many home or buildings that were connected to a waste water treatment plant received a final inspection?

The local agency is required to submit annual reports to the Central Valley Regional Water Quality Board. The annual reports could not be found on the county website? How many OWTs were found in failure, needed to be repaired, and how many complainants were received regarding OWTs for the all FYs years that county has submitted the annual report? How many annual reports has the county submitted to the Central Valley Regional Water Quality Board? The answer to these questions will provide some of the information needed to perform an analysis to determine the significance of the impacts from OWSTs. The LAMP provides a general description of the occurrence, distribution and density of OWTs on page 11 of the Introduction. It states:

“The density of development within Calaveras County is influenced by corridors formed by Highways 49, 4, 26 and 12. The most intense areas of development radiate out from these highways. There are three major population hubs that rely on individual OWTS for wastewater treatment and disposal. The largest population hub is the Rancho Calaveras Subdivision and surrounding area located in the Valley Springs area along Hwy 26. Rancho Calaveras has approximately 3,465 lots, but all of the lots are not developed and some cannot be developed due to a lack of suitable conditions for wastewater disposal. The Copper Cove Subdivision and surrounding areas along Highway 4 at the west end of the County could have approximately 1,000 OWTS. The Arnold area along Highway 4 in the east end of the County is made up of numerous subdivisions that rely on OWTS for wastewater disposal”

There are no maps provided in the LAMP depicting the topography in the vicinity of the three hubs or drainages of the watershed in the surrounding these hubs. Into what watershed(s) does the storm water from these three populations hubs drain? Maps of these three population hubs should be in DEIR. Does the storm water from the Rancho Calaveras Subdivision flow into the Calaveras River Watershed and the Mokelumne River Watershed? Does the storm water from the Arnold area and the Copper Cove Subdivision flow into the Stanislaus River Watershed and the Calaveras River Watershed? Has there been any with wet weather fecal coliform sampling of storm water runoff in the drainages in the vicinity of the three population hubs or drainages? Was wet weather fecal coliform sampling of the storm water conducted on successive day following a rainfall event? A review of the LAMP makes no mention of monitoring data from wet weather fecal coliform sampling of storm water runoff in the drainages in the vicinity of the three population hubs or drainages. The answer to the questions will provide the some of the information needed to perform an analysis to determine the significance of the impacts from OWSTs

Below is a paragraph from page 4.8 – 6

#### Surface Water Quality

Typically, water quality issues stem from runoff during wet weather events, direct discharge associated with industrial/commercial activities, resource extraction activities, leaking sewer infrastructure, and illicit dumping. Additional potential sources of polluted water within the County include past waste disposal practices, agricultural chemicals, and chemicals and fertilizers applied to landscaping. Characteristic water pollutant contaminants may include sediment, hydrocarbons and metals, pesticides, nutrients, bacteria, and trash

The paragraph does not mention OWTs (septic systems) as possible sources of bacteriological, chemical and nutrient pollution to storm waters during and after wet weather events. The paragraph needs to include OTWs as possible sources of pollution of surface waters. A failure of OWTs is more complicated than foul smelling waste water surfacing on the ground. The soil in the dispersal area of OWTs completes the treatment process. Paraphrasing from the USEPA Design Manual of Onsite Wastewater Treatment and Disposal Systems: The soil is capable of treating organic material, inorganic substances and pathogens in

wastewater by acting as a filter, exchanger, an adsorber, and the surface of which many chemicals and biochemical processes occur (pg14). These actions are dependent on 2-4 feet of unsaturated soil (pg 207).

During the wet weather months the soil can be come saturated with water. When soil saturation occurs the water will flow through the soil. This flow can be vertical or horizontal or combination of both depending on the site conditions. During wet weather months the soils in the dispersal area can become saturated resulting in inadequately treated wastewater from OTWs which flows through soil into drainages containing surface water. The usual method for monitoring this type of OWT failure is wet weather fecal coliform sampling of the storm water runoff conducted on successive days following a rainfall event. Without conducting wet weather monitoring OWTs which are polluting and adversely impacting surface water will not be detected. The LAMP makes no mention of conducting such a monitoring program.

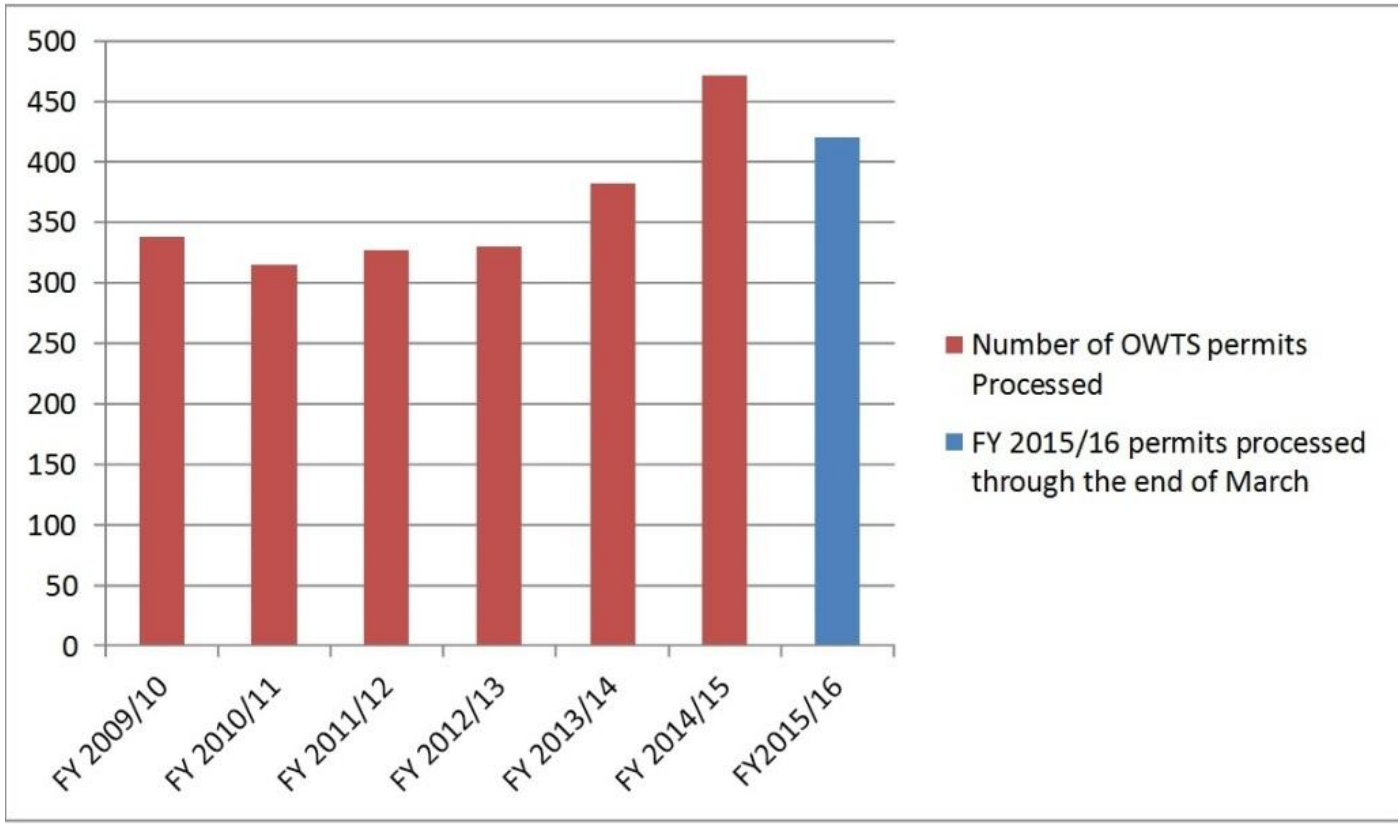
Page 35 of the LAMP state “Because CCOWD currently does not have staffing or resources to perform the 5 year analysis of this groundwater assessment data, CCOWD will peruse possibilities for grant funding. If grant funding is not available, Calaveras County will need to find another way to secure staffing and resources prior to completing its first 5-year assessment, which is anticipated to be due to SWR in 2023.” Again the adverse impacts to surface water and the ground water can only be detected by having surveillance programs in place that have ongoing monitoring and analysis.

Please respond to these comments in the Final EIR. Please put me on the list of people to notify when the Final EIR is complete.

Thank you for the opportunity to comment on the General Plan DEIR.

Sincerely,

Richard Blood



**Figure 2**

**Central Valley Regional Water Quality Control Board**

18 August 2017

Matthew Poole  
Calaveras Environmental Health Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

**CERTIFIED MAIL**  
**91 7199 9991 7035 8420 2333**

**NOTICE OF ADOPTION  
OF  
ORDER R5-2017-0097  
RESOLUTION TO APPROVE LOCAL AGENCY MANAGEMENT PROGRAM  
FOR  
CALAVERAS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT  
CALAVERAS COUNTY**

Order R5-2017-0097 was adopted by the Central Valley Regional Water Board on 11 August 2017 approving the Local Agency Management Program (LAMP) for Calaveras County Environmental Health Department.

To conserve paper and reduce mailing costs, a paper copy of the Order has been sent only to the County. Interested parties are advised that the full text of this Order is available at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/owts/lamp\\_reviews/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/owts/lamp_reviews/index.shtml). Anyone without access to the Internet who needs a paper copy of the Order can obtain one by contacting Central Valley Water Board staff.

If you have any questions concerning the Onsite Wastewater Treatment System Local Agency Management Program, please contact Eric Rapport at (530) 224-4998 or at [eric.rapport@waterboards.ca.gov](mailto:eric.rapport@waterboards.ca.gov).



SCOTT ARMSTRONG, P.G., C.H.G.  
Senior Engineering Geologist  
Waste Discharge to Land Permitting Unit

encl: Order R5-2017-0097

cc w/o encl: Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Tim O'Brien, SWRCB, Sacramento

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION R5-2017-0097

APPROVING THE LOCAL AGENCY MANAGEMENT PROGRAM  
FOR  
CALAVERAS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

WHEREAS, on 19 June 2012, the State Water Resources Control Board (hereafter State Board) adopted Resolution No. 2012-0032, which in part approves the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (hereafter the OWTS Policy); and

WHEREAS, the OWTS Policy allows Local Agencies to propose Local Agency Management Programs (hereafter LAMPs) for California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) approval, as conditional waivers of Waste Discharge Requirements; and

WHEREAS, the OWTS Policy requires Central Valley Water Board staff (hereafter staff) to solicit comments from the State Water Resources Control Board Division of Drinking Water (hereafter DDW) regarding a LAMP's proposed setbacks and notifications to water purveyors; and

WHEREAS, on 13 May 2016 the Calaveras County Environmental Health Department (CCEHD) submitted an informal draft LAMP, along with a preliminary completeness checklist (hereafter checklist) per staff's request; and

WHEREAS on 9 June 2016 Central Valley Water Board staff sought DDW's comments on the formal draft; on 24 August 2016 staff provided comments on the draft LAMP and checklist; and

WHEREAS, on 15 September 2016 DDW concurred with the proposed setbacks and notifications contingent on an appropriate workshop by 13 May 2018 to define public agency responsibilities and procedures for OWTS Policy implementation; on 20 April 2017 CCEHD submitted a formal draft LAMP that addressed staff's comments; and

WHEREAS, on 2 June 2017, the Central Valley Water Board notified CCEHD and interested parties of its intent to approve the LAMP, and provided them with an opportunity for public hearing, and an opportunity to submit comments and recommendations, both on the LAMP and checklist; and

WHEREAS, on 11 August 2017, the Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this action:

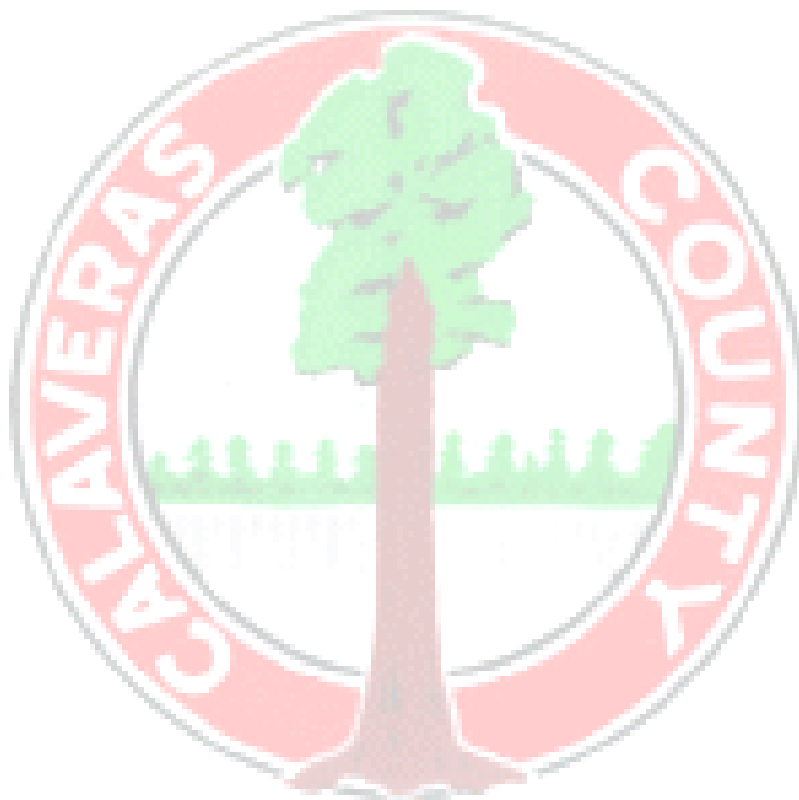


Therefore, be it RESOLVED, that the Central Valley Water Board hereby approves the Local Agency Management Program submitted by the Calaveras County Environmental Health Department. I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the Central Valley Water Board, on 11 August 2017.

A handwritten signature in cursive script, reading "Pamela Creedon", written in black ink. The signature is positioned above a horizontal line.

PAMELA C. CREEDON, Executive Officer

Calaveras County  
Local Agency Management Program  
(LAMP)



April 20, 2016

**CALAVERAS COUNTY LOCAL AGENCY MANAGEMENT PLAN**

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## Completeness Checklist for LAMPs

GENERAL REQUIREMENTS FOR LAMPs				
OWTS Policy Section	OWTS Policy Section Summary	Region 5 Comments (These do not replace your review of the OWTS Policy. Italics and websites are specific explanations, more detailed than in the Policy.)	Relevant LAMP Section	Legal Authority/ Code Section
3.3	Annual Reporting	For Section 3.3 et seq., describe your program for annual reporting to Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff in a tabular spreadsheet format.	<a href="#">Annual Reports</a>	Ord. 13.12.200
3.3.1	Complaints	Include numbers and locations of complaints, related investigations, and means of resolution.	<a href="#">Complaint Process Title13 Enforcement</a>	CHSC - 5411 Ord.13.12.170 & 180
3.3.2	OWTS Cleaning	Include applications and registrations issued as part of the local cleaning registration pursuant to California Health and Safety Code §117400 et seq.	<a href="#">Septage Recycling</a>	CHSC - 117400
3.3.3	Permits for New and Replacement OWTS	Include numbers and locations of permits for new and replacement OWTS, and their Tiers.	<a href="#">Annual Reports Title13 Permits</a>	Ord.13.12.060-085 Ord.13.12.160-165
3.4	Permanent Records	Describe your program for permanently retaining records, and means of making them available to Central Valley Water Board staff within 10 working days of a written request.	<a href="#">Permanent Records</a>	Ord. 13.12.210
3.5	Notifications to Municipal Water Suppliers	Describe your program for notifying public well and water intake owners, and the California Department of Public Health. Notification shall be as soon as practicable, but no later than 72 hours upon discovery of a failing OWTS, as described in Sections 11.1 and 11.2, within setbacks described in Sections 7.5.6 through 7.5.10.	<a href="#">Complaint Process</a>	R&R. Vol I. Chp.2.B.4
9.0	Minimum OWTS Standards	This Section is an introduction; we require no specific LAMP Section citation here.	N/A	N/A
9.1	Considerations for LAMPs	For Section 9.1 et seq., provide your commitment to evaluate complaints, variances, failures, and inspections in Section 9.3.2 (Water Quality Assessment); and your proposed means of assessment to achieve this Policy's purpose of protecting water quality and human health.	<a href="#">WATER QUALITY ASSESSMENT</a>	Throughout Title 13 and R&R
9.1.1	Degree of vulnerability due to local hydrogeology	<i>Describe your commitment, and proposed means to identify hydrogeologically vulnerable areas for Section 9.3.2, after compiling monitoring data. Discuss appropriate related siting restrictions and design criteria to protect water quality and public health. Qualified professionals ("Definitions," page 9 in the Policy) should identify hydrogeologically vulnerable areas. Such professionals, where appropriate during a Water Quality Assessment, should generally consider locally reasonable percolation rates of least permeable relevant soil horizons, best available evidence of seasonally shallowest groundwater (including, but not limited to, soil mottling and gleying, static water levels of nearby wells and springs, and local drainage patterns), threats to receptors (supply wells and surface water), and potential geotechnical issues (including, but not limited to, potentially adverse dips of bedding, foliations, and fractures in bedrock).</i>	<a href="#">WATER QUALITY ASSESSMENT</a> <a href="#">Qualified Professional</a> <a href="#">RR Site Evaluation</a>	R&R. Vol I. Chp. 1.B.79 R&R. Vol I. Chp. 2.C
9.1.2	High quality waters and other conditions requiring enhanced protection	Describe special restrictions to meet water quality and public health goals pursuant to all Federal, State, and local plans and orders. <i>Especially consider appropriate alternatives to those provided in Section 7.8, Allowable Average Density Requirements under Tier 1. See also: State Water Resources Control Board Resolution No. 68-16.</i>	<a href="#">Assessments Considerations RR Minimum Lot Size</a>	LAMP R&R.Vol.I.Chp.2. A.5-6

9.1.3	Shallow soils requiring non-standard dispersal systems	<i>We interpret "shallow" soils generally to mean thin soils overlying bedrock or highest seasonal groundwater. Dependent on threats to receptors, highest seasonal groundwater can locally include perched and intermittent saturated zones, as well as the shallowest local hydraulically unconfined aquifer unit. See Section 8.1.5 for Minimum Depths to Groundwater under Tier 1. Qualified professionals should make appropriate determinations on the design and construction of non-standard dispersal systems due to shallow soils.</i>	<a href="#">Engineered Sewage Disposal</a> <a href="#">RR Engineered Systems</a>	R&R.Vol.II.Chp.6
9.1.4	High domestic well usage areas	<i>Our key potential concerns are nitrate and pathogen transport toward receptor wells, especially in areas with existing OWTS already prone to soft failures (OWTS failures not evident at grade). Appropriate qualified professionals should consider reasonable pollutant flow paths toward domestic wells, at minimum based on; publically available nitrate concentrations in local wells, published technical literature on local wastewater and non-wastewater nitrate sources, well constructions, pumping demands, and vulnerability of wells due to local hydrogeology. For pathogens, qualified professionals should ensure that field methods are sufficient to mitigate the potential for false positives.</i>	<a href="#">Assessment Considerations</a>	LAMP
9.1.5	Fractured bedrock	<i>Where warranted, appropriate qualified professionals should assess permeability trends of water-bearing fractures, and related potential pathways of effluent toward receptors, including but not limited to, domestic wells and surface water. The professionals should also consider potential geotechnical issues. We suggest consideration of fractured bedrock in concert with percolation rates of overlying soils; either very high or low percolation rates might warrant siting restrictions or non-standard dispersal systems. See also State Water Resources Control Board Order WQ 2014-0153-DWQ, Attachment 1, page 1-3, Item A-3.</i>	<a href="#">Engineered Sewage Disposal</a> <a href="#">RR Engineered Systems</a>	R&R.Vol.II.Chp.6
9.1.6	Poorly drained soils	<i>Appropriate qualified professionals should give criteria for determination of representative percolation rates, including but not limited to, general site evaluation, trench logging, pre-soak and measurement methods of percolation tests, and acceptable alternatives for percolation tests.</i>	<a href="#">Engineered Sewage Disposal</a> <a href="#">RR Engineered Systems</a>	R&R.Vol.II.Chp.6
9.1.7	Vulnerable surface water	<i>Our key potential concern is eutrophication of fresh surface water. While typically with relatively low mobility in groundwater and recently informally banned in dishwater detergents, phosphate is a common cause. At minimum, describe appropriate qualified professionals who will consider potential pathways of wastewater-sourced phosphate and other nutrients toward potentially threatened nearby surface bodies.</i>	<a href="#">Assessment Considerations</a>	LAMP
9.1.8	Impaired water bodies	<i>Wolf Creek, Nevada County, and Woods Creek, Tuolumne County will require Tier 3 Advanced Protection Management Programs. This applies to Nevada, Placer, and Tuolumne Counties. See Attachment 2 of the OWTS Policy.</i>	NA	NA
9.1.9	High OWTS density areas	<i>Where nitrate is an identified chronic issue, at minimum, consider nitrogen loading per area; for example, see Hantzsche and Finnemore (1992), Crites and Tchobanoglous (1998), and more recent publications as appropriate.</i>	<a href="#">Assessment Considerations</a>	LAMP
9.1.10	Limits to parcel size	<i>At minimum, consider hydraulic mounding, nitrate and pathogen loading, and sufficiency of potential replacement areas.</i>	<a href="#">LOCAL AUTHORITY RR Minimum Lot Size</a>	R&R.Vol.I.Chp.2. A.5-6
9.1.11	Areas with OWTS that predate adopted standards	<i>This refers to areas with known, multiple existing OWTS.</i>	<a href="#">Assessment Considerations</a>	LAMP

9.1.12	Areas with OWTS either within prescriptive, Tier 1 setbacks, or within setbacks that a Local Agency finds appropriate	This refers to areas with known, multiple existing OWTS.	<a href="#">Assessment Considerations</a> <a href="#">RR Setbacks</a>	R&R.Vol.II.Chp.4 .D
9.2	Scope of Coverage:	For Section 9.2 et seq., provide details on scope of coverage, for example maximum authorized projected flows, allowable system types, and their related requirements for site evaluation, siting, and design and construction requirements.	<a href="#">OWTS Requirements</a>	R&R. Vol.1. Chp. 2.A.11
9.2.1	Installation and Inspection Permits	Permits generally cover procedures for inspections, maintenance and repair of OWTS, including assurances that such work on failing systems is under permit; see Tier 4.	<a href="#">OWTS Permit Procedure</a>	Ord.13.12.060-085 Ord.13.12.160-165
9.2.2	Special Provision Areas and Requirements near Impaired Water Bodies	<i>Wolf Creek, Nevada County, and Woods Creek, Tuolumne County will require Tier 3 Advanced Protection Management Programs. This applies to Nevada, Placer, and Tuolumne Counties. See Attachment 2 of the OWTS Policy.</i>	NA	NA
9.2.3	LAMP Variance Procedures	Variations for new installations and repairs should be in substantial conformance to the Policy, to the greatest extent practicable. Variations cannot authorize prohibited items in Section 9.4.	<a href="#">Variance Process</a>	Ord.13.12.140
9.2.4	Qualifications for Persons who Work on OWTS	Qualifications generally cover requirements for education, training, and licensing. <i>We suggest that Local Agencies review information available from the California Onsite Water Association (COWA), see: <a href="http://www.cowa.org/">http://www.cowa.org/</a></i>	<a href="#">OWTS Qualified Worker</a> <a href="#">RR Qualified Worker</a>	RR.Vol.I.Chp.4. C.5
9.2.5	Education and Outreach for OWTS Owners	Education and Outreach generally supports owners on locating, operating, and maintaining OWTS. At minimum, ensure that you will require OWTS designers and installers to provide owners with sufficient information to address critical maintenance, repairs, and parts replacements within 48 hours of failure; see also Tier 4. Also, provide information to appropriate volunteer groups. <i>At minimum, we suggest providing this information on your webpage.</i>	<a href="#">OPERATION AND MAINTENANCE</a>	RR.Vol.II.Chp.6. A.3
9.2.6	Septage Disposal	Assess existing and proposed disposal locations, and their adequacy.	<a href="#">Septage Recycling</a>	RR.Vol.I.Chp.2. C
9.2.7	Maintenance Districts and Zones	<i>These generally refer to Homeowners Associations, special maintenance districts, and similar responsible entities. Requirements for responsible entities should generally reflect the Local Agency's judgment on minimum sizes of subdivisions that could potentially cause environmental impacts. LAMPs should ensure that responsible entities have the financial resources, stability, legal authority, and professional qualifications to operate community OWTS.</i>	<a href="#">LOCAL AUTHORITY</a> <a href="#">RR Subdivisions</a> <a href="#">on Requirements</a>	RR.Vol.I.Chp.2.A .2-7
9.2.8	Regional Salt and Nutrient Management Plans	Consider development and implementation of, or coordination with, Regional Salt and Nutrient Management Plans; see also <i>State Board Resolution 2009-0011</i> :  <a href="http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/laws_regs_policies/rw_policy_implementation_mem.pdf">http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/laws_regs_policies/rw_policy_implementation_mem.pdf</a>	NA	NA
9.2.9	Watershed Management Groups	Coordinate with <i>volunteer well monitoring programs</i> and similar watershed management groups.	<a href="#">WATER QUALITY ASSESSMENT</a>	LAMP
9.2.10	Proximity of Collection Systems to New or Replacement OWTS	Evaluate proximity of sewer systems to new and replacement OWTS. See also <i>Section 9.4.9.</i>	<a href="#">Sanitary sewer connection</a> <a href="#">RR Sanitary Sewer</a>	Title13.12.040 RR.Vol.1.Chp2.A .2



9.2.11	Public Water System Notification prior to permitting OWTS Installation or Repairs	Give your notification procedures to inform public water services of pending OWTS installations and repairs within prescribed setback distances.	<a href="#">Notifications</a>	R&R. Vol. I. Chp.2. Sec. B.4.
9.2.12	Policies for Dispersal Areas within Setbacks of Public Wells and Surface Water Intakes	Discuss supplemental treatments; see Sections 10.9 and 10.10. A Local Agency can propose alternate criteria; <i>however we will need rationale in detail.</i>	<a href="#">RR_Advanced Treatment</a>	R&R.Vol.II.Chp. 6. Sec. G.1.
9.2.13	Cesspool Discontinuance and Phase-Out	Provide plans and schedule.	<a href="#">General Design Considerations RR_Cesppools Privies</a>	Title13.12.050
9.3	Minimum Local Agency Management Responsibilities:	For Section 9.3 et seq., discuss minimum responsibilities for LAMP management. Responsibilities should generally cover data compilation, water quality assessment, follow-up on issues, and reporting to the Central Valley Water Board:	Throughout LAMP	LAMP
9.3.1	Permit Records, OWTS with Variances	Describe your records maintenance; numbers, locations, and descriptions of permits where you have granted variances.	<a href="#">Variance Process Title13 Variance</a>	LAMP
9.3.2	Water Quality Assessment Program:	In the Water Quality Assessment Program, generally focus on areas with characteristics covered in Section 9.1. Include monitoring and analysis of water quality data, complaints, variances, failures, and inspections. Also include appropriate monitoring for nitrate and pathogens; you can use information from other programs. <i>We are available to provide further guidance on reporting requirements. In the interim, to assist with analyses and evaluation reports (Section 9.3.3), we suggest posting data on appropriate maps; for example consider the following links:</i>  <a href="http://www.nrcs.usda.gov/wps/portal/nrcs/site/ca/home/">http://www.nrcs.usda.gov/wps/portal/nrcs/site/ca/home/</a> <a href="http://www.cdpr.ca.gov/docs/emon/grndwtr/gwpa_maps.htm">http://www.cdpr.ca.gov/docs/emon/grndwtr/gwpa_maps.htm</a> <a href="http://nqmdb.usgs.gov/maps/mapview/">http://nqmdb.usgs.gov/maps/mapview/</a> <a href="http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/M58.pdf">http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/M58.pdf</a> <a href="http://www.water.ca.gov/groundwater/data_and_monitoring/northern_region/GroundwaterLevel/SacValGWContours/100t400_Wells_Spring-2013.pdf">http://www.water.ca.gov/groundwater/data_and_monitoring/northern_region/GroundwaterLevel/SacValGWContours/100t400_Wells_Spring-2013.pdf</a> <a href="http://www.water.ca.gov/waterdatalibrary/">http://www.water.ca.gov/waterdatalibrary/</a> <a href="http://www.waterboards.ca.gov/gama/docs/hva_map_table.pdf">http://www.waterboards.ca.gov/gama/docs/hva_map_table.pdf</a> <a href="http://geotracker.waterboards.ca.gov/gama/">http://geotracker.waterboards.ca.gov/gama/</a> <a href="http://msc.fema.gov/portal">http://msc.fema.gov/portal</a>	<a href="#">WATER QUALITY ASSESSMENT</a>	LAMP

9.3.2.1	Domestic Well Sampling	<i>Apply your best professional judgment to ensure that well sampling focuses on hydrogeologically reasonable pollutant (primarily nitrate) flow paths. A qualified professional should generally design an appropriate directed, judgmental, sample (i.e., statistically non-random). Of the links provided, the Geotracker GAMA website might be particularly useful to the professional; at minimum we suggest reviews of available nitrate data in relevant domestic wells, up-gradient, within, and down-gradient of an area of interest. For some instances, for example where a developer proposes a relatively large project, a Local Agency might require a special study to distinguish between wastewater and non-wastewater sourced nitrate. In such cases, we suggest your consideration of requiring focused sampling and analyses, for example of <math>\delta^{18}\text{O}</math> and <math>\delta^{15}\text{N}</math> of nitrate (Megan Young, USGS, 2014 pers comm), and the artificial sweeteners sucralose and acesulfame-K (Buerge et al 2009, Van Stempvoort et al 2011, and more recent publications as they become available).</i>	NA	NA
9.3.2.2	Domestic Well Sampling, Routine Real Estate Transfer Related	This applies only if those samples are routinely performed and reported.	NA	NA
9.3.2.3	Water Quality of Public Water Systems	Reviews can be by your agency or another municipality.	<a href="#">Drinking Water Data</a>	LAMP
9.3.2.4	Domestic Well Sampling, New Well Development	This applies if those data are reported.	NA	NA
9.3.2.5	Beach Water Quality Sampling, H&S Code §115885	<i>Public beaches include those on freshwater. Note:</i>	NA	NA
9.3.2.6	Receiving Water Sampling Related to NPDES Permits	This refers to existing data from other monitoring programs.	<a href="#">WATER QUALITY ASSESSMENT</a>	LAMP
9.3.2.7	Data contained in California Water Quality Assessment Database	This refers to existing data from other monitoring programs.	<a href="#">WATER QUALITY ASSESSMENT</a>	LAMP
9.3.2.8	Groundwater Sampling Related to Waste Discharge Requirements	This refers to existing data from other monitoring programs.	<a href="#">WATER QUALITY ASSESSMENT</a>	LAMP
9.3.2.9	Groundwater Sampling Related to GAMA Program	This refers to existing data from other monitoring programs.	<a href="#">WATER QUALITY ASSESSMENT</a>	LAMP
9.3.3	Annual Status Reports Covering 9.3.1-9.3.2	Reports are due 1 February, annually, beginning one year after a Regional Board approves LAMP. Every fifth year also include an evaluation report. Submit all groundwater monitoring data in Electronic Delivery Format (EDF) for Geotracker; submit all surface water data to CEDEN.	<a href="#">WATER QUALITY ASSESSMENT</a>	LAMP
9.4	Not Allowed or Authorized in LAMP:	For Section 9.4 et seq., ensure that your LAMP covers prohibitions.	Throughout LAMP	Title13 & R&R
9.4.1	Cesspools	Local Agencies cannot authorize cesspools of any kind or size.	<a href="#">RR Cesspools Privies</a>	Title13.12.050
9.4.2	Projected Flow greater than 10,000 gpd	<i>Apply professional judgment to further limit projected flows.</i>	<a href="#">LOCAL AUTHORITY</a>	LAMP Not addressed in Code

9.4.3	Effluent Discharger Above Post-Installation Ground Surface	For example, Local Agencies cannot authorize effluent disposal using sprinklers, exposed drip lines, free-surface wetlands, and ponds.	<a href="#">LOCAL AUTHORITY</a>	LAMP CC Code does not address as a viable way of waste disposal
9.4.4	Installation on Slopes greater than 30% without Registered Professional's Report	<i>See also earlier comments, Section 9.1.1, regarding potential geotechnical concerns.</i>	<a href="#">RR Engineered Systems</a> <a href="#">RR Site Evaluation</a>	R&R.Vol.I.Chp.2. C.2.d
9.4.5	Decreased Leaching Area for IAPMO-Certified Dispersal System with Multiplier less than 0.70	IAPMO refers to International Association of Plumbing and Mechanical Officials. <i>Decreased leaching area refers to alternatives to conventional (stone-and-pipe) dispersal systems; these alternatives require relatively less area. The multiplier, less than 1, allows for a reduction in dispersal field area relative to a conventional system.</i>	N/A <a href="#">gravel less leaching</a>	N/A Multiplier not used in Calaveras County
9.4.6	Supplemental Treatments without Monitoring and Inspection	<i>Therefore, ensure that the LAMP describes periodic inspection and monitoring for OWTS with supplemental treatments.</i>	<a href="#">RR Advanced Treatment RR System Monitoring</a>	R&R.Vol.II.Chp.6 .A.3
9.4.7	Significant Wastes from RV Holding Tanks	<i>We interpret significant amounts to mean amounts greater than incidental dumping, such that volume, frequency, overall strength, or chemical additives preclude definition as domestic wastewater; see Definitions in OWTS Policy. See also, State Water Resources Control Board Order WQ 2014-0153-DWQ, Attachment B-2.</i>	<a href="#">OWTS Requirements</a>	R7R. Vol.1. Chp. 2. Sec. A. 12.
9.4.8	Encroachment Above Groundwater	Bottom of OWTS dispersal systems cannot be less than 2 feet above groundwater, or bottom of seepage pits, less than 10 feet above groundwater. <i>We interpret groundwater to include inter-flow and perched zones, along with the shallowest main unconfined aquifer. Degree of vulnerability to pollution due to hydrogeological conditions, Section 9.1.1, and the Water Quality Assessment, Section 9.3.2., should cover in detail means of assessing seasonally shallowest depth to groundwater.</i>	<a href="#">Engineered Sewage Disposal RR Engineered Systems RR Standard System Design</a>	R&R.Vol.II.Chp.5 R&R.Vol.II.Chp.6
9.4.9	Installations Near Existing Sewers	New and replacement OWTS cannot occur on any lot with available public sewers less than 200 feet from a building or exterior drainage facility (exception; connection fees plus construction costs are greater than 2 times the replacement OWTS costs, and Local Agency determines no impairment to any drinking water.)	<a href="#">Title13 Sewer Connection RR Sanitary Sewer</a>	Title13.12.040 R&R.Vol.I.Chp.2. A.1-2
9.4.10	Minimum Setbacks:	These setbacks are from public water systems.	<a href="#">RR Setbacks</a>	R&R. Vol. II. Chp. 4. Sec. D.1
9.4.10.1	From Public Supply Wells	If the dispersal system is less than 10' in depth, then the setback must be greater than 150' from public water supply well.	<a href="#">RR Setbacks</a>	R&R.Vol.II.Chp.4 .D
9.4.10.2	From Public Supply Wells	If the dispersal system is greater than 10' in depth, then the setback must be greater than 200' from public water supply well.	<a href="#">RR Setbacks</a>	R&R.Vol.II.Chp.4 .D
9.4.10.3	From Public Supply Wells, Regarding Pathogens	If the dispersal system is greater than 20' in depth, and less than 600' from public water supply well, then the setback must be greater than the distance for two-year travel time of microbiological contaminants, as determined by qualified professional. In no case shall the setback be less than 200'.	<a href="#">RR Setbacks</a>	R&R.Vol.II.Chp.4 .D
9.4.10.4	From Public Surface Water Supplies	If the dispersal system is less than 1,200' from public water system's surface water intake, within its drainage catchment, and potentially threatens an intake, then the setback must be greater than 400' from the high water mark of the surface water body.	<a href="#">RR Setbacks</a>	R&R.Vol.II.Chp.4 .D

9.4.10.5	From Public Surface Water Supplies	If the dispersal system is greater than 1,200' but less than 2,500' from public water system's surface water intake, within its drainage catchment, and potentially threatens an intake, then the setback must be greater than 200' from high water mark of surface water body.	<a href="#">RR Setbacks</a>	R&R.Vol.II.Chp.4 .D
9.4.11	Supplemental Treatments, Replacement OWTS That Do Not Meet Minimum Setback Requirements	Replacement OWTS shall meet minimum horizontal setbacks to the maximum extent practicable.	<a href="#">RR Setbacks</a> <a href="#">RR Advanced Treatment</a> <a href="#">RR System Repairs</a>	R&R.Vol.I.Chp.4. C
9.4.12	Supplemental Treatments, New OWTS That Do Not Meet Minimum Setback Requirements	New OWTS shall meet minimum horizontal setbacks to the maximum extent practicable, and meet requirements for pathogens as specified in Section 10.8., and any other Local Agency's mitigation measures.	<a href="#">RR Setbacks</a> <a href="#">RR Advanced Treatment</a> <a href="#">RR System Repairs</a>	R&R.Vol.I.Chp.4. C
9.5	Technical Support of LAMP	Include adequate detail to ensure that the combination of all proposed criteria will protect water quality and public health sufficiently to warrant the Central Valley Water Board's waiver of Waste Discharge Requirements, pursuant to §13269, California Water Code.	Throughout LAMP	Throughout Title 13 and R&R
9.6	Regional Water Quality Control Board Consideration of LAMP	Regional Boards shall consider past performance of local programs to protect water quality. <i>We will generally consider past performance based on our reviews of annual status and evaluation reports; see Section 9.3.3.</i>	N/A	N/A

# Calaveras County Local Area Management Plan for Onsite Wastewater Management

## INTRODUCTION

This document represents the Local Agency Management Program (LAMP) for oversight of onsite wastewater treatment systems (OWTS) within Calaveras County, California. This LAMP has been prepared in accordance with the requirements of the State Water Resources Control Board (SWRCB) Water Quality Control Policy for the Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems, dated June 19, 2012 (Policy). This Policy describes four “Tiers” of onsite wastewater treatment system management. Tier 2 describes the requirements for developing a LAMP which when approved, becomes the standard by which authorized local agencies regulate OWTS. An approved LAMP is equivalent to a “Conditional Waiver of Waste Discharge Requirements” for OWTS within the local agency jurisdiction.

This LAMP has been prepared by Calaveras County to obtain approval for OWTS management under Tier 2 of the OWTS policy. As noted in the Policy, responsible local agencies are recognized as the most effective means to manage OWTS on a routine basis. As such, the Policy is intended to allow Calaveras County to continue providing local oversight of OWTS through a local program that is an alternative to the Tier 1 standards but still meets the Policy purpose which is to protect water quality and public health.

Calaveras County is located within the Sierra Nevada Mountains. The terrain ranges from low rolling foothills in the western portion of the County to rugged high mountains, with elevations over 8,000 feet, in the east. The County is located in central California approximately 120 miles east of San Francisco and 105 miles southwest of Lake Tahoe and encompasses over 1,000 square miles or approximately 663,000 acres.

The 2013 Census estimates the population of Calaveras County at 44,515 people. Approximately 75% of homes and 20% of businesses in Calaveras County are served by individual OWTS. Angels Camp is the only incorporated city within Calaveras County, which has access to a public sewer collection system. There are 21 other public utility agencies that provide wastewater collection, treatment and disposal services to a number of residents spread throughout the County. Some of these agencies may serve fewer than 20 homes and the wastewater may be disposed of through a community disposal field. This LAMP only applies in areas of the county not served by wastewater treatment systems operating under waste discharge requirements issued by the Regional Board.

The density of development within Calaveras County is influenced by corridors formed by Highways 49, 4, 26 and 12. The most intense areas of development radiate out from these highways. There are three major population hubs that rely on individual OWTS for wastewater treatment and disposal. The largest population hub is the Rancho Calaveras Subdivision and surrounding area located in the Valley Springs area along Hwy 26. Rancho Calaveras has approximately 3,465 lots, but all of the lots are not developed and some cannot be developed due to a lack of suitable conditions for wastewater disposal. The Copper Cove Subdivision and surrounding areas along Highway 4 at the west end of the County could have approximately 1,000 OWTS. The Arnold area along Highway 4 in the east end of the County is made up of numerous subdivisions that rely on OWTS for wastewater disposal.

The Calaveras County Onsite Wastewater Department (CCOWD) has been charged with the responsibility for regulating OWTS throughout Calaveras County. In order for individual dischargers to qualify for the state's conditional waiver of waste discharge requirements, CCOWD operates its onsite wastewater treatment program under the authority granted by the Central Valley Regional Water Quality Control Board (CVRWQCB) and hereby seeks approval of this LAMP for the entire county.

#### **ADOPTION PROCESS**

The OWTS Policy requires counties to submit a LAMP by May 13, 2016. This LAMP primarily describes the existing local wastewater management program, but also identifies areas of Calaveras County Code that will need to be amended and new reporting requirements to satisfy the minimum requirements of the OWTS Policy. These proposed changes will not substantially alter the wastewater treatment program or the way septic systems are installed. Rather, they include items like: increased setbacks to drinking water wells; further notification standards for drinking water intake sources of nearby failing systems; and further defined license and registration requirements of qualified professionals authorized to perform a range of OWTS services. The LAMP also identifies new responsibilities of CCOWD to submit reports to the Regional Water Quality Control Board, both annual reports that summarize permit and inspection activities, and 5-year water quality assessments. Where needed to comply with the OWTS Policy, these changes are identified throughout this LAMP.

The Policy requires citations for specific legal authority for CCOWD to carry out the roles and responsibilities outlined in the LAMP. In order to satisfy these requirements, this LAMP will need to be adopted by reference into Calaveras County Code. Since changes to County Code will be made to ensure consistency with state law, these changes are not growth inducing, and the State Water Resources Control Board prepared an Onsite Wastewater Treatment System Policy Final Substitute Environmental Document dated June 19, 2012, statewide compliance with the California Environmental Quality Act (CEQA) has been ensured.



CVRWQCB is requesting a Resolution from the Calaveras County Board of Supervisors confirming their intent to make the specified Code changes contained herein, including adopting this LAMP by reference to County Code. The local code change process can begin after LAMP review and concurrence by CVRWQCB staff. Once the local ordinance is updated through our local process, CCOWD will submit the revised ordinance, the LAMP, and an interested parties list to CVRWQCB staff. Assuming no outstanding issues, CVRWQCB staff will then separately prepare and publicly notice another tentative Resolution for its Regional Board to consider approving our LAMP as an uncontested item at a regularly scheduled meeting. This entire process must be completed no later than May 2017. Once the LAMP is approved by CVRWQCB, the LAMP provisions of reporting and monitoring will be effective in May 2018.

### **LOCAL AUTHORITY**

Title 13 Chapter 12 of the Calaveras County Code of Ordinances (County Code), which was originally adopted in 1980, is the basis for sewage disposal regulation. It specifies requirements for prohibited acts, permitting, variances, violations, enforcement and rules and regulations. The County Code is attached to this LAMP as Appendix A.

The County Code references the Calaveras County Rules and Regulations for Onsite Wastewater Treatment Systems (Rules and Regulations), originally adopted in 1992, which specifies requirements for the development of new and existing lots and parcels throughout Calaveras County. It prescribes the system design, location, construction and maintenance standards of OWTS to ensure all wastewater generated is adequately and safely disposed to protect public health and the environment. These Rules and Regulations are attached to this LAMP as Appendix B.

The Rules and Regulations pertain to waste disposal from land developments. Among other things, it specifies surface and subsurface testing and suitability requirements for wastewater disposal during the creation of new lots and parcels in Calaveras County.

The requirements for creating a new parcel in Calaveras County are very similar to the requirements for constructing an OWTS on an existing parcel. There are two requirements that are more stringent when creating a new parcel. The Rules and Regulations have density requirements, in the form of designated sewage disposal area, for creating new lots or parcels. Depending on site conditions, a new parcel may need to set aside up to 18,000 square feet of area exclusively for wastewater disposal. For existing lots, the area required is simply the disposal field and replacement area. Depending on site conditions, this may only require a few hundred square feet. The minimum lot size allowed is one acre when public water is available and five acres when serviced by a well.

Taken together, these codes are the regulatory basis for waste disposal throughout Calaveras County. Throughout this LAMP references to specific Calaveras County Code and Rules and Regulation Sections will be made.

Though not currently specified in County Code or the Rules and Regulations, this LAMP will apply only to projected wastewater flows up to 10,000 gallons per day. Similarly, this LAMP will not apply to systems which produce high strength wastewater (as defined in the OWTS Policy), or OWTS dedicated to receiving significant amounts of waste from recreational vehicle holding tanks (per Policy Section 9.4.7). After concurrence from the CVRWQCB, Title 13 Chapter 12 of County Code and the Rules and Regulations will need to be amended to state these limitations and ensure the local code is consistent with the SWRCB OWTS Policy. Further recommendations to amend County Code and the Rules and Regulations for consistency with the OWTS Policy are highlighted throughout this LAMP.

These codes have been effective in protecting groundwater quality and public health in Calaveras County for many years as evidence by the lack of impaired water bodies due to OWTS in the county and the lack of impacted public water supply wells. This past performance of the local program adequately protecting water quality with criteria differing from the Tier 1 standards is strong endorsement of the existing local program and this LAMP and should be considered according to section 9.6 of the OWTS policy.

## **ADMINISTRATION**

### **OWTS Permit Procedure Overview**

County Code 13.12.050 specifies that it is unlawful for any person to construct or operate any septic tank, sewage treatment works, sewer pipes or conduits, drainage systems, or other means for the disposal, treatment or discharge of sewage without first obtaining a sewage disposal permit therefor from the agency administrator. This includes replacement or repairs to failing systems and is consistent with the requirement of Section 9.2.1 of the OWTS Policy. The enforcement and violation provisions are found in County Code 13.12.170 and 13.12.180, they have proven to be adequate to protect public health and water quality. Upon adoption of this LAMP by the Regional Board, all new or replacement OWTS permitted in accordance with this LAMP will be Tier 2 systems.

OWTS application requirements are found in County Code 13.12.070 and the Rules and Regulations Volume I, Chapter 2B. All applications for wastewater permits are filed with the CCOWD and require submittal of a detailed scaled plot plans with detailed information and the appropriate fee. This information is entered into Permit Plus database for financial and permit tracking. At the time the application is submitted, staff will ensure that the contractor of record holds an appropriate license. Currently, the property owner or current California State

Contractors with the Licensing Board Class A (General Engineering), Class C42 (Sanitation System) and Class C36 (Plumbing) are issued a permit to install an OWTS.

The Calaveras County Building Department also utilizes the Permits Plus database for financial and permit tracking. All applications for building, grading, and subdivisions are routed through the CCOWD to verify the required onsite wastewater requirements have been satisfied. When an application is received by CCOWD, clerical staff will combine the application with any additional site suitability data, or other information in the vicinity of the project which may be relevant to onsite waste disposal. Afterwards, the application is forwarded to the assigned Registered Environmental Health Specialist (REHS) for further processing and possible field review.

The assigned REHS performs an office review of the submitted data. If the data is acceptable and satisfies the submittal requirements for the proposed project, the REHS can approve the CCOWD portion of the project. If there is not adequate data to approve the project in the office, additional data will be required or a site visit may be necessary. If additional testing or site information is required (as discussed in the Site Suitability Section of this LAMP), arrangements are made to complete this testing before the process moves forward.

For sites suitable for a standard OWTS, the design criteria (as discussed in the Design Section of this LAMP) are specified by the field REHS. These specifications are included in the permit to construct issued by CCOWD. The REHS is also responsible to inspect and ensure the system is installed as designed. All EH activities associated with the OWTS application, permit and inspection process are recorded on the field inspection log, Application and in the Permits Plus database, which becomes a part of the permanent record for that parcel.

For sites requiring alternative design, the design criteria are specified by a California Registered Engineer, Geologist, or Registered Environmental Health Specialist (generally referred to as the qualified professional or consultant). The role of the field REHS is to confirm the proposed system can satisfy County Code and the Rules and Regulations, but they do not design the system in these instances. Instead, the qualified professional's specifications become a condition of the permit to construct the system issued by the CCOWD. In this case, the qualified professional is responsible to ensure the system is constructed as designed with additional oversight provided by the REHS. The field inspection log, application, and Permits Plus database is also used to record activities for these systems and becomes part of the permanent record for the parcel.

The permit to construct is valid for a period of one (1) year from the date of issue. The permit and a copy of the approved plot plan will be issued to the applicant and/or contractor when the installation permit is issued. The permit and approved plot plan list all of the information

necessary to construct the system, including the size, configuration, maximum depth of excavation, and special conditions of installation. Construction may begin once the permit is issued.

During construction, two inspections will be completed by CCOWD staff to verify the OWTS was installed as specified (Rules and Regulations, Chapter 5C). The first inspection (open trench inspection) is done when the disposal trenches have been excavated, the septic tank is in the excavation but not backfilled, and all of the required material (Drain rock, pipe, leaching chambers, distribution box, ETC.) is onsite. If the open trench inspection is satisfactory, it is recorded on the required forms and in the Permits Plus database, then construction can proceed. If installation is found to be contrary to permit conditions or the approved plot plan, corrections must be completed before construction is allowed to continue. When the construction is complete, a final inspection is required. During the final inspection CCOWD staff will verify items such as proper grading, capping fill depth, monitoring wells, and proper float and pump operation. At this time, an as-built drawing is completed by CCOWD staff to identify the location and dimensions of the disposal field and septic tank. If the OWTS is an alternative design, the qualified professional is required conduct the same inspections and submit a final letter of certification stating the construction of the OWTS was observed and found to be in substantial conformance with approved plans (Rules and Regulations, Chapter 6A.6). If CCOWD staff determines the installation satisfies the Rules and Regulations, final approval is granted and the require forms are completed and the Permits Plus database is updated.

### **Permit expiration and extensions**

After a site and soils evaluation has been completed and plans have been approved, the applicant has one (1) year from the date of approval to apply for permit to construct. This approval may be extended one time for a period not to exceed one hundred eighty days upon written request by the applicant (County Code 13.12.075).

A permit to construct is valid for one (1) year from date of issue. When the applicant is issued a permit to construct, they will receive two copies of plans and specifications stamped "APPROVED". Such plans and specifications shall not be changed, modified or altered without authorizations from the agency administrator, and all work shall be done in accordance with the approved plans. The agency administrator may extend the time for action for a period of one (1) year upon written request. Such request for extension shall be subject to conformance with the Rules and Regulations at the time of request. In order to renew work on permit after expiration, the permittee shall pay a new permit fee, provided the plans conform with current Rules and Regulations and the permit has not been expired for a period of more than one (1) year.

## **Permanent Records**

Once an application is made for the construction or repair of an OWTS, all paperwork associated with the design and installation is placed into a file for that specific assessors parcel number. All files are saved and placed into filing cabinets. The CCOWD has records dating back to the early 1970's. In 1992, the Calaveras County Building Department began using the Permits Plus database system for tracking permits and financial information. This database has information such as fees paid, inspections completed, permits issued and some limited information on the size of the OWTS (number of bedrooms, overall footage, trench depth and width, etc.). All records pertaining to each onsite wastewater treatment systems (OWTS) permitted by the County shall be retained permanently. These records shall be made available for review within 10 working days upon written request by the Regional Water Board. The records for each permit shall reference the Tier under which the permit was issued.

## **Complaint process**

Anyone witnessing a violation of County Code, including a failing OWTS, improper sewage disposal, illegal or unpermitted installation of a sewage disposal system, or other health and safety concerns is encouraged to report this to CCOWD. CCOWD accepts complaints submitted on an official complaint form via email, fax or in person. The complaint form requires information which allows CCOWD staff to accurately locate property, contact complainant and identify type of hazard. Once a complaint is received, the assigned field REHS performs an investigation. This may include contacting the responsible party, conducting a site visit, or taking other actions as needed to investigate the complaint.

If a complaint investigation leads to discovery of an OWTS failure, then a notice of violation is issued to the property owner which states the violations and issues a timeline for abatement and/or repair. A failing OWTS includes, but is not limited to, any system which discharges untreated or incompletely treated wastewater or septic tank effluent directly or indirectly onto the ground surface or into public water that results in the creation of a public nuisance or creates a potential health hazard.

Any OWTS failure specified in OWTS Policy Section 11.1 or 11.2, including but not limited to pooling effluent, evidence of previous discharges to the ground surface, or structural septic tank failure will be subject to further investigation regarding the location where the failure is occurring. If field REHS determines that the failure is within 150 feet of a public water supply well, or within 2,500 feet of a public water system surface water intake point and located such that it could potentially impact surface water quality at the intake point, the public water supplier and the State Board Division of Drinking Water may be notified, (Rules and Regulations Chapter 4D). According to OWTS Policy Section 3.5, this notification needs to be provided within 72 hours of CCOWD discovering this condition.

Hard copies of the written description of the original complaint, along with the REHS field notes describing what was found, notifications made, and how the issue was resolved are maintained in complaint files in the CCOWD office. A brief summary of the location, nature of the complaint and how it was resolved are recorded in the Envision Connect database under the assessor's parcel number.

### **Variance process**

Calaveras County Code contains provisions for granting administrative variances of certain OWTS requirements. The agency administrator may grant an administrative variance from any standard set forth in the Rules and Regulations where written substantial evidence is submitted by a qualified professional, that an unusual circumstance or unnecessary hardship would result from the application of the standard. Under no circumstance shall the granting of a variance create a hazardous condition or endanger public health, safety or the environment, (County Code 13.12.140).

For instance, a reduction in the required setbacks from a property boundary to a proposed disposal field may be approved by the agency administrator. Historically, such variances are uncommon. When granted, variances are typically issued in response to mitigating limiting site constraints or in repair situations. It is highly unlikely that a variance for the reduction in depth to groundwater or soil separation below bottom of trench would be granted unless an OWTS is actively failing, posing a threat to water quality and public health, and there are no other options. Other mitigating factors are also considered, such as supplemental treatment, off-site disposal options, or other restrictions necessary to protect groundwater quality and public health. Variances for the reduction in the setbacks to water wells have always involved pre-treatment and/or a deeper sanitary seal.

However, supplemental treatment is not practical or even possible in all cases. Property owners on fixed incomes, with upside down mortgages or when the cost of supplemental treatment approaches total property values may not be able to afford such systems. Enforcement action and potentially vacating such residences is not a viable solution. In these cases, professional judgment and discretion are used to make the most of a bad situation and gain the most water quality and public health improvements that are practical in the current situation. This may include meeting replacement standards to the greatest extent practicable as determined by the agency administrator.

### **Outreach and education**

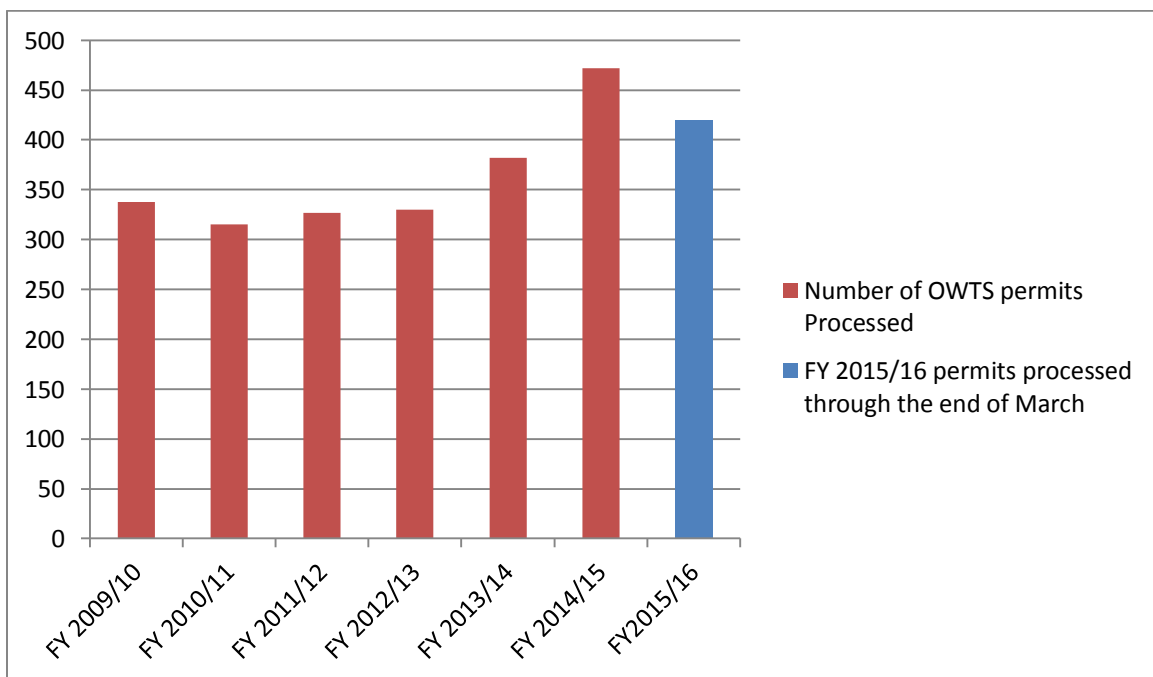
The Onsite Wastewater page of the Calaveras County website <http://envhgmt.calaverasgov.us/EnvironmentalHealth/OnSiteWastewater.aspx> is a primary means of public education and outreach. Here a variety of information is available, such as

basic OWTS operation and maintenance, variance forms, Rules and Regulation, fee schedule, plot plans requirements and complaint forms. This information is updated periodically as conditions and information needs change. A variety of educational handouts and brochures are also available in the EHD/CCOWD Office in San Andreas.

### Annual Reports

CCOWD will provide annual reports on OWTS program activities to the Central Valley Regional Water Quality Control Board. Unless otherwise requested, reports will be submitted within sixty (60) days of the close of the calendar year. Reports will be submitted in tabular format from an Excel spreadsheet and will include:

- Number and location of complaints pertaining to OWTS operation and maintenance, and a summary of how these issues were resolved, and
- Registrations issued as part of the septic tank cleaning registration program (California Health and Safety Code Section 117400 et seq.), with copies of data on septic tank cleaning locations and septage disposal volumes and locations available upon request; and
- Number, location and description of permits issued for new and replacement OWTS, including the regulatory tier under which they were issued. (See Figure 2 below)



**Figure 2**

## SITE SUITABILITY EVALUATION

Calaveras County requires a site and soils evaluation for all parcels prior to the development of an OWTS. A permit for excavation of profile holes is required as part of all site and soils evaluation to establish a log of soil formations and groundwater level in an area that is within the proposed disposal and expansion area. The requirement for a profile permit may be waived when, in the opinion of the CCOWD, there is sufficient existing data. Property corners shall be clearly marked for the profile inspector on all parcels less than two (2) acres in size, (Rules and Regulations Chapter 2C). A Qualified Professional shall assess all field investigation data and/or existing data to properly site all OWTS. The Qualified Professional shall identify related siting restrictions and design criteria to protect water quality and public health.

At a minimum, field Investigations will require the following information:

Minimum effective soil depth. A minimum of four reasonably spaced profile trenches, two in the initial and two in the replacement area are required to define a disposal area. In areas where soils are known to be variable, or where the initial profiles demonstrate differing or variable soil conditions, additional profiles may be required. See Volume II for specific soil depth requirements. The United States Department of Agriculture (USDA) systems of soils classification shall be used for the profile descriptions. Each profile log shall include ground slope, effective soil depth, estimated and observed depth to perched and/or permanent groundwater, and a description of each prominent soil horizon which includes: depth, moist color, texture, structure, consistency, field moisture, and estimated permeability. Other USDA soil horizon descriptions may be included along with other comments. Horizon descriptions must be reported in the sequence prescribed by the USDA.

Minimum depth to perched or permanent groundwater. The depth to water shall be based on observations of soil characteristics in the profiles including soil moisture and mottling.

Soil permeability based on percolation testing. A percolation rate of one-hundred twenty (120) mpi at proposed trench depth or faster is required for a standard system. Rates between one hundred-twenty one (121) and two hundred-forty (240) mpi require engineered system designs.

Ground slope. Disposal areas in which the ground slope exceeds thirty (30) percent are unacceptable for standard systems. Ground slope in proposed disposal areas where capping fill is recommended shall not exceed twenty-five (25) percent unless special site specific erosion control and slope stability measures are specified by a qualified professional.

Fill Banks. Disposal fields shall not be placed in fill banks.



During a site and soils evaluation, all possible site constraints are observed and evaluated. Additional site constraints may include cut banks, wells, drainages, lakes, ponds, existing development, easements, and area available for OWTS.

Percolation testing and groundwater monitoring requires the services of a Registered Civil Engineer, Registered Environmental Health Specialist or Registered Geologist with Specialty Certification in Engineering Geology, as recognized by the State of California Department of Consumer Affairs. Registered Geologists without the Specialty Certification in Engineering Geology may conduct soils investigations but may not perform designs or submit plans for sewage disposal system construction. These classifications meet the definition of a *qualified professional* as described in the OWTS policy.

### **Sanitary sewer connection**

An OWTS permit shall be required for any development with plumbing fixtures on any parcel not served by a community wastewater delivery system. An OWTS Permit shall not be issued if a community wastewater delivery system is within 200 feet distance from the residence or when a wastewater district requires connection to the public sewer within a sewer service area (community service area) unless otherwise approved by the district responsible for the wastewater system. Structures within 200 feet of an approved sanitary sewer, with a viable means to connect and access through easements or right-of-ways can be obtained, will not be issued a permit to install an OWTS, (Rules and Regulations Chapter 2A.1 &2).

### **Separation distances and setbacks**

Overall, OWTS will meet the horizontal setback requirements specified in Tier 1. The minimum setbacks are referenced in the Rules and Regulations Chapter 4D and a summary is shown below.

### **Setback Requirements**

The minimum setback distance from the components of an OWTS shall be as follows:

<b>Minimum Horizontal Distances Required From</b>	<b>Septic Tank &amp; Other Treatment Units</b>	<b>Disposal Field &amp; Other Disposal Units</b>	<b>Measured From</b>
Any water supply well (private)	100'(1)	100'	Center of well
Any water supply well (public)	150'	150'	Center of well
Water supply pipes (on-site)	10'	10'	Center of pipe

Flowing streams (2)	50'	100'(3)	10-yr flood line
Private lake or reservoir	50'	200'(4)	Normal high water line
Public water supply, lake, reservoir or flowing water body	200'	200'(14)	(high water mark)
Property line < five acres	10'	10'(5)	Edge of tank or trench/bed
Property line > five (5) acres	50'(12)	50'(12)	Edge of tank or trench/bed
Buildings or structures on			
continuous or pier foundations	5'(13)	10'(6)	Outside edge of foundation
Distribution box	3'	5'	Edge of box
Disposal Field	5'	-	Edge of trench/bed
Seasonal drainage course	25'	50'(7)	Edge of bank
Driveway, patio or other hard surface (9)	- (8)	10 (9)	Edge of feature
Cutbanks	10'	4 x ht. (10)	Top edge of cut
Utility/Road easements	- (11)	- (11)	Outside line of easement

Where the effluent disposal area is within 1,200 feet from a public water systems' surface water intake and within the catchment of the drainage, the disposal area shall be no less than 400 feet from the high water mark of the lake, reservoir or flowing water body.

Where the effluent disposal area is located more than 1,200 feet, but less than 2,500 feet from a public water systems' surface water intake and within the catchment area of the drainage, the disposal area shall be no less than 200 feet from the high water mark of the lake, reservoir or flowing water body.

### **Percolation testing**

Following CCOWD review of the results and recommendations from the site and soils investigation, requirements for percolation testing may be waived. Where percolation testing is waived, OWTS design shall be based on the approved design criteria from the soil mantle investigations. Designers are advised that percolation testing is used as a tool for site evaluation and not necessarily as an absolute rule for justifying the suitability of an area. Modification of the percolation testing depth or procedures may be required in unusual circumstances. When the requirement for percolation testing is not waived, procedures shall be consistent with a recognized and published standard, including presoak and testing under stabilized rate conditions. Percolation testing must be performed at the depth and location of the proposed drainage system or deeper. See the Rules and Regulations, Volume II, Chapter 2C for percolation testing requirements.

For the creation of new lots or parcels, rates faster than five (5) minutes per inch or slower than one hundred twenty (120) minutes per inch are unacceptable, (Rules and Regulations, Volume I, Chapter 3A). Existing parcels where percolation test results exceed one hundred twenty (120)

minutes per inch are unacceptable for an OWTS. Rates from one hundred twenty (120) minutes per inch to two hundred forty (240) minutes per inch are acceptable if advanced treatment is utilized in the OWTS, (Rules and Regulations, Volume II, Chapters 5 & 6). **Soil**

### **Profile Testing**

Soil mantle profile testing is required for the creation of new lots and on existing parcels. It is an integral part of the site and soils evaluation. Backhoe excavations are conducted in the presence of a representative of CCOWD, and in some situations, the applicant's consultant to identify soil type, soil structure, soil consistency, hardpan, impermeable soils, saturated soils or bedrock. Visual observations are often adequate to determine site and soil suitability, but percolation tests may be required in conjunction with the profile excavations. Soil testing completed prior to the adoption of the last revised version of the Rules and Regulations may be acceptable if performed and recorded in conformance with the current requirements. See the Rules and Regulations, Volume II, Chapter 2A & 2B for reference.

All soils mantle profile tests shall be reported on log sheets that utilize the United States Department of Agriculture (USDA) system of soil classification. If the site and soil conditions require an OWTS alternative design, then the applicant's consultant must submit a signed, written summary of the findings of the soil profile mantle testing that includes appropriate soil log descriptions and general observations. This soils summary is submitted in conjunction with the alternative design plans.

These requirements are consistent with the site evaluation requirements of OWTS Policy Section 7.2.

### **Groundwater level testing**

On parcels where seasonal high groundwater is suspected or known, the property owner or their designated representative must demonstrate adequate separation between the highest seasonal groundwater and the bottom of the drainage field. This determination is also made by CCOWD staff and is made based on an historical records search, site and soils investigation, the presence of hydrophilic vegetation, site topography and other information.

The current Rules and Regulations allow development on existing lots and creation of new lots when the minimum separation from trench bottom to seasonal groundwater is twenty four (24) inches and an advanced treatment OWTS is utilized, (Rules and Regulations, Volume II, Chapter 6.G.3)

## OWTS DESIGN

### General Design Considerations

All OWTS must consist of a septic tank and a subsurface drainage system (leach bed, trench, or gravel-less chamber) per the Rules and Regulations, Volume II, Chapter 5. All sewer wells, cesspools or privies are public nuisances and it is a violation to construct, maintain or operate a sewer well, cesspool or privy, (County Code 13.12.050). If the CCOWD discovers an existing sewer well, cesspool, or privy, it will be destroyed as soon as practically feasible and replaced with a conforming OWTS.

Septic tank design, construction and surface access riser requirements are specified in the Rules and Regulations, Volume II, Chapter 4B. Capacities for septic tanks serving residential applications are based on the number of bedrooms served, see following table:

<u>Number of Bedrooms</u>	<u>Capacity</u>
2–3 bedrooms	1200 gallons
4 bedrooms	1500 gallons
5 bedrooms	2000 gallons

When septic tank effluent cannot be delivered to the drainage system via gravity-flow piping, a septic tank effluent pumping system may be utilized. If a pump is required, electrical permit issued by the Building Department may also be required.

Larger residential (6 bedrooms or more) or commercial applications are based on the maximum estimated daily wastewater flows according to the Rules and Regulations, California Plumbing Code or another generally accepted reference manual and must be approved by CCOWD. A qualified professional is required to design any OWTS in these applications. Estimated sewage flow rates can be based on either the type of occupancy or the fixture units served, whichever is greater. Septic tank sizing is also by the Rules and Regulations or the California Plumbing Code.

Shared wastewater disposal systems, defined as serving multiple lots in a single area, are not an acceptable means of sewage disposal unless it is part of a community wastewater delivery system that is managed by a public agency. During the 1960's and 1970's, some subdivisions in Calaveras County were created with community disposal field areas. If one of these existing community disposal field systems fails, then each property owner is required to develop an OWTS on their specific parcel and adhere to the current Rules and Regulations. There have been several occasions where existing homes do not have adequate site and soil conditions on their parcel and a new OWTS is designed in the community disposal field area.

In conjunction with estimated wastewater flows, soil profile mantle testing and/or percolation test results determine the absorption area sizing requirements of the drainage system. For residential applications, absorption area requirements are determined by the number of bedrooms served. The Rules and Regulations require a design flow of 150 g/d/sq.ft. per bedroom and every OWTS must be sized for 2 bedroom minimum. The following equation is used to determine length of required disposal trench:

$$L = \frac{Q}{q \times a}$$

L = Minimum total length of disposal trench in feet.

Q = Average liquid wastewater flow in gallons per day.

q = Application rate in gallons per day per square foot of effective seepage area.

a = The effective seepage area per foot of trench. The maximum value of "a" allowed is five (5) square feet per lineal foot. Length of trench is determined by the inclusion of sidewall and bottom area for purposes of absorption.

A bedroom is a conditioned room used for sleeping and/or any room within a dwelling which could be used as a bedroom or guest room as defined in the Rules and Regulations. Offices, studies, sewing rooms, dens, etc. which have a closeable door, or a closet, or direct access to a bathroom are considered bedrooms. Loft areas as are considered bedrooms. This prohibits excessive loading of an OWTS that is inadequately sized for future owners or future wastewater flows. The Agency Administrator shall have authority in disputes arising over the designation of a bedroom and may consider bedroom exemptions on a case by case basis. When planning bedroom additions, any required septic system upgrade must be completed before the building permit can be issued.

Following these general considerations, a site may be placed into one of the following four design categories: suitable for a standard OWTS, suitable for an engineered/alternative OWTS, suitable for an advanced treatment OWTS, or not suitable for OWTS.

### **Not Suitable for Onsite Wastewater Disposal**

New construction on undeveloped lots which cannot satisfy all of the setbacks, percolation or soil depth requirements are not suitable for an OWTS installation. Owners of these lots typically need to explore offsite options. Connecting to a nearby sanitary sewer system has been successful in some cases, particularly if multiple properties would benefit from that connection and can share costs. If an adjoining parcel has adequate usable area, a sewage disposal easement may be negotiated between the property owners, or occasionally a neighbor is interested in selling a portion of their suitable area and a lot line adjustment or parcel merger can be recorded between the parties. In any case, the site conditions at the location of the

OWTS dictate the design and construction requirements for the new system and the proposed location must meet County Code and the Rules and Regulations. Expansion of existing systems, such as to serve additional bedrooms or other increases in wastewater flow, are treated as new construction and must also meet County Code and the Rules and Regulations.

For lots with existing structures that cannot meet all of the current site and soils requirements, the offsite options discussed above may be viable alternatives. If none of these can be utilized, an assessment of the property is made to determine the current septic system location and construction and to evaluate 'best available' options. If the best available option will improve a bad situation but fails to meet the current OWTS requirements, a variance may be appropriate. For instance, if the separation distance from the existing OWTS disposal field to the onsite domestic well is seventy five (75) feet, rather than the current code requirement of one hundred (100) feet, a variance can be considered. Other mitigating factors are also considered, such as pressure distribution, supplemental treatment, or other enhancements as deemed necessary to protect groundwater quality and public health.

### **Standard Sewage Disposal Systems**

The specifications for a standard OWTS are found in the Rules and Regulations, Volume II, Chapter 5. Standard OWTS typically have good soil depth to groundwater (5 feet or greater), good soil depth to an impermeable layer (3 feet or greater) and can satisfy all the surface suitability criteria and setbacks. As with all OWTS installations, standard sewage disposal systems must consist of primary treatment through a 2-compartment septic tank. Septic tank design, capacity, construction, and access risers are specified in the Rules and Regulations, Volume II, Chapter 4B and are discussed under general design considerations, above. The Rules and Regulations utilize a prescriptive design for standard sewage disposal systems, and these systems are designed by the staff Environmental Health Specialist.

As specified in the Rules and Regulations, Volume II, Chapter 4.C, a standard disposal trenches may consist of a rock leach trench or gravel-less leaching chambers. A disposal trench consists of a shallow, level, rectangular soil excavation, leach rock, perforated distribution pipe, barrier material and soil cover. The excavation bottom area and sidewall to a depth of eighteen (18") inches is used to calculate the absorptive area of this type of system. The maximum seepage area is five (5) square feet per lineal foot of trench. At least six (6") inches of clean-washed drainage rock ( $\frac{3}{4}$ " to  $2\frac{1}{2}$ " diameter) are placed beneath a four-inch diameter perforated distribution pipe, and at least (2") inches cover the pipe, giving a total rock depth of not less than twelve (12") inches. Disposal trenches shall be constructed at a minimum of ten (10') feet center to center. The bottom and sides of the bed or trench excavation are to be raked to eliminate any smearing that has occurred during excavation. Each perforated pipe is fitted with an end cap or plug, all lines are installed level, and distribution to each trench is provided via

connection to a distribution box or crossover pipe. Maximum length of each line is 100 feet. The entire leach trench area is covered with untreated paper, Geotextile fabric or other suitable material to prevent cover soils from penetrating the leach rock. A minimum of twelve (12") inches of soil is used to cover the bed in a manner which will facilitate surface water run-off. When installed on sloping ground, the bed should be configured and installed so as to parallel slope contour.

A gravel-less leaching system consists of prefabricated interlocking effluent receiving chambers installed in a shallow, level, rectangular trench excavation. All gravel-less chambers must be UPC/IAPMO approved and certified. The bottom chamber area and height of louvered sidewall area is used to calculate the absorptive area of this type of system. The bottom and sides of the bed or trench excavation are to be raked to eliminate any smearing that has occurred during excavation. All large rocks and debris are to be removed from the excavation prior to installation of the leaching chambers. The first and last leaching chambers are to be fitted with an end plate, all chambers are installed level, and distribution to each trench is provided via connection to a distribution box or crossover pipe. Maximum length of each leaching chamber system is 100 feet. A minimum of twelve (12") inches of soil is used to cover a leaching chamber system in a manner which will facilitate surface water run-off. All gravel-less leaching chamber systems are to be installed per the manufacturer's design.

### **Engineered Sewage Disposal System Design**

The specifications for an engineered OWTS are found in the Rules and Regulations, Volume II, Chapter 6. As with all OWTS installations, engineered sewage disposal systems must consist of primary treatment through a 2-compartment septic tank. Septic tank design, capacity, construction, and access risers are specified in the Rules and Regulations, Volume II, Chapter 4.B, and are discussed under general design considerations, above. The Rules and Regulations require plans for an engineered OWTS be submitted by a California Registered Civil Engineer, Geologist, Environmental Health Specialist, or Soil Scientist serving as the qualified professional for the project. Plans are then reviewed and approved by the staff Environmental Health Specialist as part of the permit process.

Sites requiring an engineered OWTS typically are not suitable for a standard system due to one or more limiting design factors. Areas where the seasonal high groundwater table is closer than thirty (30") inches below proposed disposal trench bottom or where an impermeable layer is closer than thirty six (36") inches below proposed disposal trench bottom are not suitable for standard sewage disposal systems. Such areas may be suitable for an engineered sewage disposal system.

The Rules and Regulations allow five types of OWTS depending on specific site and soil conditions. All engineered OWTS are addressed in the Rules and Regulations, Volume II, Chapter 6. The five types of engineered OWTS allowed include:

**At-grade bed systems.** Elevated bed systems may be applied in areas where vertical separation to groundwater and/or an impermeable layer is not acceptable for a standard OWTS. The at-grade bed contains a pressure distribution cell consisting of rock aggregate and a distribution network on top of the ground (at grade). The soil directly below the distribution cell is layered with sand (6" typical) and ripped to a depth of six (6") inches to twelve (12") inches. The sand enters the ripped areas to create a pathway for effluent to infiltrate the soil. The required depth of soil below bed to a restrictive layer is thirty six (36") inches for a small lot with community water or twenty four (24") inches for lots five (5) acres or larger with a well. The vertical separation to seasonal groundwater is thirty (30") inches below bottom of bed.

**Mound systems.** Elevated mound systems may be applied in areas where vertical separation to groundwater and/or an impermeable layer is not acceptable for standard system. The mound system can sometimes be used in areas where the soil conditions are not acceptable for an at-grade bed system. The mound utilizes twenty four (24") inches of medium washed sand to treat the effluent before it is dispersed into the soil. See the Rules and Regulations, Volume I, Chapter 1.B.63 for sand specifications. The mound is similar to the at-grade bed in that the pressure distribution cell is placed on top of ripped soil at the ground surface. The required depth of soil below bed to a restrictive layer is twenty four (24") inches and the vertical separation to seasonal groundwater is eighteen (18") inches below bottom of bed.

**Gravel filled pressure dosed systems.** These systems are designed to uniformly distribute septic tank effluent under pressure to shallow disposal trenches. The disposal trenches can utilize rock aggregate or gravel-less chambers. A minim of six (6") inches of filter material (rock aggregate) is required below pressure distribution lateral. The required depth of soil below trench bottom to a restrictive layer is thirty (30") inches for a small lot with community water or twenty four (24") inches for lots five (5) acres or larger with a well.

**Sand filled pressure dosed systems.** These systems are designed to uniformly distribute septic tank effluent under pressure to disposal trenches that have a minimum of twelve (12") inches of medium sand below the distribution lateral. See the Rules and Regulations, Volume I, Chapter 1.B.63 for sand specifications. The medium washed sand is used to treat the effluent before it is dispersed into a permeable rock layer. The required depth of permeable material (typically fractured rock) below trench bottom to a restrictive layer is twenty four (24") inches and the vertical separation to seasonal groundwater is thirty (30") inches below bottom of bed.



**Advanced treatment systems with pressure distribution trenches.** Recognized Advanced Treatment Systems include Intermittent Sand or other Supplemental Treatment System as approved by the CCOWD. Other Advanced Treatment Systems may include, but are not limited to, aerobic systems as considered by the COWD on a case by case basis.

Supplemental Treatment Systems that have been approved by state or nationally recognized testing agencies (NSF Standard 40 or equivalent) may be approved if they have been found to adequately protect surface water and groundwater quality and preclude health hazards and nuisances. All supplemental treatment units shall meet a 50 percent reduction in total nitrogen when comparing the 30-day average influent to the 30-day average effluent. Supplemental treatment units designed to perform disinfection shall provide sufficient pretreatment of wastewater so that effluent does not exceed a 30-day average Total Suspended Solids (TSS) of 30 mg/L and shall further achieve an effluent fecal coliform bacteria concentration less than or equal to 200 Most Probable Number (MPN) per 100 milliliters. An Advanced Treatment System with Pressure Distribution Trenches” includes gravel filled pressure distribution systems and recognized Advanced Treatment Systems designed to filter and biologically treat septic tank effluent for purposes of reducing constituents commonly found in effluent as defined in the Rules and Regulations.

Advanced Treatment Systems are used in conjunction with disposal fields where site and soil conditions are not adequate for standard or typical engineered systems. These conditions include, but are not limited to, slowly permeable soils, inadequate depth of effective soil below trench bottom, and/or inadequate depth to groundwater below trench bottom. Supplemental Treatment Systems that have been approved by state or nationally recognized testing agencies (NSF Standard 40 or equivalent) may be approved if they have been found to adequately protect surface water and groundwater quality and preclude health hazards and nuisances. Allowable types of Supplemental Treatment Systems are as follows: textile filters, intermittent sand filters, recirculating sand filters and aerobic treatment units. Specific Supplemental Treatment Systems are subject to county approval.

The required depth of soil below trench bottom to a restrictive layer is twelve (12”) inches for a small lot with community water or six (6”) inches for lots five (5) acres or larger with a well. The vertical separation to seasonal groundwater is twenty four (24”) inches below bottom of trench.

Due to the complexity of advanced treatment systems, proper operation and maintenance of these systems is essential. An Operation and Maintenance Manual must be developed by the system designer and/or manufacturer and provided to the applicant and CCOWD at time of plan submittal. This Manual must include diagrams of system components, descriptions of normal system functions, schedules for routine annual maintenance, descriptions on how to correct common operational problems and other items necessary to ensure proper system function.

All advanced treatment units shall be installed according to the manufacturer's approved design and specifications under the direction of a qualified professional and must satisfy all the requirements of the Rules and Regulations.

### **OWTS CONSTRUCTION**

Copies of the installation permit and approved plans for the OWTS are issued to the applicant (owner) or the owner's authorized representative, (typically a contractor). This permit is written authorization that construction can begin.

For a standard OWTS, CCOWD staff (registered environmental health specialist) function as the qualified professional and is available for questions or consultation if needed. Construction activities must be coordinated through the CCOWD and notification must be made to the COWD when the required inspections are needed. CCOWD staff are required to perform and open trench inspection and a final inspection, as stated earlier in the document. During the final inspection CCOWD staff will prepare an as-built drawing of the system construction and location for the permanent records.

For an engineered or advanced treatment system, all construction activities must be coordinated through the design consultant and CCOWD staff. The design consultant is required to oversee the installation, operation of pumps, controls, timers, manuals and other operational parameters of the system. CCOWD and the design consultant will conduct the required construction inspections and witness system operations as necessary prior to final approval. Before final approval, the CCOWD must receive a copy of a letter of certification from the design consultant stating that OWTS construction was observed by a qualified professional and installed in substantial conformance with the approved plans.

### **OPERATION AND MAINTENANCE**

The Calaveras County Onsite Wastewater Department encourages proper OWTS operation and maintenance through homeowner education. Owners of standard systems can protect themselves from premature OWTS failure by following simple daily care, routine maintenance, and by knowing what to look for as early signs of trouble. The Septic Systems for Homeowners guide and Care of Septic Tank guide are helpful sources available at the onsite wastewater website <http://envhgmt.calaverasgov.us/EnvironmentalHealth/OnSiteWastewater.aspx>. The website will also include contact information, highlights of the Rules and Regulations, variance forms, fee schedule, plot plan requirements, and permit requirements. Also, property owners, realtors, contractors and others can contact CCOWD to access the permanent records of OWTS design, construction and locations during regular business hours.

All engineered OWTS designs shall include provisions for system monitoring (disposal trench observation pipes, groundwater monitoring wells, etc.) sufficient to provide information on system operation. System specific homeowner operation and maintenance guidelines shall be submitted. These guidelines shall cite homeowner procedures to ensure maintenance, repair, or replacement of critical items within 48 hours following OWTS failure.

### **Septic Tank Maintenance and Pumping**

As discussed in the education and outreach section, the Septic Systems for Homeowners guide and Care of Septic Tank guide are helpful sources available at the onsite wastewater website <http://envhgmt.calaverasgov.us/EnvironmentalHealth/OnSiteWastewater.aspx> to educate them on the care and maintenance of their system. All OWTS owners are encouraged to inspect their septic tank every 3-5 years, depending on use, and pump as needed. Since Calaveras County has a large number of seasonal homes with varying degrees of occupancy which may extend the time between needed septic tank pumping, countywide mandatory pumping intervals are not uniform or applicable.

In addition to voluntary inspections, many property transactions also require OWTS inspection. These are typically required by the buyer, the buyer's agent, or the buyer's lender. While not regulatory and not enforced by CCOWD, these inspections are effective in further encouraging OWTS education, maintenance and pumping.

Septic tank maintenance is performed by registered professionals as described in the next section. CCOWD requires that all OWTS inspections are conducted by California Onsite Water Association (COWA) or National Association of Wastewater Workers (NAWT) certified inspectors (OWTS inspector). A repair permit will not be issued unless an inspection report is received from an OWTS inspector or a qualified professional. A homeowner may be issued a repair permit without an inspection from an OWTS inspector or qualified professional, if they wish to repair their OWTS. Homeowners are encouraged to use the COWA/NAWT inspection checklist to help ensure consistent inspections and it walks the homeowner through the important points of proper OWTS performance.

### **Septage Receiving and Disposal**

The Calaveras County Environmental Health Department (EHD) registers businesses and individuals who perform septic tank and chemical toilet pumping /cleaning in Calaveras County per Section 117400 et seq. of the California Health and Safety Code. Their trucks and equipment are subject to annual inspection by EHD. Also, per California Health and Safety

Code, each operation is required to submit monthly septage reports showing the locations from where septage is pumped and where it is disposed.

Approximately 2.0 to 2.5 million gallons of septage per year is collected within Calaveras County. The majority of the septage (96%) is generated through the pumping of residential septic tanks with about 1% from local commercial businesses. The final 3% of septage is generated through the pumping of chemical or vault toilets located at remote facilities within the county and construction sites. Environmental Health has not received any reports of industrial septage being generated within the County.

All of the septage generated in Calaveras County is transported out of County for disposal. The bulk of the septage is taken to disposal facilities in neighboring counties (Tuolumne and Amador). Some septage does go to disposal facilities in the central valley and bay area. Since all of the septage is disposed of at locations that are out of County, I cannot anticipate if there will be a volume shortage at disposal locations. All of the local utilities, within Calaveras County, that provide sewer collection and disposal are strictly for those residents and commercial facilities that are connected. All of these facilities do have available volume for connections within their collection areas. We do not anticipate that the local utilities will allow septic pumpers to dispose of septage at their facilities, since they never have in the past.

### **WATER QUALITY ASSESSMENT**

The goal of the water quality assessment is to determine the general operational status of OWTS, to evaluate the impact of OWTS discharges, and to assess the extent to which groundwater and local surface water may be adversely impacted. The assessment will include review of complaints, variances, failures, and any information resulting from field inspections as well as monitoring and analysis of water quality data.

### **Assessment Considerations**

As stated in Section 9.3.2 of the OWTS Policy, the focus of the assessment should be areas with characteristics listed under section 9.1. Some of these considerations currently do not apply to Calaveras County. For instance, Calaveras County does not have any high quality waters or other environmental conditions requiring enhanced protection (9.1.2), nor does it have surface water listed as impaired for nitrogen or pathogens (9.1.8). Similarly, there are no known geographic areas with multiple, existing OWTS predating septic tank and disposal field standards, such as cesspools (9.1.11). Furthermore, there are no known geographic areas susceptible to hydraulic mounding, organic or nitrogen loading, or with insufficient replacement area in case of a failure (9.1.10).

Historic updates and changes to County Code and the Rules and Regulations have helped to successfully mitigate potential pollution and nuisance conditions of improper onsite wastewater disposal. Calaveras County conducted a major overhaul to the County Code and the Rules and Regulations in 1992. It contained provisions for groundwater protection and density limits for creating new parcels dependent on onsite waste disposal. Tracing back specifics of the onsite disposal ordinance was more difficult, but the ordinance that was in effect in 1992, contained many specific protective measures still relevant today. These include requirements for three (3) feet separation to fractured bedrock or impermeable strata, maximum percolation rates of 120 minutes per inch, and a prohibition on use of cesspools and privies for sewage disposal, as just a few examples.

Collectively, these regulating documents have largely prevented high concentrations of OWTS being installed or utilized in areas having various characteristics of concern contained in Section 9.1 of the OWTS Policy. Specifically, no concentrated areas with dispersal systems located in an area with fractured bedrock without engineered or advanced treatment OWTS (9.1.5), dispersal system located in an area with poorly drained soils (9.1.6), and vulnerability to pollution due to hydrogeological conditions (9.1.1) are currently known throughout Calaveras County.

No specific areas of the county suggest the need for localized monitoring and assessment at this time. Drinking water data set is a routinely collected from existing and new water wells. This data is representative of groundwater conditions throughout the county which provides OWTS performance information. Also, data available from the statewide GeoTracker GAMA (groundwater ambient monitoring and assessment) can be utilized.

### **GeoTracker GAMA**

The mission of the GeoTracker GAMA program is to provide data, information, and tools to enable the public and decision makers to better assess groundwater quality and quantity. The GeoTracker GAMA groundwater information system integrates and displays water quality data from various sources on an interactive Google-based map.

Data sources currently include some limited public and private sources, and may eventually include public drinking water data, monitoring data from waste discharge permits issued by the Regional Board, receiving water sampling related to NPDES permits, data collected in California Water Quality Assessment Database and other sources. Analytical tools and reporting features can help CCOWD assess groundwater quality and identify potential groundwater issues throughout Calaveras County. CCOWD will utilize GeoTracker GAMA to the extent practical. It is anticipated that GeoTracker GAMA-secure may eventually cover Sections 9.3.2.3, and Sections 9.3.2.6 through 9.3.2.9 of the OWTS Policy.

## **Drinking Water Data Sources**

Drinking water data is collected as part of regulatory compliance with the Public Drinking Water Program. The Calaveras County Environmental Health Department (EHD) is certified by the State Water Resources Control Board as a Local Primacy Agency, with delegated authority to implement the small public drinking water regulatory program for systems serving 15 or more but less than 200 connections. County-regulated systems utilize groundwater exclusively and all are required to perform routine water quality monitoring and reporting as a condition of their Permit to Operate. The inventory of small public drinking water systems includes nearly 46 of these systems across the county. Some of these systems have multiple well sources, providing nearly 150 different data points.

Data from larger public systems serving 200 or more connections may also provide data. Larger systems utilize a combination of surface and groundwater, and many of these communities are served by sanitary sewer, so some of this data will be more beneficial in assessing OWTS performance than others. Nonetheless, these systems can provide useful data.

All told, drinking water systems provide more than 150 data points across the county to assess OWTS potential impacts to groundwater. At a minimum, this data includes bacteria (total coliform and, when present, either E.coli or fecal coliform) and nitrates. For some of these systems, general physical, inorganic chemicals, radiological, volatile organic chemicals, synthetic organic chemicals and lead and copper data may also be available. The frequency of data collection will vary by system type, and some data is only collected once while other data may be collected periodically. To the extent that this additional drinking water data helps assess OWTS performance.

## **Pathogen Monitoring**

Drinking water systems routinely monitor for pathogens using total coliform bacteria as a general indicator of drinking water contamination. Samples testing positive for total coliform are also analyzed for fecal coliform or E coli depending on the laboratory method used. All positive bacteria analysis results are sent immediately to EHD for investigation. Results of the investigation are documented and kept in the appropriate water system file and are available for review. Monthly summary reports of all bacteriological analyses are also sent to EHD to help ensure sampling and testing is completed as required, and for historical archive.

## **Nitrate Monitoring**

Most of the drinking water wells are monitored annually for nitrate concentrations. The nitrate results are sent by the analytical laboratory to the Water Resources drinking water database entitled "Water Quality Inquiry Replacement (WQIR)" in EDF format. The data is assigned to a unique source and water system specific identification number for archive. Once in WQIR, the nitrate analysis data is available by download or inquiry. The database can be queried in a number of ways, including by system, contaminant, and concentration. Results exceeding the nitrate Maximum Contaminate Level (MCL) in drinking water generate an automatic notification to EHD for immediate action. The nitrate data can be evaluated for trends in concentration and changes over time, by geographical location, and in relation to OWTS density.

## **Annual Reporting**

CCOWD will submit an annual report to the Central Valley Regional Water Quality Control Board (CVRWQB) summarizing the number and location of complaints pertaining to OWTS operation and how these issues were resolved. The number, location and description of permits issued for new and replacement OWTS and registrations issued for the septage tank cleaning registration. The annual report will be submitted to the CVRWQCB on or before February 1<sup>st</sup> in accordance with Section 9.3.3 of the OWTS Policy.

Nitrate data submitted by analytical laboratories on behalf of the water systems is submitted to the SWR WQIR database in EDF format. While Section 9.3.3 of the OWTS Policy states that all groundwater monitoring data generated by the local agency shall be submitted in EDF format for inclusion into the Geotracker database, CCOWD does not have the staffing or resources to extract data from one SWR database and re-enter it into a different SWR database.

Alternatively, CCOWD recommends SWR access the data directly in the SDWIS, or develop data transfer protocols for SWR staff to move the data from SDWIS to Geotracker as needed.

## **Five Year Analysis and Reporting**

CCOWD will perform an evaluation of the Water Quality Assessment Program every five (5) years per Section 9.3.3 of the OWTS Policy. The 5 year analysis will assess whether water quality is being impacted by OWTS and will identify any changes in the Calaveras County LAMP that will be undertaken to address the identified impacts.

CCOWD/EHD has developed a GIS layer of all drinking water system well locations. This layer can then be compared with other existing GIS layers such as parcel boundaries and dwelling locations for spatial representation and analysis of these data. This will allow the nitrate data to be evaluated for trends in concentration and changes over time, by geographical location,

and in relation to OWTS density. The spatial representations will also be useful for gap analysis and identifying areas needing additional groundwater monitoring and assessment.

Because CCOWD currently does not have staffing or resources to perform the 5 year analysis of this groundwater assessment data, CCOWD will peruse possibilities for grant funding. If grant funding is not available, Calaveras County will need to find another way to secure staffing and resources prior to completing its first 5-year assessment, which is anticipated to be due to SWR in 2023.



## Appendix 1: County Code Chapter 13.12

### Chapter 13.12 - SEWAGE DISPOSAL—UNINCORPORATED AREAS\*

#### Sections:

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- [13.12.020 - Application.](#)
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- [13.12.040 - Sewer connection.](#)
- [13.12.050 - Sewer wells, cesspools and privies.](#)
- [13.12.060 - Sewage disposal—Permit—Required.](#)
- [13.12.065 - Sewage disposal—Permit processing fees.](#)
- [13.12.070 - Sewage disposal—Permit—Applications.](#)
- [13.12.075 - Sewage disposal—Permits—Application approval.](#)
- [13.12.080 - Sewage disposal permits—Issuance.](#)
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- [13.12.110 - Inspections.](#)
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- [13.12.130 - Special permits.](#)
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- [13.12.150 - Provisions—Revision—Amendments.](#)
- [13.12.160 - Sewage disposal permit—Appeal of denial.](#)
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- [13.12.170 - Enforcement.](#)
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- 13.12.200 - Annual Reporting
- 13.12.210 - Permanent Records

#### **13.12.010 - Definitions.**

For the purpose of this chapter, words and phrases are defined as follows unless it is apparent from their context that a different meaning is intended:

"Agency" means the Calaveras County environmental management agency as established under Chapter 2.22 of County Code.

"Agency administrator" means the environmental management agency administrator, or any designated or authorized agent thereof. For purposes of this chapter, agency administrator may also be used interchangeably with director of environmental health.

"Application" means an application for a soil profile, system installation, tank replacement, site evaluation, land development or other activity as carried out under this chapter. An application does not constitute a permit.

"Board of supervisors" means the Calaveras County board of supervisors.

"Cesspool" means an excavation into the earth which is used for the reception of sewage or drainage from plumbing fixtures, which does not have watertight walls and bottom.

"Character of use" means the use which a sewage disposal system will service, i.e., single-family dwelling, retail store, restaurant, etc.

"Construct" means the act of construction.

"Construction" means the installation of a new system or part thereof, or the alteration or repair of an existing system.

"Consultant" means a registered civil engineer, registered environmental health specialist, or a registered geologist with specialty certification in engineering geology, as recognized by the state of California Department of Consumer Affairs. Registered geologists without the specialty certification in engineering geology may conduct soils investigations but may not perform designs or submit plans for sewage disposal system construction.

"Drainage system" means all the piping within public or private premises which conveys sewage, or other liquid wastes to a point of disposal, but shall not include the mains or laterals of a public sewer system.

"Engineered system" means an on-site sewage system that utilizes the components of a standard system, but that modifies or supplements those components with a special design or designs, such as sand filters, pumps, pressure distribution, interceptor drains, etc.

"Health officer" means the health officer of the county or any designated or authorized agent thereof.

"On-site sewage department" means the department directly responsible for carrying out the provisions of this chapter.

"Permit" means the formal written approval of an application.

"Privy" means a structure used as a toilet under a part or all of which is an unlined pit intended for the reception of human waste.

"Public sanitary sewer" means any sewage disposal system operated and maintained by any municipality, district or public corporation, organized and existing under and by the virtue of the laws of the state for the benefit of the public.

"Septic tank" means a watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge to a subsequent treatment unit or to a sewage disposal system.

"Sewage" means any liquid waste or water-carried solid waste containing organic or inorganic matter in suspension or solution, including kitchen, bath and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface water or industrial waste as may be present.

"Sewage disposal permit" means a written permit issued by the agency administrator permitting the construction of an individual sewage disposal system under this chapter.

"Sewage disposal system" means a system for disposal of sewage other than a public or community system, including, but not limited to, septic tank-soil absorption systems and chemical toilets.

"Sewer well" means and includes all of the following:

1. Any hole dug or drilled into the ground and intended for use as a water supply, which has been abandoned and is being used for the disposal of sewage.
2. Any hole dug or drilled into the ground, used or intended to be used, for the disposal of sewage and extending to or into a subterranean water-bearing stratum that is used, or may be used, or is suitable for a source of water supply for domestic purposes.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 2, 1987; Ord. 1424 § 1, 1981; Ord. 1285 § 1, 1980).

#### **13.12.020 - Application.**

Except as otherwise expressly provided, this chapter shall apply to all territory lying within the limits of the county, excluding any territory lying within an incorporated city.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 2, 1980).

#### **13.12.030 - Prohibited acts.**

It is unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with a means for the disposal of sewage complying with this chapter, the rules and regulations of the agency administrator promulgated under this chapter, and the California Health and Safety Code as enforced by the health officer.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 3, 1980).

#### **13.12.040 - Sewer connection.**

If the drainage system of a building is within two hundred feet of a public sanitary sewer, and the owner of the building may lawfully connect to the public sanitary sewer, such connection must be made in the most direct manner possible and in accordance with the rules and regulations of the operator of the public sanitary sewer.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 4, 1980).

#### **13.12.050 - Sewer wells, cesspools and privies.**

All sewer wells, cesspools or privies are public nuisances and it is a violation of this chapter to construct, maintain or operate a sewer well, cesspool or privy.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 7, 1980).

#### **13.12.060 - Sewage disposal—Permit—Required.**

It is unlawful for any person to construct or operate any septic tank, sewage treatment works, sewer pipes or conduits, drainage systems, or other means for the disposal, treatment or discharge of sewage without first obtaining a sewage disposal permit therefor from the agency

administrator.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 5, 1980).

**13.12.065 - Sewage disposal—Permit processing fees.**

The board of supervisors establishes the following fees to take effect on the twenty-eighth day of July, 1993:

- A. Monitoring: seven dollars per new installation permit;
- B. Recording: five dollars per new installation permit.

(Ord. 2921 (part), 2007: Ord. 2324 § 2, 1993).

**13.12.070 - Sewage disposal—Permit—Applications.**

A. Applications for sewage disposal permits shall be filed with the Calaveras County environmental management agency/on-site sewage department.

B. Each such application shall contain a detailed plan (scaled plot plan) and description of the proposed sewage disposal system and construction thereof. The application shall also contain the character of use of the proposed sewage disposal system and such other information in such form as to comply with the changes in the law.

C. Applications for septic tanks and other subsurface drainage systems shall, in addition to the information required in this section, set forth the type and depth of soils. Plot plans shall identify the distance from the existing or proposed septic system to wells, springs and other waters used for domestic purposes from the proposed installation site.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 9, 1980).

**13.12.075 - Sewage disposal—Permits—Application approval.**

A. The application, and any plans, specifications, or other data, filed by an applicant shall be reviewed by the agency administrator. When the application is found to conform with the requirements of this chapter and any other pertinent laws, ordinances, rules or regulations, the application and any required plans shall be stamped "APPROVED."

B. Applications and plans for which no permit is issued within three hundred sixty-five days following the date of approval shall expire by limitation, become null and void, and the application, plans, specifications, or other data submitted for review may thereafter be destroyed by the agency administrator.

C. The agency administrator may administratively extend the time for action by the applicant for a period not to exceed one hundred eighty days upon written request by the applicant.

D. No application shall be extended more than once. In order to review action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 3, 1987).

**13.12.080 - Sewage disposal permits—Issuance.**

A. The agency administrator shall not approve or issue a sewage disposal permit for the

construction of any septic tank, sewage treatment works, sewer pipes or conduits or any other means for the disposal, treatment, or the discharge of sewage unless:

1. The means or proposed means for the disposal, treatment or discharge of sewage will not permit the escape of any noxious odors, vapors, or gases;
2. The means or proposed means for the disposal, treatment or discharge of sewage will not permit the ingress and/or egress of flies, rodents or other insects or animals;
3. The means or proposed means for the disposal, treatment or discharge of sewage will not permit the sewage to empty, flow, seep, drain or otherwise enter and pollute any stream, river, lake or other waters of the state, groundwater or any other waters which may be used or suitable for use for domestic or agricultural purposes;
4. The means or proposed means for the disposal, treatment or discharge of sewage shall not be offensive, injurious or dangerous to health;
5. The means or proposed means for the disposal, treatment or discharge of sewage conforms to the rules and regulations of the county for the disposal and treatment of sewage.

B. When the agency administrator issues the permit where plans are required, he or she shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the agency administrator, and all work shall be done in accordance with the approved plans.

C. One set of approved plans, specifications and computations shall be retained by the agency administrator for county records; and one set shall be kept on the site of the work by the permittee at all times during which the work authorized thereby is in progress.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 7, 1987: Ord. 1285 § 8, 1980).

### **13.12.085 - Sewage disposal—Permit—Expiration.**

A. Every permit shall be valid for a period of three hundred sixty-five days to complete work authorized by the permit.

B. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit or complete work under that permit.

C. Unless issued prior to August 7, 2007, no permit shall be extended more than once. Permits may be extended more than once. The agency administrator may extend the time for action by the permittee for a period not to exceed three hundred sixty-five days upon written request by the permittee. Such request for extension shall be subject to conformance with regulations in force at the time of extension request. In addition, the permittee shall pay any incremental increase in permit fees beyond those already paid.

D. In order to renew work on a permit after expiration, the permittee shall pay a new permit fee, provided the plans conform with current regulations; and provided further, that the permit has not been expired for a period of more than three hundred sixty-five days.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 4, 1987).

### **13.12.090 - Sewage disposal system—Alterations/repairs.**

The agency administrator may order changes to an existing sewage disposal system's method and location for the disposal, treatment, or discharge of sewage to prevent the system from becoming, or being, a nuisance or hazard to the health of humans or animals. Such orders shall designate a reasonable period of time within which the stated changes must be made.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 10, 1980).

### **13.12.100 - Sewage disposal system—Regulations.**

A. A sewage disposal permit must be obtained from the agency administrator prior to the construction of a sewage disposal system.

B. To assure that sewage disposal systems are not injurious, harmful to water quality, dangerous to health, or nuisances, the board of supervisors shall make and establish rules and regulations, which may be amended from time to time, regarding the design, size, constituent materials, location, and manner of construction of sewage disposal systems, in accordance with section 13.12.150 of this chapter.

C. Every sewage disposal system shall be constructed in strict compliance with such rules and regulations and with the terms and conditions of the sewage disposal permit for the construction thereof.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 6, 1980).

### **13.12.110 - Inspections.**

A. The agency administrator is authorized to make such inspections as are necessary to determine proper installation and operation of sewage disposal systems in compliance with this chapter and any rules and regulations promulgated under this chapter.

B. Owners or occupants of real property shall give the agency administrator access to their property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with this chapter.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 11, 1980).

### **13.12.120 - Inspection prior to use.**

No work done under any sewage disposal permit shall be covered, concealed, or put into use before it has been inspected and approved by the agency administrator. For those installations occurring prior to the adoption of Ordinance No. 1285 (May 1980), documentation of a final building permit presumes a final septic permit.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 12, 1980).

### **13.12.125 - Final approval—Prerequisite.**

A. The sewage disposal system shall be given an open-trench inspection by the agency administrator before any work other than excavation is commenced on the parcel. "Work," as used in this section, includes construction of any structure with internal plumbing, including the construction of a foundation for such a structure, but excluding drilling of a well or the excavation for foundation and driveway.

B. If the agency administrator finds that compliance with subsection A of this section would be detrimental to the ultimate operation of the sewage disposal system, a variance may be granted to allow construction for a structure prior to open-trench inspection.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1450 § 3, 1981).

### **13.12.130 - Special permits.**

A. Contrary provisions of this chapter notwithstanding, the agency administrator may grant special sewage disposal permits for limited periods of time if the application of this chapter or any rules and regulations promulgated under it would, during such limited periods of time, be impractical or unnecessary, and if the granting of such special permit would be consonant with the purpose of this chapter.

B. In issuing such special sewage disposal permits, the agency administrator may prescribe such conditions as are necessary to protect the public health, safety or the environment.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 13, 1980).

### **13.12.140 - Administrative variances.**

A. The agency administrator may grant an administrative variance from any standard set forth in this chapter where written substantial evidence is submitted by a consultant as defined in this chapter that an unusual circumstance or unnecessary hardship would result from the application of the standard. Under no circumstance shall the granting of a variance create a hazardous condition or endanger public health, safety or the environment.

B. Applications for a variance shall be submitted to the agency administrator along with written substantial evidence supporting the request for a variance and any applicable fees. The agency administrator shall give notice to adjacent property owners of any variance granted. The agency administrator shall issue findings with respect to its determination of the request for a variance.

C. Prior to final approval of any such system, the designer thereof shall:

1. Submit to the agency administrator a written verification, based on field inspection, that the system has been installed as shown on the plans; and
2. Submit a scaled as-built drawing depicting tight lines (sanitary building sewage disposal system), septic tank and associated appurtenances and disposal field.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 14, 1980).

### **13.12.150 - Provisions—Revision—Amendments.**

A. The board of supervisors may adopt, amend and repeal rules and regulations to further define the provisions of this chapter and to assist in carrying out the provisions of it. Such rules and regulations must be consistent with this chapter, and may only be adopted, amended or repealed after a public hearing held by the board of supervisors.

B. Public notice of any such hearing shall be given at least seven days in advance thereof in a newspaper of general circulation published in the county. Such notice shall include the time and place of hearing, information concerning the proposed changes and identification of where a copy of the complete text of the proposed rules and regulations may be obtained.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 15, 1980).

**13.12.160 - Sewage disposal permit—Appeal of denial.**

A. The agency administrator's decision on an application for a permit, or a request for variance, may be appealed by the applicant or any interested person to the board of supervisors whose decision shall be final. Appeals shall be filed with the clerk of the board within fifteen calendar days after notification by the agency administrator of the act claimed to be contrary to law, and shall specifically state the grounds on which the appeal is based. The clerk of the board shall set an appeal for hearing within fifteen days or as soon thereafter as can be agendized for review. The clerk of the board shall also notify the appellant and the agency administrator in writing, of the time so set at least five days prior to the hearing.

B. After such hearing, the board may reverse, wholly or partly, or may modify the order or determination appealed from.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1727 § 1, 1985: Ord. 1285 § 16, 1980).

**13.12.165 - Sewage disposal permit—Suspension or revocation.**

A. The agency administrator may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of this chapter or any other ordinance or regulation.

B. The agency administrator may also suspend or revoke a permit issued under the provisions of this chapter when it is found that the system for which the permit is issued degrades water quality or threatens the public health, safety or the environment.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 5, 1987).

**13.12.170 - Enforcement.**

The agency administrator is authorized to enforce the provisions of this chapter and the rules and regulations promulgated under it.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 17, 1980).

**13.12.180 - Violation—Penalty.**

A. Any person violating the provisions of this chapter or any rules or regulations promulgated under it shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

B. Every violation of any provision of this chapter shall constitute a separate offense for each day during which such violation continues.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 18, 1980).

**13.12.190 - Fees.**

A. Fees shall be assessed in accordance with the provisions of this chapter and as set forth in the fee schedule adopted by the board of supervisors. Fees shall be paid for plan review,



issuance of a permit, inspections and reinspections and appeals of permit denials.

1. When a plan or other data are submitted by a consultant, a plan review fee shall be paid at the time of submitting plans and other data for review. Where submitted plans are incomplete or changes are required so as to necessitate additional plan review, an additional plan review fee shall be charged.
2. Permit fees shall be paid in addition to any other fees and paid at the time a permit is applied for.
3. An inspection or reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

B. Reinspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the agency administrator.

C. To obtain a reinspection, the applicant shall first pay a reinspection fee. This is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before a job is ready for such inspection or reinspection.

D. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 6, 1987).

### **13.12.200-Annual Reporting.**

Annual reports on OWTS program activities shall be provided to the Central Valley Regional Water Quality Control Board. Unless otherwise requested, reports will be submitted within sixty (60) days of the close of the calendar year. Reports will be submitted in tabular format from an Excel spreadsheet and will include:

- Number and location of complaints pertaining to OWTS operation and maintenance, and a summary of how these issues were resolved; and
- Registrations issued as part of the septic tank cleaning registration program (California Health and Safety Code Section 17400 et seq.), with copies of data on septic tank cleaning locations and septage disposal volumes available upon request; and
- Number, location and description of permits issued for new and replacement OWTS, including the regulatory tier under which they were issued.

### **13.12.210-Permanent Records**

All records pertaining to each onsite wastewater treatment systems (OWTS) permitted by the County shall be retained permanently. These records shall be made available for review within 10 working days upon written request by the Regional Water Board. The records for each permit shall reference the Tier under which the permit was issued.

Appendix 2: Calaveras County Rules and Regulations for Onsite Wastewater  
Treatment Systems

**CALAVERAS COUNTY**  
**RULES AND REGULATIONS**  
**FOR**  
**ONSITE WASTEWATER TREATMENT SYSTEMS**

**VOLUME I - DEVELOPMENT STANDARDS**

**RESOLUTION 92-259**

**AS AMENDED BY**

**RESOLUTION 93-45, 94-195, 10-147, 12-113, 1834 and 20170314r039.**

**March 14, 2017**

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**CALAVERAS COUNTY  
ONSITE WASTEWATER TREATMENT DEPARTMENT**

**RULES AND REGULATIONS**

**FOR**

**ONSITE WASTEWATER TREATMENT SYSTEMS**

<b>VOLUME I - DEVELOPMENT STANDARDS</b>
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**CHAPTER 1 - GENERAL**

**A. Purpose**

These rules and regulations are adopted pursuant to the most recent ordinance addressing wastewater disposal as adopted by the Calaveras County Board of Supervisors. Contained herein are prescriptive standards for the field evaluation, design and construction of onsite wastewater treatment systems. The purpose of the rules and regulations is for preventing conditions of pollution and nuisance, to preserve the quality of surface and groundwater and to protect the public health and safety of the citizens of Calaveras County. These regulations supersede all previous regulations and written policies and adopts by reference any state mandated law and/or regulation pertaining to design and installation of onsite wastewater treatment systems.

**B. Definitions**

1. "Absorption Facility" - means a system of perforated piping, alternative distribution units, or other seepage systems used for receiving the flow from septic tanks or other treatment facilities and designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration.
2. "Accessory Dwelling" – means either an attached or detached dwelling unit which provides potential living facilities for one or more persons, and exceeds the permitted density for a parcel by one dwelling unit. Caretakers quarters are included.
3. "Administrative Authority" – means a governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities. For purposes of these regulations, the administrative authority is the Onsite Wastewater Treatment Department.
4. "Advanced Treatment System/Unit"- means an onsite wastewater treatment system (OWTS) that does not conform to the parameters of a pressure dosed or gravity fed standard system. Advanced Treatment System/Units reduce total dissolved solids (TDS), pathogens and total nitrogen (TN) among other constituents. Advanced Treatment System/Units include, but are not

limited to, intermittent sand filters, textile-based packed bed filters (textile filters), mound systems and aerobic treatment units.

Advanced Treatment as used in these regulations shall have the same meaning as supplemental treatment.

5. "Agency Administrator" - means the Environmental Management Agency Administrator, or any designated or authorized agent thereof. For purposes of these regulations, agency administrator also includes the director of environmental health.

6. "Alteration" - means expansion and/or change in location of an existing Onsite Wastewater Treatment System (OWTS) as defined in these regulations or any part thereof.

7. "Application Area" – means effective seepage area as defined in these regulations.

8. "Application Rate" – means the rate at which effluent is applied to an effective seepage area as expressed in gallons per day per square foot (gpd/ sq. ft.)

9. "Bathroom" – means an area including a basin with one or more of the following: a water-closet, a tub or a shower.

10. "Bedroom" - means a conditioned room used for sleeping and/or any room within a dwelling which could be used as a bedroom or guest room as defined in these regulations.

Offices, studies, sewing rooms, dens, etc. which have a closeable door, or a closet, or direct access to a bathroom are considered bedrooms.

Loft areas as defined in these regulations are considered bedrooms.

For the purpose of these regulations, the Agency Administrator shall have authority in disputes arising over the designation of a bedroom and may consider bedroom exemptions on a case by case basis.

11. "Clayey Soil" - means mineral soil that has a soil texture that is comprised of forty (40) percent clay and not more than forty-five (45) percent sand or forty (40) percent silt particles. As a soil particle, clay consists of individual rock or mineral particles in soils having diameters <0.002 mm in diameter. Clayey soil typically shrinks and develops wide cracks when dry and swells and shears when rewet forming slicken-sides and wedge shaped structure. Clayey soil is very hard or extremely hard when dry, very firm when moist, and very sticky and very plastic when wet.

12. "Clay pan" - means a dense, compact clay layer in the subsoil. Clay pan has greater clay content than the overlying soil horizon from which it is separated by an abrupt boundary. Clay pans are hard when dry and very sticky and very plastic when wet. Clay pans impede movement of water and air and growth of plant roots.

13. "Commercial Facility" - means any structure or building, or any portion thereof, other than a single family dwelling, either zoned or used for commercial purposes.
14. "Community Wastewater Delivery System" means a public wastewater delivery system or sanitary sewer as defined in these regulations.
15. "Construction" - means construction, repair, alteration or relocation of an OWTS or changing design conditions affecting the sizing of the OWTS.
16. "Consultant" - means a qualified professional as defined in these regulations.
17. "Cut bank" - means a land surface resulting from mechanical land shaping operations where the modified slope is greater than fifty (50) percent and the depth of cut exceeds thirty (30) inches or depth of effective soil whichever is less.
18. "Daily Wastewater Flow" - means the maximum liquid wastewater flow to be disposed of on a daily basis. For residential use, the daily design flow shall be one-hundred fifty (150) gallons per bedroom with a minimum of two bedrooms. The daily design flow for residential use may be reduced by a maximum of twenty-five (25) percent provided that low flow fixtures as defined in these regulations are specified and installed.
19. "Department" - means the Calaveras County Onsite Wastewater Treatment Department.
20. "Director" – means the director of environmental health or his/her designee.
21. "Disposal Area" - means the entire area used for dispersion of wastewater including the area designated for future expansion.
22. "Disposal Field" - means a leachfield or other type of system approved by the Department used for final subsurface wastewater treatment and /or disposal.
23. "Disposal Trench" - means a ditch or trench with vertical sides and substantially flat bottom with filter material or Department approved chamber units into which a gravity flow or pressure dosed single distribution pipe has been placed, the trench then being backfilled or covered with soil or other approved material.
24. "Distribution Box" / "D Box" - means a watertight structure which receives wastewater originating from the septic tank or other treatment facility effluent and distributes it concurrently into two (2) or more header pipes leading to the disposal area.
25. "Distribution Pipe/Distribution Lateral" - means perforated pipe used in the dispersion of wastewater originating from the septic tank or other treatment facility effluent into disposal trenches.
26. "Distribution Unit" - means a distribution box, twenty-two (22) degree elbow, dosing tank, diversion valve or box.

27. "Diversion Valve" - means a watertight receptacle which receives wastewater originating from the septic tank or other treatment facility effluent through one (1) inlet, distributes it to two (2) or more outlets, only one (1) of which is utilized at a given time.
28. "Dosing Chamber" - means a watertight receptacle located between the OWTS treatment unit (i.e. septic tank or supplemental treatment unit) and a disposal field equipped with an automatic siphon or pump designed to discharge wastewater intermittently to the distribution pipe or lateral in amounts proportioned to the capacity of such lines or laterals and to provide adequate rest periods between such discharges.
29. "Dwelling" - means any structure or building, or any portion thereof which is used, intended or designed to be inhabited for human living purposes.
30. "Easement" - means a right to use the land of another owner for a special purpose.
31. "Easement Agreement" - means that legal agreement which recognizes and condones the existence of a wastewater system component serving one parcel which physically exists on or within another parcel.
32. "Effective Seepage Area" - means the bottom area and the sidewall area within a disposal trench from the bottom of the trench to the bottom of the distribution pipe expressed on a "per foot of trench" basis.
33. "Effective Soil Depth" - means the depth of soil material above a layer that impedes movement of water, air, and growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depth are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite, and clayey soil. Soils exhibiting average percolation rates slower than 240 mpi are not considered "effective soils."
34. "Effluent" - means the wastewater discharged from an OWTS treatment component or any portion thereof. Constituents commonly found in effluent include, but are not limited to, total and/or fecal coliform, total nitrogen (including ammonia compounds), chlorides, chlorine, MBAS, phosphates, caffeine, pharmaceuticals and sodium.
35. "Effluent Sewer" - means the part of the system of drainage piping that conveys partially treated wastewater originating from the septic tank or other treatment facility to a distribution unit or an absorption facility.
36. "Engineered System" - means an onsite wastewater treatment system that utilizes the components of a standard system, but that modifies or supplements those components with a special design or designs, such as pretreatment pressure dosed systems as approved by the Department, pumps, interceptor drains, etc., or a design which substantially conforms to design guidelines published by the State of California, EPA, or IAPMO.

37. "Escarpment" - means any naturally occurring slope greater than fifty (50) percent which extends vertically six (6) feet or more as measured from toe to top, and which is characterized by a long cliff or steep slope which separates two (2) or more comparatively level or gently sloping surfaces, and may intercept one (1) or more layer that limits effective soil depth.
38. "Evaporation System" - means a system consisting of a septic tank or other treatment facility, effluent sewer and an evaporation bed designed to distribute effluent for evaporation.
39. "Evapotranspiration-Infiltration System" - means a system consisting of a septic tank or other treatment facility, effluent sewer and a disposal bed or disposal trenches, designed to distribute effluent for evaporation, transpiration by plants, and by absorption into the underlying soil.
40. "Evapotranspiration and Infiltration (ETI) Bed" – means a subsurface disposal bed in which soil capillarity and root uptake help to disperse the effluent from a septic tank or supplemental treatment system through surface evaporation, soil absorption and plant transpiration.
41. "Existing OWTS" - means any installed OWTS constructed in conformance with the rules, laws and local ordinances in effect at the time of construction.
42. "Expansion / Replacement Area" - means an area of sufficient size and physical characteristics complying with all setback requirements which allows future expansion or replacement of the disposal field. For parcels created prior to March 9, 1981, and utilizing a standard or modified standard system, the minimum required expansion / replacement area is fifty (50) percent. Except for engineered systems with standard soil conditions, all other systems required expansion / replacement area shall be one-hundred (100) percent. Engineered systems with standard soil conditions shall require a minimum of fifty (50) percent expansion area.
43. "Experimental System" - means an OWTS which differs from the standard system, engineered system or package system as defined herein.
44. "Failing System" - includes, but is not limited to, any OWTS which discharges untreated or incompletely treated wastewater or septic tank effluent directly or indirectly onto the ground surface or into public waters that results in the creation of a public nuisance or creates a potential health hazard.
- Additional categories of failed systems while not resulting in the creation of a public nuisance or potential health hazard include slow percolation due to root intrusion or biomat formation. These failures must be confirmed by a qualified professional or OWTS inspector.
45. "Fecal Coliform Bacteria" - means indicator bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests to indicate either contamination from wastewater or the level of treatment.
46. "Filter Fabric" - means a woven or spun-bonded sheet material used to impede or prevent the movement of sand, silt and clay into filter material.



47. "Filter Material" - means clean, washed gravel ranging from three-quarters (3/4) to two and one-half (2-1/2) inches in size or clean crushed rock ranging in size from one and one-half (1-1/2) to two and one-half (2-1/2) inches.
48. "Fill bank" – means any soil, rock or other material which is placed within an excavation or over the pre-existing surface of the ground creating a fill bank.
49. "Flood Hazard" - means a risk of inundation during or following a 24-hour 100-year storm event. Where available, one-hundred (100) year flood zone mapping by the Federal Emergency Management Agency (FEMA) may be used for this determination.
50. "Flowing Stream" - means a natural or man-made drainage course which is identified on a U.S.G.S. Quadrangle Map as a dashed or solid blue line.
51. "Fragipan" - means a loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter. They impede movement of water, air, and growth of plant roots.
52. "Graywater System" – means a disposal system which can be utilized to dispose of untreated waste water which has not come into contact with water closet waste. Graywater includes used water from bathtubs, showers, bathroom wash basins, clothes washing machines or an equivalent discharge as approved by the Administrative Authority. Graywater system design shall conform to the California Plumbing Code, Appendix G – Graywater Systems.
53. "Groundwater" – means subsurface water that occurs beneath the ground surface in fully saturated zones within soils and other geologic formations. For purposes of these regulations, groundwater is subsurface water that does not demonstrate the physical, chemical and/or biological characteristics of effluent.
54. "Guest Room" – means an accommodation combining living, sleeping, sanitary, and storage facilities within a compartment.
55. "Hardpan" - means a hardened layer in soil caused by cementation of soil particles with either, silica, calcium carbonate, or iron and/or organic matters. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots.
56. "Header Pipe" - means a tight jointed part of the wastewater drainage conduit which receives septic tank effluent from the distribution box, or effluent sewer and conveys it to the disposal area.
57. "Health Officer" - means the Health Officer of Calaveras County or duly designated representative.

58. "High Strength Wastewater" – Means wastewater having a 30-day average concentration of biochemical oxygen demand (BOD) greater than 300 milligrams-per-liter (mg/L) or of total suspended solids (TSS) greater than 330mg/l or a fats, oil, and grease (FOG) concentration greater than 100 mg/L prior to the septic tank or other OWTS treatment component.
59. "Interceptor Drain" - means a groundwater drainage system which intercepts and diverts surface or groundwater from, but not limited to, a disposal area.
60. "Inspection Riser" - means a pipe connected to a distribution lateral, raised above ground level and used for maintaining and inspecting operation of the lateral.
61. "Lateral Pipe" - means "Distribution Pipe".
62. "Loft" – for purposes of these regulations, means a non-partitioned upper room or floor located directly under the roof structure leaving one or more sides open to the floor below that is conditioned and/or partitioned used for sleeping or as a guest room as defined in these regulations.
63. "Low Flow Fixtures" - means water-closets which use (1.28) gallons or less per flush and shower heads which use two (2) gallons per minute or less.
64. "Medium Sand" - means a mixture of sand that meets the following gradation specifications:

<u>Sieve Size</u>	<u>Percent Passing</u>
3/8.....	100
#4 .....	90-100
#10 .....	62-100
#16 .....	45-82
#30 .....	25-55
#50 .....	5-20
#60 .....	0-10
#100 .....	0-4
#200 .....	0-2

65. "Minutes Per Inch or (MPI)" – means the number of minutes it takes to absorb one (1) inch of water when soil is being evaluated under a percolation test.

66. "Monitoring Well" - means any artificial excavation made by any method for the purpose of monitoring fluctuations in groundwater levels, quality of underground waters or the concentration of contaminants in underground waters. For purposes of these regulations, monitoring wells are typically used to determine the presence or absence and levels of subsurface wastewater effluent. Water samples may be secured through use of the monitoring well.

67. "Mottling" - means a soil condition that results from oxidizing or reducing conditions due to soil moisture changes from saturated conditions to unsaturated conditions over time. Mottling is characterized by spots or blotches of different colors or shades of color (grays and reds) interspersed with the dominant color as described by the United States Department of Agriculture soil classification system. The soil can be indicative of historic seasonal groundwater levels.

68. "Observation Pipe" - means a perforated gravel packed pipe, no less than three inches in diameter, constructed in the ground or disposal trench and used to observe water height and to obtain water samples.

69. "Onsite Wastewater Treatment System(s)" (OWTS's) - means Onsite Wastewater Treatment Systems as defined in Section 13290 of the California Water Code as individual disposal systems, community collection and disposal systems and collection and disposal systems that use subsurface disposal.

70. "Owner" - means any person who alone, or jointly, or severally with others:

a. Has legal title to any single lot, dwelling, dwelling unit, or commercial facility; or,

b. Has care, charge or control of any real property as agent, executor, executrix, administrator, administrator, trustee, commercial lessee, or guardian of the estate of the holder of legal title.

71. "OWTS Inspector" - means a person, knowledgeable in OWTS inspection and holding a current Inspector certification by the National Association of Wastewater Transporters (NAWT) or the California Onsite Wastewater Association (COWA).

72. "Percolation Testing" - means measuring the percolative qualities of soils in accordance with the procedures contained in these regulations.

73. "Permanent Groundwater Table" - means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone, and, as a result, the elevation of the permanent groundwater table may fluctuate annually. Both the saturated zone and associated permanent groundwater table will be present at some depth beneath the surface throughout the year.

74. "Pond" - means an artificially confined body of water.

75. "Perched Water" - means subsurface water that occurs beneath the ground within the zone of aeration wherein the subsurface water has encountered a restrictive impervious stratum typically separating it from the main water table or groundwater source.

76. "Permit" - means the written document issued by the Department and signed by the Owner which authorizes OWTS repair or system construction.

77. "Pressure Distribution System" - means any system designed to uniformly distribute wastewater originating from the septic tank or other treatment unit effluent under pressure in an absorption or treatment facility.

78. "Profile" - means an open pit ("Profile Trench") dug to sufficient size and depth to permit thorough examination of the soil to evaluate its suitability for subsurface wastewater disposal or a detailed written description of the soil conditions encountered ("Profile Log").

79. "Qualified professional" – means a Registered Civil Engineer, Registered Environmental Health Specialist, Registered Geologist with Specialty Certification in Engineering Geology as recognized by the State of California Department of Consumer Affairs, or a Soil Scientist certified by the Soil Science Society of America. Registered Geologists without the Specialty Certification in Engineering Geology may conduct soils investigations but may not perform designs or submit plans for sewage disposal system construction.

80. "Redundant or Alternate Distribution Disposal Field System" - means a system in which two complete disposal systems are installed, the disposal trenches of each system alternate with each other and only one system operates at a given time.

81. "Repair" - means the replacement or installation of any portion of a damaged or failing OWTS.

82. "Replacement Area" means Expansion / Replacement Area.

83. "Restrictive Horizon" - means a layer that, because of its low permeability, retards the movement of water.

84. "Rock" - means any naturally formed aggregate of one or more minerals (i.e. granite, shale, marble); or a body of undifferentiated matter (i.e. obsidian), or of solid organic matter.

85. "Sanitary sewer" means a public or community wastewater delivery system that connects to an approved wastewater treatment plant as regulated by the Regional Water Quality Control Board – Central Valley Region.

86. "Saprolite" - means weathered material underlying the soil that grades from soft, thoroughly decomposed rock to rock that has been weathered sufficiently so that it can be broken in the hands or cut with a knife. It does not include hard bedrock or hard fractured bedrock. It has rock structure instead of soil structure.

87. "Saturated Zone" - means a three (3) dimensional layer, lens or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, pores, etc., are

filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge or discharge.

88. "Seasonal Drainage Course" - means a natural or man-made drainage course which exhibits channel features such as a defined bed and bank or surface scour, and does not appear as a dashed or solid blue line on a U.S.G.S. 7 ½ minute Quadrangle Map.

89. "Septic Tank" - means a watertight monolithic concrete receptacle or International Association of Plumbing and Mechanical Officials (IAPMO) approved or equivalent polyethylene or fiberglass receptacle which receives the wastewater discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge to a subsequent treatment unit or to a soil absorption facility.

90. "Septic Tank Effluent" - means partially treated wastewater which is discharged from a septic tank.

91. "Slope" - means the rate of fall or drop in feet per one-hundred (100) feet, expressed as a percent.

92. "Soil" - means the unconsolidated material lying naturally on the surface of the earth that possesses percolative, infiltrative, and filtration capabilities. For the purpose of these regulations, the United States Department of Agriculture (U.S.D.A.) system of soil classification is used. For purposes of these regulations soil consists of less than 50 percent rock by volume.

93. "Standard System" - means an OWTS consisting of a septic tank, distribution unit and gravity fed absorption facility. A standard system may include the use of a capping fill or Department approved infiltration chambers.

94. "Subsurface Wastewater Disposal" - means the physical, chemical or bacteriological breakdown and aerobic treatment of wastewater in the unsaturated zone of the soil.

95. "Temporary Groundwater Table" - means the upper surface of a saturated zone that exists only on a seasonal or periodic basis. Like a permanent groundwater table, the elevation of a temporary groundwater table may fluctuate. However, a temporary groundwater table and associated saturated zone will dissipate (dry up) for a period of time each year.

96. "Textile Filter System" - means a pretreatment system that is designed to reduce total dissolved solids (TDS), pathogens and total nitrogen (TN) among other constituents using fabric sheets to achieve reduction.

97. "Wastewater" - means any wastewater or water-carried solid waste containing organic or inorganic matter in suspension or solution, including kitchen, bath and laundry wastes from

residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface water or industrial waste as may be present.

98. "Water Closet" – means a plumbing fixture (which may be used for both solids and liquids) in which the waste is removed by flushing with water.

99. "Wet Weather Period" - means that portion of the year designated by the Agency Administrator for wet weather determination of soil and groundwater conditions. Typically, this occurs in the late winter and spring following accumulation of eighty (80) percent of the seasonal average annual rainfall, subject to the judgment of the Agency Administrator depending on local climatic conditions.

100. "Wet Weather Testing"- means physical site evaluation during the wet weather period to determine maximum groundwater elevations.

101. "Zone of Aeration" - means the unsaturated zone that occurs below the ground surface and above the point at which the upper limit of the water table exists.

### **C. General Provisions**

1. Public Waters or Public Health Hazards. If, in the judgment of the Agency Administrator proposed operation of a wastewater treatment system would cause pollution of public water or create a public health hazard, installation or use of an OWTS shall not be authorized.

2. Approved Disposal Required. All wastewater shall be treated and disposed of in a manner approved by the Department.

3. Discharge of Wastewater Prohibited. Discharge of untreated or partially treated wastewater or septic tank effluent directly or indirectly onto the ground surface or into public waters constitutes a public health hazard and is prohibited.

4. Discharges Prohibited. No cooling water, air conditioning water, water softener brine, groundwater, oil, hazardous materials or roof drainage shall be discharged into any OWTS.

5. Increased Flows Prohibited. Except where specifically approved, no person shall connect a dwelling or commercial facility to a system if the total projected wastewater flow would be greater than that allowed under the original system construction permit. No person shall expand a building or residence where such expansion may result in the potential for increasing either the quantity or strength of wastewater discharged to an OWTS above that allowed in the permit.

6. Plumbing Fixtures shall be connected. All plumbing fixtures in dwellings and commercial facilities, from which wastewater is or may be discharged, shall be connected to, and shall discharge into an approved public wastewater delivery system (sanitary sewer) or an approved OWTS.

7. Accessory Dwellings. Whether an accessory dwelling is attached or detached from the primary dwelling, all accessory dwellings shall be connected to an independent OWTS, separate from the primary dwelling. An exception may be made when a single system may be increased in size to meet additional loading.
8. Adjacent Parcel Encroachments. Such encroachments shall conform to the following:
- (a.) A recorded utility easement or covenant against conflicting uses, on a form approved by the Department, is required whenever an OWTS or portion of an OWTS crosses a property line separating different legal parcels. The easement must accommodate that part of the OWTS, including setbacks, which lies beyond the property line, and must allow entry to install, maintain and repair the OWTS.
- (b.) The easement and covenant shall:
- Agree not to put that portion of the other lot or parcel to a conflicting use; and
  - Agree that upon severance of the lots or parcels, to grant or reserve and record a utility easement, on a form approved by the Department, in favor of the owner of the lot or parcel served by the OWTS.
9. Replacement Area. Unless designated by law or rule that takes legal precedence, system replacement area shall be kept vacant, free of construction, infrastructure including utilities, vehicular traffic, soil modification, and surface disturbance.
10. Operation and Maintenance. All OWTS's shall be operated and maintained so as not to create a public health hazard or cause water pollution.
11. No person shall dispose of wastewater or septic tank cleanings in any location not authorized by the Department under applicable laws and rules for such disposal.
12. It is the applicant's/owner's responsibility to provide sufficient information to the Department to reasonably assure the requirements herein are fully met.
13. Nothing in these regulations shall be construed to affect existing approved valid applications for permits, existing permits, and approved and properly functioning OWTS's already installed as of the date of adoption of these regulations.

## **CHAPTER 2 - REQUIREMENTS FOR ONSITE WASTEWATER TREATMENT SYSTEMS**

### **A. General**

1. An OWTS - Permit shall be required for development with plumbing fixtures on any parcel not served by a community wastewater delivery system.

An OWTS Permit shall not be issued if a wastewater delivery system is within 200 feet distance from the residence or when a wastewater district requires connection to the public sewer within a sewer service area (community service area) unless otherwise approved by the District responsible for the wastewater system.

2. Except where parcels are to be served by a community wastewater delivery system, all requirements for the development of an OWTS must be met as a condition of creation of any new parcel in the County; by major or minor subdivision or lot split. Lot line adjustments shall not be allowed unless it can be demonstrated by the applicant that each affected parcel can meet these requirements or where the purpose of the lot line adjustment is to allow a net improvement in conditions for onsite wastewater disposal on all affected parcels.

3. All information gathered which is pertinent to onsite wastewater disposal shall be submitted to the Department, whether passing or failing, used or not used for subsequent applications, or positive or negative with respect to acceptability of the parcel to accommodate an OWTS.

4. Land developments consisting of less than one-hundred (100) single family units shall be processed by Calaveras County for compliance with the most recent regulations addressing wastewater treatment systems as adopted by the County Board of Supervisors. The Regional Water Quality Control Board may also require submission of a Report of Waste Discharge for subdivisions of less than one-hundred (100) single family units. Tentative maps for subdivisions of one-hundred (100) or more single family units shall be submitted to the Regional Water Quality Control Board and the Department with sufficient information to allow review of the proposal for protection of water quality.

5. Minimum lot size for creation of new, single family residential lots served by a public water supply, but not a community sewer, shall be one (1) acre.

6. Minimum lot size for creation of new single family residential lot served by an individual well and an OWTS shall be five (5) acres.

7. Where physical constraints do not allow installation of a standard system, engineered systems may be designed for shallow effective soil depths and for slow percolation rates. The primary and replacement/expansion areas of engineered systems shall comply with all setback requirements. For creation of new parcels, engineered systems will only be considered on parcels of (1) one acre or larger.



8. Minor encroachments on horizontal setback requirements may be submitted for review as a variance on existing legal lots. With the exception of repair scenarios, deviation from setbacks to wells, flowing streams, seasonal drainage courses, and surface water bodies used or intended to be used as a domestic water supply are not allowed. For the purpose of the section, "minor" deviations are less than ten (10) percent of the setback distance.
9. Approvals of engineered system designs under this section will only be granted after the applicant has demonstrated to the satisfaction of the Department that the requirements for a standard system could not be met.
10. All engineered systems shall have plans prepared by a qualified professional.
11. An OWTS permit will only be issued for projects that have a projected wastewater flow of up to 10,000 gpd. Any OWTS with a design flow exceeding 10,000 gpd shall be regulated by the respective Regional Water Quality Control Board.
12. An OWTS permit will not be issued for an OWTS that is dedicated to receiving significant amounts of wastewater dumped from recreational vehicle holding tanks or high strength wastewater.

## **B. Onsite Wastewater Treatment System Permit Requirements**

Refer to the following pages for schematics demonstrating the basic steps involved with determining the type of OWTS required for: repair of failing systems, development on an existing parcel, and creation of a new parcel:

1. Application for an OWTS Permit shall be made by the owner of the property involved or his/her authorized representative.
2. It is the responsibility of any and all persons performing any part of the installation or repair of an OWTS or package treatment plant to ascertain that a valid OWTS permit has been issued by the Department prior to the initiation of any repair or installation.
3. All installations shall be installed in substantial conformance to the approved design and permit.
4. Notification shall be made to the owner of a public water system prior to the issuing of an installation or repair permit for an OWTS, if the OWTS is within 1200 feet of a public water systems' surface water intake for drinking water, is in the drainage area catchment in which the intake point is located and is located such that it may impact water quality at the intake point, or if the OWTS is within a horizontal sanitary setback from a public well. The owner shall be notified in writing and given 10 working days to respond. The written notification shall, at a minimum, state the reason for the notification, property owners name and mailing address, property site address, and Assessors's Parcel Number. This written notification shall be accompanied with a copy of the permit application.

5. Gravity fed OWTS permit applications shall include three (3) copies of a plot plan. The plot plan shall be drawn at a scale of one inch equals twenty feet (1" = 20') and shall include information required by the Agency Administrator for permit requirements. The information shall include, but is not limited to, the following:

- a. Owner's name, street address, and job address.
- b. Names of streets or roads fronting the property and any easements.
- c. Outline of property giving dimensions and north direction.
- d. Dimensions, outlines, and locations of all existing and proposed structures, including hard surfaces such as patio, driveways and walks.
- e. Location of house building sewer outlet and proposed location of septic tank and disposal field.
- f. Location and nature of any existing OWTS on the property, distance to structures and easements or property lines.
- g. Location of any existing or proposed well, domestic or irrigation, in use or abandoned either on this property or within one-hundred fifty (150) feet of the property line.
- h. Location of profile trenches and percolation test holes (if performed).
- i. Flood hazard (FEMA 100 year event).
- j. Source of domestic water supply.
- k. Setback requirements of front, back and sides.
- l. Distances and location of any rivers, streams, water courses, ponds and culverts.

6. The OWTS Permit Inspection/Observation Card shall be posted at a suitable location on the property when work commences, and shall remain posted until inspection and final approval by the Department.

7. Final approval of the OWTS Permit may be withheld until:

- a. Location and/or installation of an onsite well are approved and/or installed.
- b. Structures and all accessory construction as indicated on the plot plan are completed.

- c. Any wells, OWTS components, or structures to be removed are properly abandoned to County adopted standards.
- d. Compliance with any other conditions specified on the permit.
- e. For all engineered OWTS's a letter has been submitted by the qualified professional if applicable certifying the OWTS installation has been completed in substantial conformance to the approved design.

### **C. Site Evaluation**

1. A permit for excavation of profile holes is required as part of all site evaluations to establish a log of soil formations and groundwater level in an area that is within the proposed disposal and expansion area. The requirement for a profile permit may be waived when, in the opinion of the Department, there is sufficient existing data. Property corners shall be clearly marked for the profile inspector on all parcels less than two (2) acres in size.
2. A Qualified Professional shall assess all field investigation data and/or existing data to properly site all OWTS. The Qualified Professional shall identify related siting restrictions and design criteria to protect water quality and public health.
3. Field Investigations
  - a. Minimum effective soil depth. A minimum of four reasonably spaced profile trenches, two in the initial and two in the replacement area are required to define a disposal area. In areas where soils are known to be variable, or where the initial profiles demonstrate differing or variable soil conditions, additional profiles may be required. See Volume II for specific soil depth requirements. The United States Department of Agriculture (USDA) system of soils classification shall be used for the profile descriptions. Each profile log shall include ground slope, effective soil depth, estimated and observed depth to perched and/or permanent groundwater, and a description of each prominent soil horizon which includes: depth, moist color, texture, structure, consistency, field moisture, and estimated permeability. Other USDA soil horizon descriptions may be included along with other general comments. Horizon descriptions must be reported in the sequence prescribed by USDA.
  - b. Minimum depth to perched or permanent groundwater. The depth to water shall be based on observations of soil characteristics in the profiles including soil moisture and mottling.
  - c. Soil permeability based on percolation testing. A percolation rate of one-hundred twenty (120) mpi at proposed trench depth or faster is required for a standard system. Rates between one hundred-twenty one (121) and two hundred-forty (240) mpi require engineered system designs.

- d. Ground slope. Disposal areas in which the ground slope exceeds thirty (30) percent are unacceptable for standard systems. Ground slope in proposed disposal areas where capping fill is recommended shall not exceed twenty-five (25) percent unless special site specific erosion control and slope stability measures are specified by a qualified professional.
- e. Fill Banks. Disposal fields shall not be placed in fill banks.

## **CHAPTER 3 - LAND DEVELOPMENT/CREATION OF NEW PARCELS**

### **A. Land Development/Creation of New Parcels**

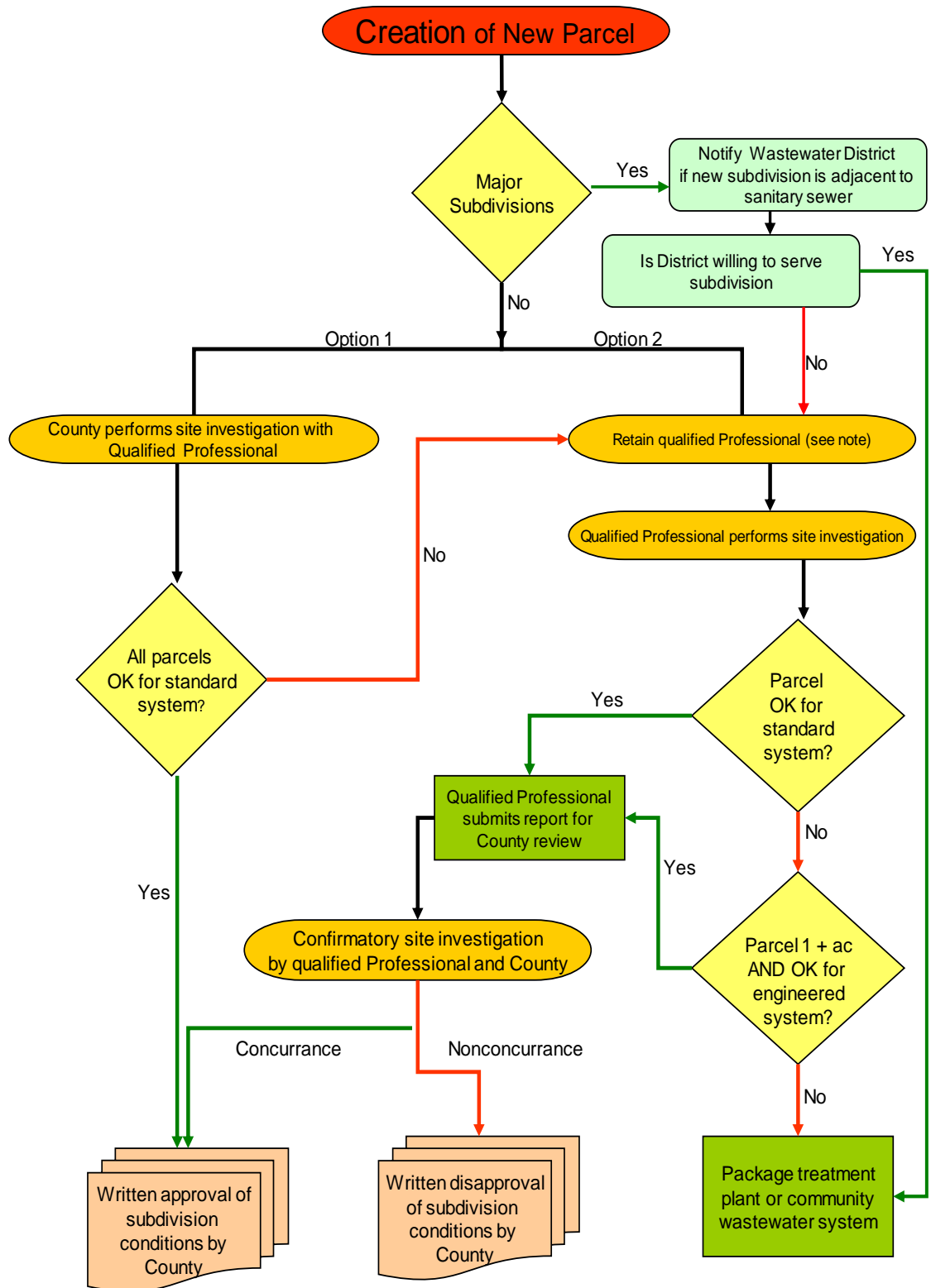
- 1. Minimum disposal area-creation of new parcels. Unless percolation testing is performed to demonstrate otherwise or the qualified professional's report recommends additional area, the minimum required disposal area for the creation of new parcels shall be twelve thousand (12,000) square feet. The minimum usable disposal area required relative to percolation rates for a single family home shall be as follows:

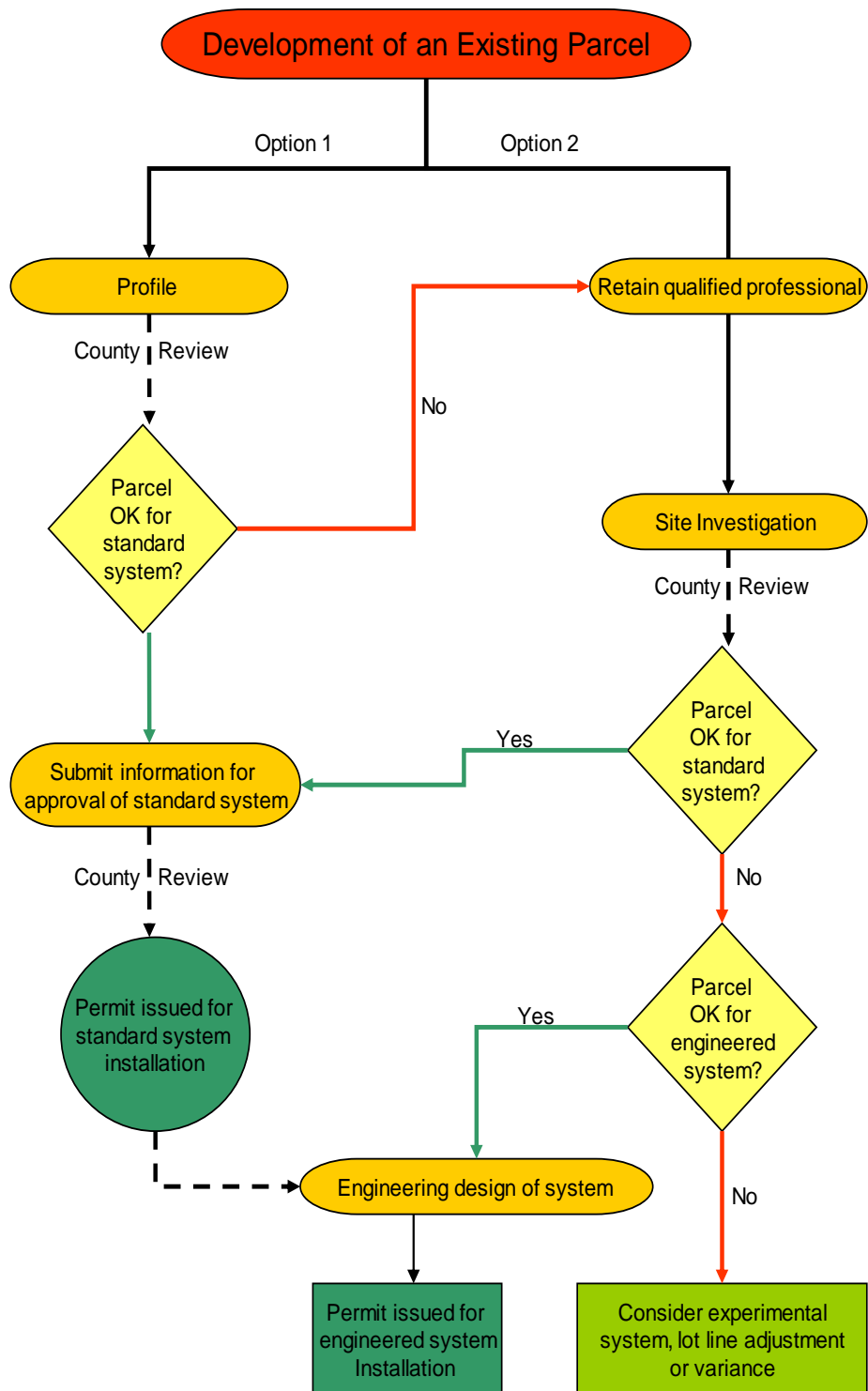
Percolation Rate (minutes/Inch/mpi)	Minimum Usable Disposal Area (ft <sup>2</sup> )* (new parcels)
101 - 120	18,000
81 - 100	16,000
61 - 80	14,000
41 - 60	12,000
21 - 40	10,000
5 - 20	8,000
5 - 10	6,000

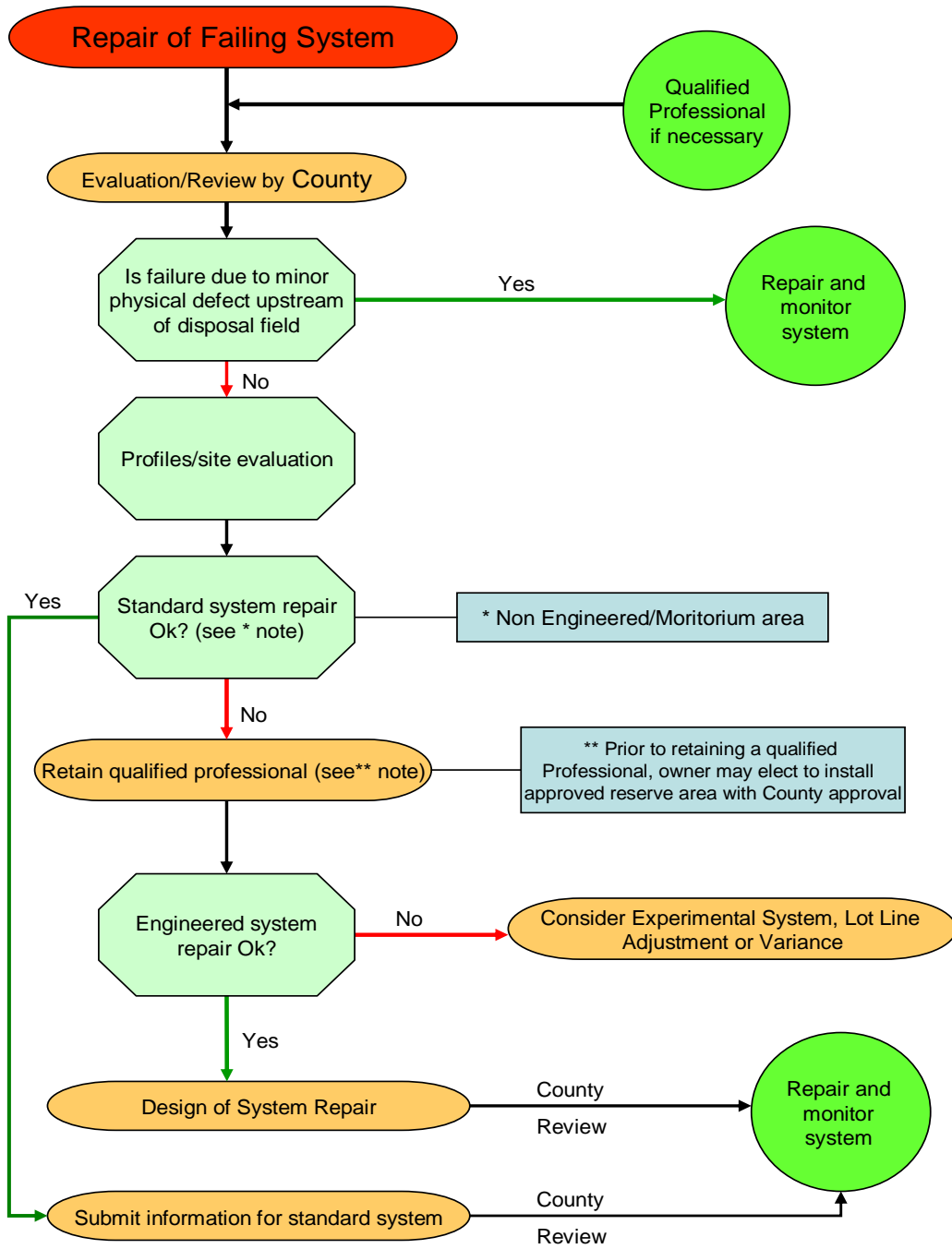
\*Includes a one-hundred (100) percent replacement area.

- 2. Reporting. The qualified professional shall submit to the Department a report which at a minimum includes the following items.
  - a. Certification. The report shall bear the registration number, expiration date and signature of the individual responsible and shall include a statement that the field investigations were performed in accordance with these regulations and that the conditions encountered in the profiles are representative of the conditions anticipated within the area identified.
  - b. Soil profile logs. The report shall include logs for all profiles excavated on the proposed land division during the site/soils investigations. The United States Department of Agriculture (USDA) system of soils classification shall be used for

- profile descriptions. Each profile log shall include ground slope, effective soil depth, estimated and observed depth to perched and/or permanent groundwater, and a description of each prominent soil horizon which includes: depth, moist color, texture, structure, consistency, field moisture, and estimated permeability. Other USDA soil horizon descriptions may be included along with other general comments. Horizon descriptions must be reported in the sequence prescribed by USDA.
- c. Percolation test data. The report shall include percolation test data sheets for all percolation testing performed on the proposed land divisions.
  - d. Location map. The report shall include a map of the proposed land division on which all of the excavated profiles and/or percolation test holes are approximately located. A print of the tentative map may be used for this purpose.
  - e. Groundwater conditions. The report shall indicate depth below the bottom of the proposed disposal trenches to the anticipated highest elevation of groundwater during the wettest months of a normal rainfall year.
  - f. Proposed disposal area sketches. For each lot/parcel the report shall include a sketch of the proposed disposal area, at a scale of one inch equals twenty feet (1"=20'), which accurately includes a north arrow, the proposed disposal area boundary, the location of all soils investigations within the disposal area boundaries, contours or slope arrows, other prominent topographical features, applicable setbacks, and a tie (bearing and distance) from one corner of the disposal area to the nearest lot/parcel boundary monument.
  - g. Recommendations. For each lot/parcel the report shall include recommendations for the disposal system which includes disposal trench width and depth, required length of disposal trench per bedroom, and the possible necessity of an engineered system designed by a qualified professional.
3. Department Review. Upon submittal of the report, the qualified professional shall schedule with the Department for a field inspection of the proposed disposal areas on each lot/parcel. This field inspection, which shall be performed jointly by the qualified professional and the Department, shall include the observation of at least two profiles each located within each proposed disposal area. Based upon a review of the report and upon observation of the profiles, the Department will issue a letter of findings to the applicant.
  4. It is not necessary to meet the Land Development/Creation of New Parcel requirements, when creating parcels of 40 acres in size or greater.









## **CHAPTER 4 - ALTERATION OF EXISTING SYSTEMS**

### **A. Permit Required**

An OWTS Permit shall be required for the addition, replacement, modification, or repair of any part of an OWTS. This does not include routine pumping and cleaning of the septic tank.

### **B. Modification Prohibited**

It is prohibited to modify a building or structure in a manner which changes the character of the wastewater discharged (quality or quantity) without obtaining a new permit which address those changes.

### **C. System Repairs**

Repairs of existing OWTS failures shall consider protection of public health paramount followed by protection of surface and groundwater quality.

1. All repairs of OWTS's shall comply with the requirements for standard systems wherever possible. If it is demonstrated that particular standard system requirements cannot be met, the design of repairs may follow the minimum guidelines for development of engineered systems. If it is not possible to meet the requirements for engineered systems, the design of an experimental system may be considered subject to the approval of the Agency Administrator.
2. Notification shall be made to the owner of the public well or water intake and the California Department of Public Health as soon as practicable, but no later than 72 hours, upon the discovery of a failing OWTS that is within the required setbacks to any public water supply as stated in Volume II, Chapter 4, Section D of this document.

### **Minor Repairs**

a. A minor repair is considered any alteration, repair, maintenance or replacement of solid piping within a standard, gravity OWTS. Any minor repair that includes the gravity tightline between the septic tank and disposal trench(s) or between the distribution box(s) and disposal trench(s) shall require a permit. All gravity tightlines between all disposal trenches requires a permit. Installation of cleanouts does not require a permit.

b. Any minor repair that includes the building sewer between the structure and the inlet to the septic tank does not require a permit. Installation or replacement of septic tank risers that do not affect the performance or integrity of the tank also does not require a permit.

c. Mechanical components that may also be repaired/replaced are not considered a minor repair and do not require a permit.

## **Major Repairs**

- a. A major repair is considered any alteration, repair or replacement of: 1) the septic tank, distribution box or any perforated piping within the disposal trenches of a standard, gravity OWTS, or 2) any portion or component of an engineered or supplemental treatment system except mechanical components. Repair of an existing engineered system requires submittal of design plans from a qualified professional for approval. Replacement of perforated piping only within a gravity OWTS is not recognized as a repair. A permit is required for all major repairs.
- b. When an existing gravity OWTS has only one disposal trench, and any portion of the perforated pipe/drain rock has been impacted by roots, then a new disposal field shall be constructed.
- c. When records confirm that an existing gravity OWTS has multiple disposal trenches and where only the first trench is impacted by roots or is otherwise saturated, all remaining trenches may be connected to accept effluent. Additional disposal trench shall be installed to replace the portion that was abandoned and shall take into consideration equivalent liner feet. Whenever possible, distribution box (s) shall be used to distribute effluent to all remaining disposal trenches. The remaining disposal trenches must be in proper working condition. Existing trenches must meet current soil and site requirements. A Qualified Professional will be required to submit plans for approval in required areas.
- d. When a repair permit is issued, only that portion or component of the existing system that is failing or causing the failure shall be required to be repaired. Issuance of a permit for repair must be accompanied by written determination and confirmation by the homeowner, qualified professional or OWTS inspector.
- e. Covers on concrete septic tanks that are in disrepair shall be replaced with new concrete covers or water tight risers. If any septic tank shows signs of deterioration to the point it may no longer be water tight, the entire tank must be replaced under permit as issued by the Department.
- f. Separated systems may be considered in the repair concept for failing systems to dispose of waste from sinks, lavatories, and showers where approved means are used to dispose of wastewater. Separated system design shall conform to the California Plumbing Code, Appendix G - Graywater Systems.
- g. Composting or incinerating toilets may be approved by the Agency Administrator as an experimental system on an individual basis and only as a means of providing relief for a failing existing system.
- h. Water meter installation shall be considered in the repair plan for failing disposal fields.
- i. Low flow plumbing fixtures, pressure reducers and other means of reducing wastewater flow shall be considered for all system repairs. Where the repair strategy is based on lower design flows, a water meter, effluent meter or other approved method of documenting wastewater

quantities may be installed and monitored when required by the Department. Verification of installation of low flow fixtures must be made by the qualified professional. Such verification shall be demonstrated to the Department.

j. Vault toilets and complete containment systems may be approved by the Agency Administrator on an individual temporary basis as a means of providing interim abatement for a failing system, provided a contract for routine off-haul of the vault contents is obtained from a registered hauler as support for the proposed repair scheme. The use of this interim measure may not exceed one (1) year. The vault shall be equipped with high water alarms approved by the Department.

In addition to system failure, nothing in these regulations shall prohibit the use of containment systems on a temporary basis not to exceed one (1) year as a result of extraordinary circumstances.

#### **D. Bedroom Additions**

1. Expansion of an existing gravity fed OWTS installed under permit in conformance with regulations applicable at the time of installation but found to not be in conformance at the time of proposed expansion must be upgraded to meet the current regulations. The Agency Administrator may however grant an exception to this requirement on a case by case basis as it applies to the following; where an existing permitted gravity fed OWTS is found to be functioning adequately, the addition of not more than one (1) bedroom-equivalent may be permitted without OWTS alteration provided the following:
  - a. Submittal of a satisfactory inspection report from an OWTS Inspector.
  - b. Dwelling plumbing is entirely retrofitted with 1.28 gal/flush water closets and (1.8) gpm (maximum) faucet fixtures. The agency administrator may however grant an exception where existing water closets are 1.6 gal/flush and faucet fixtures are 2.0 gpm.
  - c. Excavation of soil profile holes and site evaluation to identify 100% expansion area to accommodate the renovated dwelling, (permit required). If soil and site conditions require an engineered system, a qualified professional shall be required to submit plans for the reserved disposal field replacement OWTS prior to approval.
  - d. Submittal of a properly completed Indemnification Form.
2. Expansion of an existing engineered OWTS requires the submittal of design plans by a qualified professional for approval. Upon approval, the OWTS expansion shall be constructed prior to Building Department permit approval. The OWTS design must accommodate the proposed expansion.

#### **E. Abatement Required**

The Agency Administrator may prescribe the use of alternative materials and specifications when and where necessary to protect public health and safety and prevent environmental degradation. The Agency Administrator shall take whatever steps necessary to protect public health and safety and prevent environmental degradation including, in extreme cases, requiring

abandonment and/or condemnation of the dwelling for continued chronic failures. Nothing in these Rules and Regulations shall diminish the authority of the Health Officer to enforce the provisions of the Health and Safety Code.

## **CHAPTER 5 - AREAS OF SPECIAL CONSIDERATION**

### **A. Designation**

Based upon a finding of limited effective soil depth, very shallow groundwater, documented impacts on surface or groundwater quality, or chronic difficulties with recurring disposal field failures, the Agency Administrator in concurrence with the Board of Supervisors may designate an Area of Special Consideration. Within such areas, the design of OWTS's will require more careful evaluation and coordination with the Department to avoid additional future problems.

### **B. Additional Requirements**

Additional site investigation and design requirements may be considered by the Agency Administrator in concurrence with the County Board of Supervisors in designating Areas of Special Consideration, over and above the requirements for other areas of the County.

### **C. State Jurisdictions**

In addition to the County established Areas of Special Consideration, the California Regional Water Quality Control Board – Central Valley Region may adopt particular requirements which govern OWTS management within a particular area. Such action could include establishment of moratorium areas for all new OWTS's, a prohibition on waivers to the requirements of the Basin Plan, or other such action. Where such action is taken by the Regional Water Quality Control Board, it shall be considered a violation of these regulations to take any action contrary to the State order.

These regulations do not preclude the County from entering into any agreement or Memorandum of Understanding (MOU) with the State Water Resources Control Board or Regional Water Quality Control Board – Central Valley Region as it applies to design, installation and monitoring of OWTS's.

### **D. Rebuild Requirements**

When a structure is to be rebuilt due to fire or other natural disaster, and it is serviced by an existing OWTS, the following requirements shall apply:

1. If County records exist that demonstrate the type, size, and location of a properly inspected OWTS, a structure can be rebuilt without further requirements.
2. If there are no existing County records, then the following items are required for approval:
  - a. Submittal of a satisfactory inspection report from an OWTS Inspector.
  - b. Submittal of a properly completed Indemnification Form.

- c. Excavation of soil profile holes and site evaluation to identify 100% expansion area to accommodate the rebuilt dwelling, (permit required). If soil and site conditions require an engineered system, a qualified professional shall be required to submit plans for the reserved disposal field replacement OWTS prior to approval.

The rebuilt structure shall be sized (number of bedrooms) according to the parameters of the existing OWTS. If additional bedrooms are to be added to the original design, the bedroom addition requirements shall prevail. If a larger structure is to be built resulting in an increase of the structural footprint, the applicant shall provide proof that the existing OWTS will not be adversely impacted and that 100% expansion area is available.

### **E. Graywater Systems**

Graywater systems can be utilized to dispose of untreated waste water which has not come into contact with water closet waste. Graywater includes used water from bathtubs, showers, bathroom wash basins, clothes washing machines or an equivalent discharge as approved by the Administrative Authority. Graywater system design shall conform to the California Plumbing Code, Appendix G – Graywater Systems.

**CALAVERAS COUNTY**  
**RULES AND REGULATIONS**  
**FOR**  
**ONSITE WASTEWATER TREATMENT SYSTEMS**

**VOLUME II - DESIGN STANDARDS**

**RESOLUTION 92-259**

**AS AMENDED BY**

**RESOLUTION 93-45, 94-195, 10-147, 12-113, 1834 and 20170314r039.**

March 14, 2017

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## **VOLUME II - DESIGN STANDARDS**

### **CHAPTER 1 - GENERAL**

#### **A. Location**

The location, installation and maintenance of the OWTS and each part thereof shall be such that it will function in a sanitary manner and will not create a nuisance or endanger the quality of any water. Consideration shall be given to the size and shape of the lot, location of building, slope of ground surface, soil depth and character, depth to groundwater, proximity of existing and/or future water supplies and expansion of system or connection to future public wastewater delivery systems.

#### **B. Lot Size**

Net useable area shall be identified demonstrating that lot size is sufficient to permit proper location, installation and operation of the OWTS. The average daily quantity of wastewater, the character of surface and subsurface land features, and the source of the water supply will determine the necessary lot size. Minimum lot size as expressed in net area must be sufficient to provide compliance with all setback requirements as defined in these regulations.

#### **C. Design Considerations**

Design of the OWTS shall include the following considerations:

1. The OWTS shall be designed to receive all domestic wastewater from the property. No basement, footing or surface drainage or regeneration discharge from water softeners shall be permitted to enter any part of the OWTS.
2. Where all requirements may be met and available area permits, the OWTS shall consist of a standard system.
3. All designs submitted shall contain complete and accurate information to allow the Department to fully evaluate the suitability of the proposed system for the intended site.
4. The minimum number of bedrooms used in sizing an OWTS shall be two (2).

### **CHAPTER 2 - SITE EVALUATION PROCEDURES**

#### **A. General Requirements**

Site evaluations for determining the suitability of a parcel for OWTS disposal shall consist of mapping, soil mantle profile testing, percolation testing and/or other site evaluation procedures that may be deemed appropriate by a qualified professional. Testing performed prior to the

adoption of the last revised and adopted version of these regulations may be acceptable if performed and recorded in conformance with the requirements of these regulations.

## **B. Soil Profile**

### **1. Location**

At least four profile holes are required, two in the primary disposal area, and two in the expansion/replacement area.

### **2. Dimensions**

Profile holes must be at least twenty-four (24)-inches wide. A thirty-six (36) inch width is preferred. The hole shall be excavated by mechanical means to a minimum depth of eight (8) feet or practical refusal. On one side of the excavation, a three (3) foot wide "shelf" shall be constructed at a depth between fifty-four (54) and sixty (60) inches. A ramp at a maximum slope of two and one half (2 ½) to one (1) shall be constructed to allow access to the "shelf" area for direct observation of the soil profile. A sketch of a typical profile hole follows. In caving soils the "shelf" and access ramp may be omitted.

Profile-hole development shall comply with safety requirements set forth in Title 8 of the California Code of Regulations.

### **3. Soil Mantle Log**

The qualified professional when applicable shall prepare a detailed and complete log of soil, rock and moisture conditions encountered for each profile hole. United States Department of Agriculture (USDA) classification methods shall be used. Soil samples may be collected as necessary for laboratory analysis.

### **4. Reporting**

A qualified professional when applicable shall submit soil mantle profile testing results to the Department together with the following information:

- a. date of testing.
- b. the approximate location and orientation of each profile.
- c. the slope and direction at each profile.
- d. a description of the prominent soil horizons including depth, estimated volume of rock fragments, texture, color, mottles, structure, field moisture, consistency, presence of clay films, estimated permeability and boundary description for each profile.

- e. estimated effective soil depth of each profile.
- f. estimated or actual depths to temporary and permanent groundwater tables.
- g. The signature and seal of the responsible qualified professional when applicable.

### **C. Percolation Testing**

Following County review of the results and recommendations from the soil mantle profile testing in item C.4., above, the County may waive the requirement for percolation testing. Where percolation testing is waived, OWTS design shall be based on the approved design criteria from the soil mantle investigations. Designers are advised that percolation testing is used as a tool for site evaluation and not necessarily as an absolute rule for justifying the suitability of an area. Modification of the percolation testing depth or procedures may be required in unusual circumstances. When the requirement for percolation testing is not waived, procedures shall conform to the following:

#### **1. Location**

A minimum of six percolation tests must be performed including three in the primary area and three in the reserve area. Additional testing may be required when the results of the initial testing indicate highly variable percolation rates.

#### **2. Dimensions**

- a. Percolation test holes shall be eight (8) inches in diameter. As near as the actual soil conditions permit, the sidewalls of the test hole shall be vertical and the bottom shall be horizontal.
- b. The depth of a percolation test hole shall be measured from a straight edge placed parallel to the slope of the ground over the center of the hole to the bottom of the hole.
- c. The minimum average hole depth shall be equal to or greater than the maximum disposal system trench depth, measured from the greatest trench sidewall depth. The number of holes deeper than the trench bottom depth shall be equal to or greater than the number of holes shallower than the trench bottom depth.
- d. The minimum depth of an actual test hole placed in the bottom of a larger hole, such as a backhoe cut, shall be twelve (12) inches.

#### **3. Hole Preparation**

The bottom and sides of the test hole shall be scarified to remove smears and areas of compacted soil. All loose material shall be removed from the test hole. Either a four (4) inch or six (6) inch diameter perforated pipe shall be centered in the hole and surrounded by pea gravel to a

minimum depth of twelve (12) inches. The pea gravel need not be placed over the bottom of the hole inside the pipe.

#### 4. Presoak

A minimum water depth of twelve (12) inches shall be maintained in the test holes for a minimum of four (4) hours, between twelve (12) and twenty-four (24) hours prior to testing. Water should be added to the hole along the outside of the pipe.

#### 5. Percolation Test Apparatus

Water level readings shall be made using a separate fixed flotation device for each hole. A sketch of one type of device is attached, however, other types of apparatus may be accepted.

#### 6. Test Procedure

The test hole shall be filled / adjusted to a water depth of between six (6) inches and eight (8) inches above the bottom of the hole. Water level readings shall generally be taken and recorded at thirty (30) minute intervals for four (4) hours or until three successive readings vary by no more than one-sixteenth (1/16) of an inch. A minimum of three readings shall be taken. The water level shall be adjusted whenever a reading indicates that the water level is less than six (6) inches above the bottom of the hole.

The time interval between measurements may be adjusted to be shorter for faster percolation rates or longer for slower rates to allow the water depth to be maintained between six (6) inches and eight (8) inches above the bottom of the hole.

#### 7. Rate Calculation

The percolation rate is calculated for each test hole by dividing the time interval used between measurements by the magnitude of the smallest of the final three successive readings of water level drop. The calculated results for a percolation rate shall be expressed in terms of mpi.

#### 8. Reporting

a. The percolation data sheet shall, at a minimum, contain the following information:

- (1) Lot number, subdivision and APN.
- (2) Signature and seal of responsible qualified professional and name of person conducting test(s).
- (3) Date of test.
- (4) Depth of holes.

- (5) Units of measurements.
- (6) Gravel-pack pipe size if other than four (4) inch diameter.
- (7) A reasonable method of tabulation for recording the data.
- (8) A brief sketch showing the relative location of the test holes (may be placed on the back of the data sheet) with a tie to a known point (such as a property corner) which will also be referenced on the plot plan.
- (9) Third Party Review.

Third party testing and/or review may be required at the discretion of the Agency Administrator.

### **CHAPTER 3 - DESIGN DOCUMENTS**

#### **A. Mapping**

##### 1. Accuracy

All mapping of OWTS areas shall be sufficiently accurate to allow for adequate design, plan review and construction. The minimum accuracy is plus or minus one (1) foot horizontal location and plus or minus one tenth (0.1) foot vertical location. For large parcels [over five (5) acres], less accurate mapping is acceptable for the entire parcel provided more detailed mapping is provided in the immediate area of the building(s) and OWTS.

##### 2. Basis of Plans

While every effort should be made to locate four recorded monuments, a minimum of at least two (2) recorded monuments shall be used as a basis for plan preparation (all recorded monuments shall be designated as being found or not found on the plans).

##### 3. Scale

For parcels less than three-fourths (3/4) acres in size the scale shall be one (1) inch equals ten (10) feet and for all larger parcels the scale may be either one (1) inch equals ten (10) or twenty (20) feet.

##### 4. Contour Interval

Sufficient field survey data shall be taken for the accurate plotting of existing contour lines as follows:

- a. For plans with a one inch equals ten feet (1" = 10') scale and an average slope of less than ten (10) percent, and plans with a one inch equals twenty feet (1" = 20') scale and an average slope less than five (5) percent the contour interval shall be two (2) feet.

- b. Otherwise, the contour interval may be five (5) feet or two (2) feet.
- c. All bench mark location(s) and all established reference points must be accurately noted.

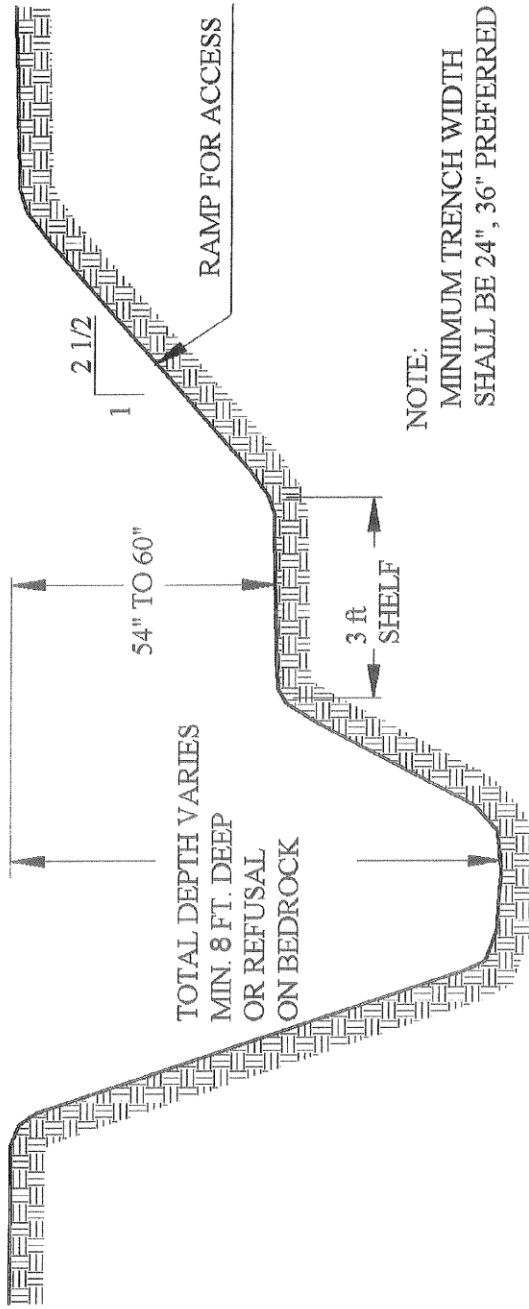
5. Features to Be Identified

- a. Indicate the location of property lines, all profile excavations and percolation tests, easements, proposed wastewater disposal area including expansion area, trees greater than twelve (12) inches in diameter located in the proposed disposal areas, proposed building locations, driveways, edge of paved road(s), and cut banks and fill banks with vertical height noted in one (1) foot increments.
- b. Indicate the location of each of the following which are located on the property or within the distances specified outside of the property lines:

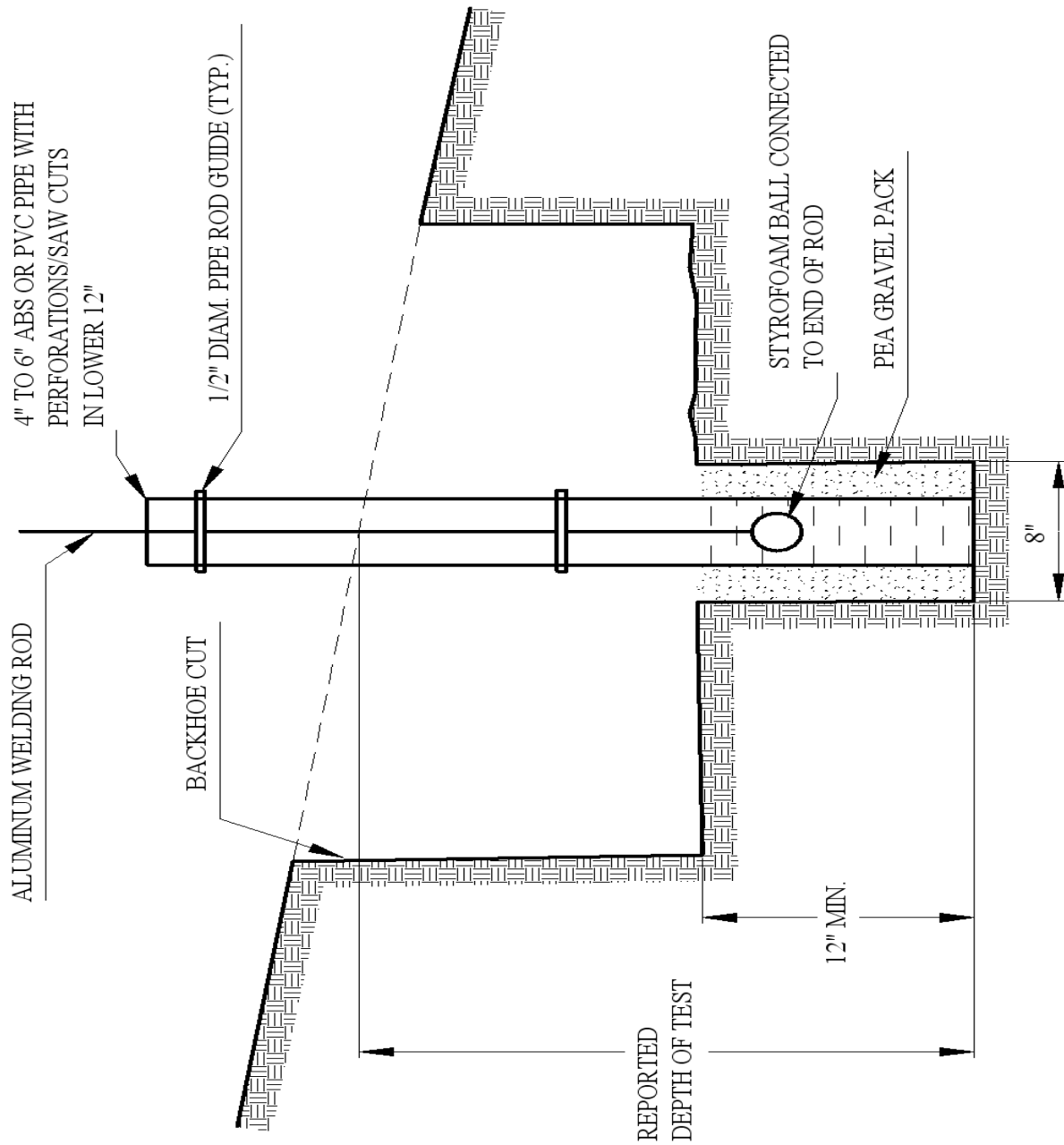
edge of culvert, or seasonal drainage course	50 feet
water supply well	100 feet
pond, lake or reservoir	200 feet
flowing stream or river with pretreatment*	50 feet
flowing stream or river without pretreatment*	100 feet

\* Distance to be measured from one-hundred (100) year floodplain if available. In cases where floodplain data is not available, distance to be measured from the known high water mark.

- c. Other surface features on the property or on nearby property which may affect the siting, design or operation of the OWTS.



Calavers County Onsite Wastewater Department  
Typical Profile Hole



**Calaveras County  
Onsite Wastewater Department  
Typical Percolation Test Apparatus**



## **CHAPTER 4 - ONSITE WASTEWATER TREATMENT SYSTEM COMPONENT DESIGN REQUIREMENTS**

### **A. Building Plumbing**

1. All building plumbing shall be installed in accordance with the California Plumbing Code, latest edition, as interpreted by the Calaveras County Building Official.

### **B. Septic Tanks**

1. Plans for all prefabricated septic tanks shall be submitted to the Calaveras County Onsite Wastewater Treatment Department for approval. Such plans shall show all dimensions, reinforcing, structural calculations and such other pertinent data as may be required.

2. All concrete septic tanks intended for use in the County shall be monolithic and shall be constructed of sound durable material. Non-concrete tanks may be constructed of IAPMO approved or equivalent materials not subject to excessive corrosion or decay. All tanks shall be watertight such that when filled to operating depth there is no measurable drop in water surface over a twenty-four (24) hour test period. Each such tank shall be structurally designed to withstand all anticipated earth or other loads and shall be installed level and on a solid bed. In high groundwater areas, septic tanks shall be filled immediately to prevent floatation when empty.

3. The minimum compressive strength of any concrete septic tank wall or floor shall be two-thousand (2,000) pounds per square inch. Concrete septic tank covers shall be reinforced and shall have a minimum compressive strength of twenty-five hundred (2,500) pounds per square inch. All septic tank covers shall be capable of supporting an earth load of not less than three-hundred (300) pounds per square foot when the maximum coverage does not exceed three (3) feet.

4. Septic tanks shall have a minimum of two (2) compartments. The inlet compartment of any septic tank shall not be less than two-thirds (2/3) of the total capacity and length of the tank. Access to each compartment shall be provided by a manhole twenty-two (22) inches in minimum dimensions. Access risers to manholes shall extend to the ground surface. The ground surface immediately surrounding the septic tank shall be graded to prevent surface water from ponding over or entering the septic tank.

5. The recommended liquid depth of the septic tank shall be four and one half (4 1/2) feet with a maximum depth of six (6) feet. The length of the septic tank shall be at least two (2) times the width. The air space above the liquid depth shall be approximately one (1) foot. There shall be a clearance of two (2) inches between the cover and all partitions and baffles.

6. The specifications and installation procedures for cast-in-place septic tanks shall be determined by a Registered Civil Engineer.

7. A four (4) inch inlet tee shall be vented, sized as per the California Plumbing Code, and shall extend approximately six (6) inches above the water surface and twelve (12) inches below the water surface of the tank.
8. A four (4) inch outlet tee shall be vented, and extend at least six (6) inches above and eighteen (18) inches below the water surface.
9. The invert of the inlet pipe shall be at least two (2) inches above the invert of the outlet pipe.
10. Design of the septic tank shall assure uniform horizontal wastewater flow throughout its entire length. (Side connections to septic tanks may be approved if located within one (1) foot of the end of the tank.)
11. The septic tank shall be at least five (5) feet from a property line or a structure.
12. The septic tank shall be located to provide access for maintenance and cleaning (pumping) equipment.
13. The required minimum capacity of the septic tank for dwellings shall be based on the number of bedrooms contemplated or existing. The following table shall be used for computing septic tank capacities for dwellings.

<u>Number of Bedrooms</u>	<u>Capacity</u>
a. 2–3 bedrooms	1200 gallons
b. 4 bedrooms	1500 gallons
c. 5 bedrooms	2000 gallons

14. Multiple family residences and apartment houses shall have no more than four (4) units per septic tank without approval of a package treatment plant or an engineered system by the County and the Regional Water Quality Control Board – Central Valley Region.
15. Required septic tank size for commercial establishments or multiple family residences shall be one-thousand, five-hundred (1,500) gallons or one-thousand, one-hundred twenty-five (1,125) gallons + 0.75Q (where Q equals maximum daily flow), whichever is greater. Large septic tanks [over two-thousand, five-hundred (2,500) gallons] shall be designed to reduce solids washout during peak flows.
16. Where specific flow information is not available, alternative sources of information, including the EPA Manual “Onsite Wastewater Treatment and Disposal Systems”, Appendix I of the latest edition of the California Plumbing Code, Small and Decentralized Wastewater Management Systems by Crites/Tchobanoglous or the following Wastewater Flow Table may be used as guidelines for non-residential establishments:

<u>Type of Establishment</u>	<u>Gallons per Capita per Day (gpcd)</u>
1. Rooming Houses	50 gpcd
2. Boarding Houses	60 gpcd
3. Motels without private baths	50 gpcd
4. Hotels with private baths	60 gpcd
5. Restaurants (use highest figure)	25 gpcd or 75 gal/seat
6. Restaurants and Cocktail Lounges	35 gpcd or 100 gal/seat
7. Bars or Cocktail Lounges	20 gal/seat
8. Tourist Camps with central bath house	60 gpcd
9. Tourist Camps with individual bath units	75 gpcd
10. Luxury Camps	100 gpcd
11. Work or Construction Camps (semi permanent) (per shift)	50 gal/person/shift
12. Day camps (no meals served)	30 gpcd
13. Schools without cafeterias, gyms and showers	30 gpcd
14. Schools with cafeterias, gyms and showers	50 gpcd
15. Boarding Schools	100 gpcd
16. Day Workers at Schools and Office Buildings	30 gpcd
17. Hospitals (per bed)	250 gal/per bed
18. Institutions other than Hospitals (involuntary)	175 gal/per bed
19. Factories per shift, with food facility (exclusive of industrial wastes)	25 gpcd
20. Factories per shift, without food facility (exclusive of industrial wastes)	15 gpcd
21. Picnic Parks (toilet wastes only) (gallons/picnicker)	25 gpcd
22. Picnic Parks w/bath house, showers flush toilets	40 gpcd
23. Swimming pool and bath houses	25 gpcd
24. Country Clubs, per resident member	100 gpcd
25. Motels, per bed	50 gpcd
26. Motels (w/kitchens), per bed	60 gpcd
27. Drive-in Theatres, per car space (including snack bar)	10 gpcd
28. Movie Theatres, per auditorium seat (including snack bar)	10 gpcd
29. Airports, per passenger	50 gal/plumbing fixture
30. Self-service laundries, per machine	400 gal/machine
31. Stores, per toilet fixture (employee and public use)	50 gal/fixture
32. Service Stations (per vehicle served)	10 gpcd
33. Public gathering (auction, ball games, fairs, etc.)	10 gpcd
34. Food Preparation (wholesale)	250 gal/employee/shift
35. Churches – no kitchen	5 gal/seat
36. Churches – with kitchen	10 gal/seat
37. Kennels (use highest total)	16 gal/cage or 10 gal/dog
17. Fiberglass or polyethylene septic tanks shall be IAPMO approved or equivalent.	

#### 18. Installation of Septic Tanks

- a. Tanks are to be installed on a solid base and shall be level. The tank shall have removable covers or manholes and access risers. The combination of tank covers and access risers must be constructed and attached to the tank in such a manner as to preclude infiltration

of surface water into the tank. Risers shall be at least twenty-four (24) inches in minimum dimension and shall be bolted securely in place. All access risers shall have water tight lids that are securely bolted in place. The lids must also prevent release of gases.

- b. The minimum depth of soil cover on a septic tank shall be twelve (12) inches. There is not a maximum depth of soil cover on a septic tank. Depths in excess of thirty-six (36) shall require an assessment by a Registered Civil Engineer.
- c. Backfilling around a septic tank shall be accomplished in a manner to prevent settlement and avoid undue strain on the tank and the pipes entering and leaving the tank. Cast iron pipe or high strength plastic pipe (Sch. 40 PVC or Sch. 40 ABS) shall extend from the septic tank for a distance of at least five (5) feet from the inlet and outlet ends and must be adequately supported to prevent failures as a result of settling.
- d. Fiberglass or polyethylene tanks shall be filled to the top with water to prove water tightness before the tank is backfilled.
- e. Fiberglass or polyethylene tanks shall be installed as per manufacturer specifications and instructions.

#### 19. Destruction of a Septic Tank

When a septic tank is to be destroyed in place, the tank shall be pumped by a County recognized registered pumper. The tank shall then be destroyed in a manner to prevent accumulation of water and backfilled with sand or clean soil.

#### 20. Grease Interceptor

A grease interceptor shall be required whenever any commercial food establishment or any other establishment produces quantities of grease greater than the normal content produced in domestic wastewater. If part of a public wastewater delivery system, the grease interceptor must be approved by the local utility.

### **C. Disposal Trenches**

#### 1. Disposal Trench Configuration

Disposal trenches in the disposal field shall be of the same width and shall meet the following:

- |   |                         |
|---|-------------------------|
| a. Maximum length of individual gravity fed disposal trenches | 100'                    |
| b. Minimum width of trench                                    | 12"                     |
| c. Maximum grade of gravity fed distribution pipes            | 3" per 100'             |
| d. Preferable grade of gravity fed distribution pipes         | 2" per 100'             |
| e. Minimum distance between trenches:                         | 10 ft. center to center |
| - May be reduced for repairs, minimum distance:               | 7 ft. center to center  |

- |  |     |
|--|-----|
| f. Minimum depth of filter material below distribution pipe  | 6"  |
| g. Minimum depth of filter material over distribution pipe   | 2"  |
| h. Minimum soil depth below trench bottom over filter material including capping fill material if any varies with design |     |
| i. Minimum depth of soil cover   | 12" |
| j. Maximum depth of soil cover   | 30" |

Reductions in trench spacing may be considered on a case by case basis by the Agency Administrator.

## 2. Observation wells

Observation wells shall be placed at each end of each continuous disposal trench. The well shall be solid plastic pipe with cap, a minimum of four (4) inches in diameter and slotted or perforated in the gravel horizon of the trench. The observation well pipe shall extend through drainrock to bottom of trench or bed and also extend a minimum of six (6) inches above finished grade or shall be set slightly below finished grade and marked with a ferrous rod which has a minimum length of twelve (12) inches and a minimum diameter of three-eighths (3/8) of an inch.

## 3. Distribution Pipes

- a. The perforated distribution pipe for gravity-fed standard OWTS's shall be of four (4) inch inside diameter of Acrylonitrile-Butadiene-Styrene (ABS), clay, concrete, polyethylene (PE), polyvinyl chloride (PVC) (1,000 pound minimum crush) with American Society for Testing and Materials (ASTM) approved and in accordance with California Plumbing Code (CPC) standard, or equivalent.
- b. Perforations shall be five-eighths (5/8) inch diameter and placed down in the trench. Ends of distribution pipe shall be capped.
- c. When pressure pipe is used, it shall be specified by the qualified professional and designed for the particular application with a design pressure rating greater than one and one half (1-1/2) times the maximum working pressure. The minimum standard shall be equal to ASTM schedule 40 PVC. PVC pressure lateral risers (inspection risers) shall be protected by being placed in a sleeve pipe or yard box or shall be set slightly below finished grade and marked with a ferrous rod which has a minimum length of twelve (12) inches and a minimum diameter of three-eighths (3/8) of an inch. Lateral risers shall be equipped with a forty-five (45) degree elbow or sweep.
- d. Distribution pipes shall not be placed under concrete, blacktop, roadway or structures. If necessary to cross under such construction, water tight lines of material acceptable for the house sewer shall be used. Orangeburg pipe or concrete jointed pipe is not acceptable for such crossings.

## 4. Filter material

Filter material shall be graded and washed rock or other approved material. Not more than five (5) percent by weight shall pass a number ten (10) sieve.

- a. Rock used for filter material shall be three-quarter (3/4) to two and one-half (2-1/2) inches in diameter.
- b. Filter material shall be free of twigs, leaves or other organic debris.
- c. The filter material shall be protected from the soil backfill by untreated building paper, filter fabric or other approved materials.
- d. Before placing filter material in a trench, all smeared or compacted surfaces shall be raked, and loose material removed. Walking in disposal trenches is strongly discouraged as foot traffic can have the effect of compacting infiltrative surfaces impeding permeability.

#### **D. Setback Requirements**

1. The minimum setback distance from the components of an OWTS shall be as follows:

<b>Minimum Horizontal Distances Required From</b>	<b>Septic Tank &amp; Other Treatment Units</b>	<b>Disposal Field &amp; Other Disposal Units</b>	<b>Measured From</b>
Any water supply well (private)	100' <sup>(1)</sup>	100'	Center of well
Any water supply well (public)	150'	150'	Center of well
Water supply pipes (on-site)	10'	10'	Center of pipe
Flowing streams (2)	50'	100' <sup>(3)</sup>	10-yr flood line
Private lake or reservoir	50'	200' <sup>(4)</sup>	Normal high water line
Public water supply, lake, reservoir or flowing water body	200'	200' <sup>(14)</sup>	(high water mark)
Property line < five acres	10'	10' <sup>(5)</sup>	Edge of tank or trench/bed
Property line > five (5) acres	50' <sup>(12)</sup>	50' <sup>(12)</sup>	Edge of tank or trench/bed
Buildings or structures on continuous or pier foundations	5' <sup>(13)</sup>	10' <sup>(6)</sup>	Outside edge of foundation
Distribution box	3'	5'	Edge of box
Disposal Field	5'	-	Edge of trench/bed
Seasonal drainage course	25'	50' <sup>(7)</sup>	Edge of bank
Driveway, patio or other hard surface (9)	- (8)	10 (9)	Edge of feature
Cutbanks	10'	4 x ht. (10)	Top edge of cut
Utility/Road easements	- (11)	- (11)	Outside line of easement
Swimming Pools	10'	25'	Outside edge of pool

Where the effluent disposal area is within 1,200 feet from a public water systems' surface water intake and within the catchment of the drainage, the disposal area shall be no less than 400 feet from the high water mark of the lake, reservoir or flowing water body.

Where the effluent disposal area is located more than 1,200 feet, but less than 2,500 feet from a public water systems' surface water intake and within the catchment area of the drainage, the disposal area shall be no less than 200 feet from the high water mark of the lake, reservoir or flowing water body. All minimum distances shall be measured on the horizontal.

- (1) Setback may be reduced from one-hundred (100) to fifty (50) feet for repairs on parcels developed prior to February 15, 1990.
- (2) Setbacks may be reduced to those associated with a Seasonal Drainage Course provided that the stream does not flow continuously and the upslope drainage basin of the stream is less than six-hundred forty (640) acres.
- (3) The Agency Administrator may approve a setback of fifty (50) feet when the disposal field is preceded by a Department approved pretreatment unit, based upon a written site specific evaluation-provided by a qualified professional.
- (4) Staff may consider/approve a setback of one-hundred (100) feet on a case by case basis. The Agency Administrator may approve a setback of fifty (50) feet when the disposal field is preceded by a Department approved pretreatment unit, based upon a written site specific evaluation provided by a qualified professional.
- (5) When the effective soil depth is less than thirty-six (36) inches, the setback to down slope adjacent parcel property line shall be fifty (50) feet, unless otherwise recommended by a qualified professional based on a site specific evaluation. The Agency Administrator may approve a setback of five (5) feet based upon a site specific evaluation.
- (6) Setback may be reduced to five (5) feet from deck piers. Tanks may be placed on the inside edge of deck piers when it can be demonstrated that there is clearance for servicing of tank and the installation will not compromise the structural integrity of the pier(s) as confirmed by a qualified professional. These shall be considered on a case by case basis only.
- (7) The minimum setback to a naturally occurring seasonal drainage course may be reduced to twenty-five (25) feet when the drainage is routed in non-pressure rated piping (such as corrugated metal pipe). The minimum setback to a man-made seasonal drainage course may be reduced to ten (10) feet when the drainage is routed through an approved high density polyethylene or other approved water tight material. A design for the drainage structure shall be developed by those qualified professionals that are licensed by the State of California to size drainage structures and shall be developed pursuant to the Calaveras County Public Works department standards. A design for the drainage structure shall be submitted together with the OWTS design for review and approval. Agency Administrator may approve a setback of twenty-

five (25) feet when the disposal field is preceded by a Department approved pretreatment unit, based upon a written site specific evaluation provided by a qualified professional.

(8) Septic tanks installed under hard surfaces shall have manhole risers to grade and shall be designed for maximum anticipated vehicle load.

(9) Setback may be reduced to five (5) feet where site/soil conditions are suitable for the installation of a standard system.

(10) For cut-banks where the effective soil depth is less than forty-eight (48) inches the minimum setback shall be fifty (50) feet, unless otherwise recommended by a qualified professional based on a site specific evaluation. For cut-banks where the effective soil depth is forty-eight (48) inches or greater, maximum required setback shall be fifty (50) feet.

(11) Treatment and disposal units shall not be placed in an easement unless otherwise authorized and approved by said utility or other authorized authority.

(12) The agency Administrator may consider/approve a reduction in the 50' setback for repairs on a case by case basis.

(13) Tanks may be placed on the inside edge of deck piers when it can be demonstrated that there is clearance for servicing the tank and the installation will not compromise the structural integrity of the pier(s) as confirmed by a qualified professional.

Reductions in setbacks may be considered on a case by case basis by the Agency Administrator.

### **E. Distribution Boxes**

1. Distribution boxes shall be constructed of concrete, plastic, fiberglass or other decay resistant materials approved by the Department.
2. Distribution boxes, when used, must be set level on a poured concrete pad on undisturbed earth to prevent settling.
3. Distribution boxes shall be watertight, shall be installed to prevent the inflow of surface water, and shall be designed to accommodate the necessary distribution laterals. Boxes shall be specifically designed and installed to achieve uniform flow distribution between all outlets.
4. Outlet inverts shall be at least two (2) inches below the inlet invert.
5. Serial distribution will be accomplished by using twenty-two (22) degree elbows connected to solid crossover pipes to successive-trenches. The bottom of the elbow shall not be at a lower level than the top of preceding distribution pipe. "Drop-box" arrangements may be designed as an alternative for serial distribution.



6. Designs of special distribution structures which require unequal distribution among the various outlets shall include hydraulic computations supporting the design for Department review.

## **F. Diversion Valves**

1. Diversion valves shall be constructed of durable materials and of a design approved by the Department. Valves shall be intended for use with wastewater, shall be corrosion resistant, and shall be watertight.
2. All diversion valves shall have a positive stop at all operating positions (i.e. full-open and full-closed or outlet 1 and outlet 2). A handle position which aligns with the active outlet will comply with this requirement.
3. The manufacturer's name with make and model number shall be displayed on the valve.

## **G. Interceptor Drains**

1. Where interceptor drains are required, complete design plans shall be prepared by a qualified professional and submitted to the Department for review.
2. The bottom of the interceptor drain shall be at least twelve (12) inches below the bottom of the lowest disposal trench or shall extend into a restrictive horizon.
3. The bottom and sides of the interceptor drain closest to the disposal field shall be lined with single ply polyvinyl chloride (PVC) or polyethylene (PE) plastic film which has a minimum thickness of twelve (12) mils.
4. The side of the interceptor drain trench farthest from the disposal area and the top of the drain rock must be lined with an acceptable filter fabric.
5. Four (4) to six (6) inches of clean drain rock or suitable equivalent as approved by the Department shall be placed in the bottom of the trench and perforated pipe sized for local site conditions shall be laid over this with the perforations placed down. Drain rock is placed over the pipe to a depth required by site conditions.
6. Minimum separation shall be maintained between interceptor drains and disposal trenches. In general, the following separations shall be maintained where site conditions allow:
  - a. A minimum clearance of ten (10) feet must be maintained between an upslope interceptor drain and a disposal trench.
  - b. A minimum clearance of twenty-five (25) feet must be maintained between a laterally located interceptor drain and a disposal trench.

- c. A fifty (50) foot minimum separation is required for a down-gradient interceptor drain to prevent infiltration of the drain with septic tank effluent.
- d. Local site conditions may require a larger separation. The setbacks required in G.6 a, b and c above may be reduced based on a qualified professional's recommendation following a site specific evaluation.
- e. Down-gradient interceptor drains on slopes over ten (10) percent are generally not appropriate.
- f. The qualified professional shall provide supporting documentation for the design.

7. House downspouts and drainage from paved areas shall be connected to the interceptor drain whenever possible.

8. The interceptor drain shall discharge by gravity to the surface and shall include energy dissipation considerations to prevent local erosion. The outlet shall be designed for ease of sampling the discharge, and shall be equipped with a perforated cap, stainless steel screening or other method to preclude entry of rodents or other small animals.

9. The applicant is solely responsible to obtain any other permits or approvals which may be necessary due to construction of any interceptor drain systems.

## **H. Surface Drainage Diversions**

1. For disposal trenches designed in concave land forms or in areas where there is less than forty-eight (48) inches of effective soil depth, surface diversion ditches shall be designed to intercept sheet flow runoff from above the disposal field to reduce saturation conditions in the disposal area.

2. Surface diversion trenches shall be designed to minimize erosion.

3. Roof leaders, downspouts, irrigation systems, or other sources which concentrate water shall be diverted away from disposal areas.

- 5. The applicant is solely responsible to obtain any other permits or approvals which may be necessary due to construction of any surface drainage diversion systems.

## **I. Dosing Chambers**

1. Dosing chambers shall be monolithic, watertight and constructed of corrosion resistant, durable materials as approved by the Department. Chambers shall be designed for the soil and groundwater conditions at the intended site, including buoyant conditions when the chamber is empty.

2. Inlet and outlet materials shall be schedule 40 PVC, ductile iron or other durable material approved by the Department. Inlets and outlets shall be supplied with a rubber or neoprene gasket or grommet.
3. Each dosing chamber shall have a watertight riser extending to the ground surface with a minimum dimension of twenty-four (24) inches. The risers shall be centered over an access manhole with a minimum dimension of twenty-two (22) inches.
4. The local ground surface shall be graded to prevent surface water from entering the access riser.
5. Dosing chambers fitted with one or more pumps shall have a volumetric capacity sufficient to deliver the design dose between the "pump on" and "pump off" levels. An audio-visual high water alarm shall be provided above the "pump on" level. A reserve capacity (emergency storage) shall be provided above the high water alarm level. The minimum reserve capacity shall be determined by the qualified professional on a design specific basis. Use of the reserve capacity shall not cause the tank to overflow or a backwater condition in the building sewer.
6. When the septic tank is proposed to be directly equipped with one or more pumps or a siphon for dosing, the septic tank shall be oversized to provide minimum septic tank volumes below the "dose off" level. The baffle dividing the two septic tank chambers shall be designed such that the dose drawdown is limited to the outlet chamber.
7. A dose counting device shall be provided with all dosing systems.
8. All supplemental treatment systems shall have a separate pump tank. The tank shall be not less than one-thousand (1000) gallons to allow for emergency storage. The storage capacity may be reduced when a tank is integrated as part of the supplemental treatment unit. These shall be considered on a case by case basis only.

## **J. Effluent Pump, Controls and Alarms**

1. All electrical components used in OWTS's shall comply with the California Electrical Code and the requirements of the Calaveras County Building Department.
2. Pumps shall be rated for wastewater application.
3. Motors shall be rated for continuous duty and shall be provided with overload protection.
4. Submersible pumps shall have a non-corrosive lifting device to allow ease of removal and service without requiring entry into the pump chamber.
5. Pumps shall be equipped with non-clog impellers capable of passing a 3/4 inch solid sphere or shall be protected by a cylinder of corrosion resistant screen extending above the maximum effluent level with one-eighth (1/8) inch maximum openings or other approved method.

6. Pumps and alarms shall be activated by sealed float switches, or other reliable devices approved by the Department. Control floats shall be set such that the volume discharged during each pump cycle is between fifteen (15) and fifty (50) percent of the design daily flow unless otherwise dictated by the design of the disposal system.
7. Alarms shall be provided for high water level and may be provided for low water level and various pump malfunction conditions such as pump seizure or overheating.
8. Alarms shall be both audible and visual. Audible alarms may be user cancellable. Visual alarms shall require a working knowledge of the control system to cancel such as would be possessed by a qualified service technician.
9. The alarm annunciator panel shall be located in or adjacent to the building which the pump system services. The panel shall also be visible and audible from the same structure. If the system control panel is outdoors, it shall be in an enclosure appropriately rated by the National Electric Manufacturer's Association.

## **K. Capping Fills**

1. For the purpose of these regulations, "Capping Fill" means a modification to a disposal trench system by which the minimum required soil cover backfill, twelve (12) inches is obtained by adding soil above the original ground surface in the disposal area.
2. Capping fills may not be placed on slopes exceeding twenty-five (25) percent. A maximum of thirty (30) percent may be considered on a case by case basis when a capping fill is designed by a qualified professional and when the design includes approved erosion control measures and slope stability.
3. Percolation testing shall be performed a minimum of six (6) inches below the proposed trench bottom.
4. The minimum depth of a capping fill is three (3) inches. The typical depth is twelve (12) inches, unless unusual site conditions justify differing depths up to a maximum of thirty (30) inches.
5. A capping fill shall extend full depth a minimum of five (5) feet upslope or laterally, and a minimum of ten (10) feet down-slope from the outside edge of the disposal trench.
6. The qualified professional shall specify and verify acceptable soil texture for capping fills, and shall specify site preparation and other construction details necessary to ensure proper installation.
7. The perimeter of capping fills shall be smoothly graded to blend with native soil.
8. Material for capping fills shall not be obtained from the designated expansion area, or from down-slope of primary and expansion areas.

## **CHAPTER 5 - STANDARD SYSTEM DESIGN**

### **A. Description**

A standard OWTS serves a single family residence and consists of the building sewer, a septic tank, a distribution unit, a gravity-fed standard disposal field with observation pipes, and a pre-identified area which will accommodate a one-hundred (100) percent replacement of the disposal field, meeting all site conditions and setback requirements. Standard systems may include a capping fill. See Standard system and Expansion/Replacement area definitions.

### **B. System Components**

#### **1. Standard Trench**

- a. The standard trench design typically consists of a trench two (2) feet wide by three (3) feet deep with one and one half (1-1/2) foot sidewall depth below the distribution pipe.
- b. Percolation testing may substantiate greater or lesser trench length.

#### **2. Site Criteria**

- a. Well drained, stable, convex or moderately concave slopes.
  - b. Slopes  $\leq$  30%.
  - c. Able to meet all setback requirements.
  - d. Vertical separation requirements listed below.

#### **Depth below trench bottom to**

<b><u>Lot size</u></b>	<b><u>Restrictive Layer</u></b>	<b><u>Temporary Water</u></b>	<b><u>Permanent Water</u></b>
Less than 2 acres with community water or 1 to 5 acres with well	36"	30"	60"
Two acres and larger with community water or 5 acres and larger with well	24"	30"	60"

#### **3. Design Application Rate**

Where percolation testing is performed, the design application rate shall be as follows:

Percolation Rate (mpi)	Application Rate (gpd/ sq.ft.)
<1	Not suitable
1 - 5*	0.8
6-15	0.8
16-30	0.8 – 0.6 graduated
31-60	0.6 – 0.45 graduated
61-120	0.45 – 0.2 graduated
>120	Not suitable

\*Not suitable without County approval of a report as submitted by a qualified professional on potential groundwater impacts.

#### 4. Length of Disposal Trench

The minimum total length of disposal trench provided shall be determined by the following method:

- a. Sixty-seven (67) lineal feet per bedroom if no percolation tests are required.
- b. When percolation tests are required, the length shall be determined by the following formula:

$$L = \frac{Q}{q \times a}$$

L = Minimum total length of disposal trench in feet.

Q = Daily wastewater flow in gallons per day.

q = Application rate in gallons per day per square foot of effective seepage area.

A = The effective seepage area per foot of trench. The maximum value of “A” allowed is five (5) square feet per lineal foot, except for the repair or replacement of an existing disposal system which utilizes gravity trenches sized by the Department.

Length of trench is determined by the inclusion of sidewall and bottom area for purposes of absorption. Sixty-seven (67) lineal feet is based upon the five (5) square feet per lineal foot value.

### **C. Construction Inspections/Observations**

1. Construction verification inspections shall be performed by the Department. The applicant shall coordinate with the Department to determine when inspections will be required, and provide at least twenty-four (24) hour advance notice of any required inspections.

2. At the applicant's discretion and cost, a qualified professional may be retained to observe and certify system construction. A qualified professional shall be retained to perform construction observations and to provide certification on substantial conformance to the approved design for all qualified professional designed systems. Twenty-four (24) hour notice shall still be provided to the Department in advance of burying any system features.
3. In addition to the site investigation profile inspection, the Department shall perform verification at an open trench inspection and at a final inspection.
4. All specified materials (i.e., tank, rock, and pipe, etc.) must be onsite and the tank(s) in place at the time of open trench inspection. Additionally, designs requiring drainage alteration must have all alteration excavations completed and all materials for the alteration onsite at the time of inspection.
5. Final inspections and observations shall be performed following OWTS completion and prior to use.
6. Each required inspection shall be recorded on the project inspection record (yellow card) with the County inspector and qualified professional recording signature and inspection and observation dates in the appropriate spaces on the card (to eliminate uncertainty about which inspections and observations have been performed).

#### **D. Modified Standard System**

1. For the purpose of these regulations, a "Modified Standard System" means an OWTS consisting of a septic tank, distribution unit and gravity-fed disposal, trenches with a minimum of six (6) inches of filter material below the distribution pipe and a minimum of two (2) inches of filter material and twelve (12) inches of soil backfill above the distribution pipe. The system may be redundant or may include an effluent pump, and interceptor drain or a capping fill.
2. Minor modifications to a standard OWTS may be made for effective depth, use of a capping fill, installation of a redundant system or use of a pump system to transport effluent to a gravity fed disposal field located upslope of the septic tank without requiring engineered OWTS design. The variations may be approved by the Department subject to findings of suitable site conditions to support these minor modifications.

### **CHAPTER 6, - ENGINEERED SYSTEMS**

#### **A. General**

1. All engineered OWTS designs shall be prepared by a Registered Civil Engineer, a Registered Environmental Health Specialist or a Certified Engineering Geologist. Soil mantle and percolation testing may be performed by a Registered Geologist in addition to the above professions.

2. Engineered OWTS designs shall be based on site specific soil conditions. Where initial testing reveals highly variable physical conditions between profile holes or between percolation test results, additional testing may be required.

3. All engineered OWTS designs shall include provisions for system monitoring (disposal trench observation pipes, groundwater monitoring wells, etc.) sufficient to provide information on system operation. System specific homeowner operation and maintenance guidelines shall be submitted. These guidelines shall include homeowner procedures to ensure maintenance, repair, or replacement of critical items within 48 hours following the OWTS failure.

4. Since engineered designed systems are frequently installed in areas with shallow or less permeable soil characteristics, care must be exercised during installation to avoid damage to the effective seepage area. An OWTS shall not be installed when the installation methods and soil moisture conditions cause smearing or streaking of the disposal trench sidewall or bottom, or excessive compaction of soils in the disposal area.

5. All advanced treatment systems shall be designed, installed and maintained pursuant to manufactures specifications and requirements.

#### 6. Qualified Professional Observations

- a. All engineered OWTS installations shall be observed by a qualified professional. All engineered OWTS design submittals shall include the qualified professional's recommended observation schedule, including key points of construction where notification to the County will be given to allow for County verification of compliance. The Agency Administrator shall review and approve the observation schedule as a part of the design. A minimum of a twenty-four (24) hour notice shall be given to the County for all verification observations required in the approved inspection schedule.
- b. In addition to the soil profile evaluation, the qualified professional shall provide engineered OWTS observations for the following stages of construction:
  - a. System layout
  - b. Open trench/bed rip observation
  - c. Mechanical/electrical performance observation (where applicable)
  - d. Uniform distribution observation (where applicable)
  - e. Final observation of the completed system
- c. At a minimum the County shall be given twenty-four (24) hour notice of the open trench and final observations to provide verification.
- d. Department final inspection of a completed engineered OWTS shall be performed following submittal of a letter of certification from the qualified professional stating the OWTS was observed by the qualified professional and was found to be in substantial conformance with approved plans.



- e. Engineered systems must be constructed as specified on plans. If deviation from approved plans is necessary, the qualified professional must concur with the changes and must submit a letter of concurrence with revised plans and revision fee payment. Construction may continue only after Department review of revised plans is completed.

## **B. Modifications that Require Engineered Design**

Modifications to a standard OWTS which include interceptor drains, pressure distribution or other features shall be designed and reviewed as engineered systems.

## **C. At-Grade Bed System**

1. An At-Grade Bed OWTS is designed to uniformly distribute septic tank effluent under pressure to a disposal bed which has a minimum of six (6) inches of filter material below, and two (2) inches of filter material and a minimum of twelve (12) inches of soil cover above the distribution lateral(s). (See the following Typical At-Grade Bed cross section figure).

2. To be considered suitable for an at-grade bed OWTS, the site must have the following characteristics:

- a. A well drained, stable, linear to convex slope.
- b. A slope of twenty-five (25) percent or less.
- c. Able to comply with all setback requirements.

3. Have a percolation rate less than sixty (60) mpi, determined from testing conducted at a minimum depth of twenty-four (24) inches below the original ground surface.

4. Able to comply with the following vertical separation requirements.

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<b><u>Lot size</u></b>	<b><u>Depth below bottom of bed to</u></b>		
	<b><u>Restrictive Layer</u></b>	<b><u>Temporary Water</u></b>	<b><u>Permanent Water</u></b>
Less than 2 acres with community water or 1 to 5 acres with well	36"	30"	60"
Two acres and larger with community water or 5 acres and larger with well	24"	30"	60"

3. Required disposal bed length shall be calculated using the following formula:

$$L = \frac{Q}{q \times w}$$

Q = Daily wastewater flow in gallons per day.

q = Application rate in gallons per day per square feet of disposal area.

w = The width of the disposal bed down-slope of the distribution lateral.

4. Where percolation testing is performed, the design application rate shall be as follows:

Percolation Rate (mpi)	Application Rate (gpd/sq. ft.)
<1	Not Suitable
1 – 30	0.6
31 - 60	0.6 – 0.45 graduated
>60	Not Suitable

5. The gravel bed shall extend a minimum distance of one and one half (1 1/2) feet upslope of the distribution lateral.

6. An acceptable filter fabric shall be placed between the gravel bed and soil cover.

7. The qualified professional shall specify and verify acceptable texture for soil cover, and shall specify site preparation and other construction details necessary to insure proper installation and erosion control.

8. The minimum depth of soil cover over the disposal bed shall be twelve (12) inches. The soil cover shall extend full depth a minimum of five (5) feet upslope or laterally, and a minimum of ten (10) feet down-slope from the outside edge of the bed.

9. Borrow areas shall be designated on the plans if soil cover material is to be obtained on site. Soil cover material shall not be obtained from the designated expansion area, or within fifty (50) feet down-slope of primary and expansion areas. Pursuant to Section 15.05.080 (F) of County Code, on site borrow areas are exempt from securing a grading permit however, best management practices shall be maintained pursuant to Section 15.05.170.

10. A one-hundred (100) percent expansion area shall be provided.

11. At-grade bed systems shall be constructed only when the soils are sufficiently dry to resist compaction and loss of structure when worked.

12. The 2000 “WISCONSIN AT-GRADE SOIL ABSORPTION SYSTEM SITING, DESIGN, AND CONSTRUCTION MANUAL” is recognized by the Department as an acceptable design reference, with the exception of specific conflicting requirements listed above.

**D. Mound System**

1. A "Mound System" is designed to uniformly distribute septic tank effluent under pressure to a disposal bed raised above the native ground with a minimum of twenty-four (24) inches of medium sand below the distribution bed and six (6) inches of filter material below, and two (2) inches of filter material and a minimum of six (6) inches of soil cover above the distribution laterals. (See the following typical mound cross section figure.)

2. To be considered suitable for a mound system, the site must have the following characteristics:

- a. A well drained, stable, linear to convex slope.
- b. A Slope of fifteen (15) percent or less.
- c. Able to comply with all setback requirements, including an additional ten (10) foot setback between a building and the toe of an upslope mound for a total of twenty (20) feet.
- d. Have a percolation rate less than sixty (60) mpi, determined from testing conducted at a minimum depth twenty-four (24) inches below the original ground surface.
- e. Able to comply with the following vertical separation requirements.

**Depth below bottom of mound to**

<b><u>Lot size</u></b>	<b><u>Restrictive Layer</u></b>	<b><u>Temporary Water</u></b>	<b><u>Permanent Water</u></b>
Less than 2 acres with community water or 1 to 5 acres with well	24”	18”	48”
Two acres and larger with community water or 5 acres and larger with well	24”	18”	48”

3. The maximum application rate used to size the distribution bed within the medium sand fill shall be one and two tenths (1.2) gallons per day per square foot based on bottom area only.

4. The required mound basal area shall be calculated using the following formula:

$$A = \frac{Q}{\dots}$$

q

Where:

A = Mound basal area in square feet and is the product of the length of gravel bed multiplied by the width of the gravel bed plus the horizontal distance between the gravel bed and the down-slope toe of the sand fill.

Q = Daily wastewater flow in gallons per day.

q = Application rate in gallons per day per square foot of mound basal area.

5. Where percolation testing is performed the design application rate shall be as follows:

<u>Percolation Rate</u> (mpi)	<u>Application Rate</u> (gpd/sq. ft.)
<1	Not suitable
1 - 30	0.6
31 - 60	0.6 - 0.45 graduated
>60	Not suitable

6. The slope of the sand fill from the top of the gravel bed to the ground surface shall not exceed three (3) to one (1).

7. An acceptable filter fabric shall be placed between the gravel bed and soil cover.

8. The minimum depth of soil cover over the sand fill and at the edge of the distribution bed shall be six (6) inches. Soil cover at the center of the distribution bed shall be sufficiently greater to provide positive drainage from the mound body.

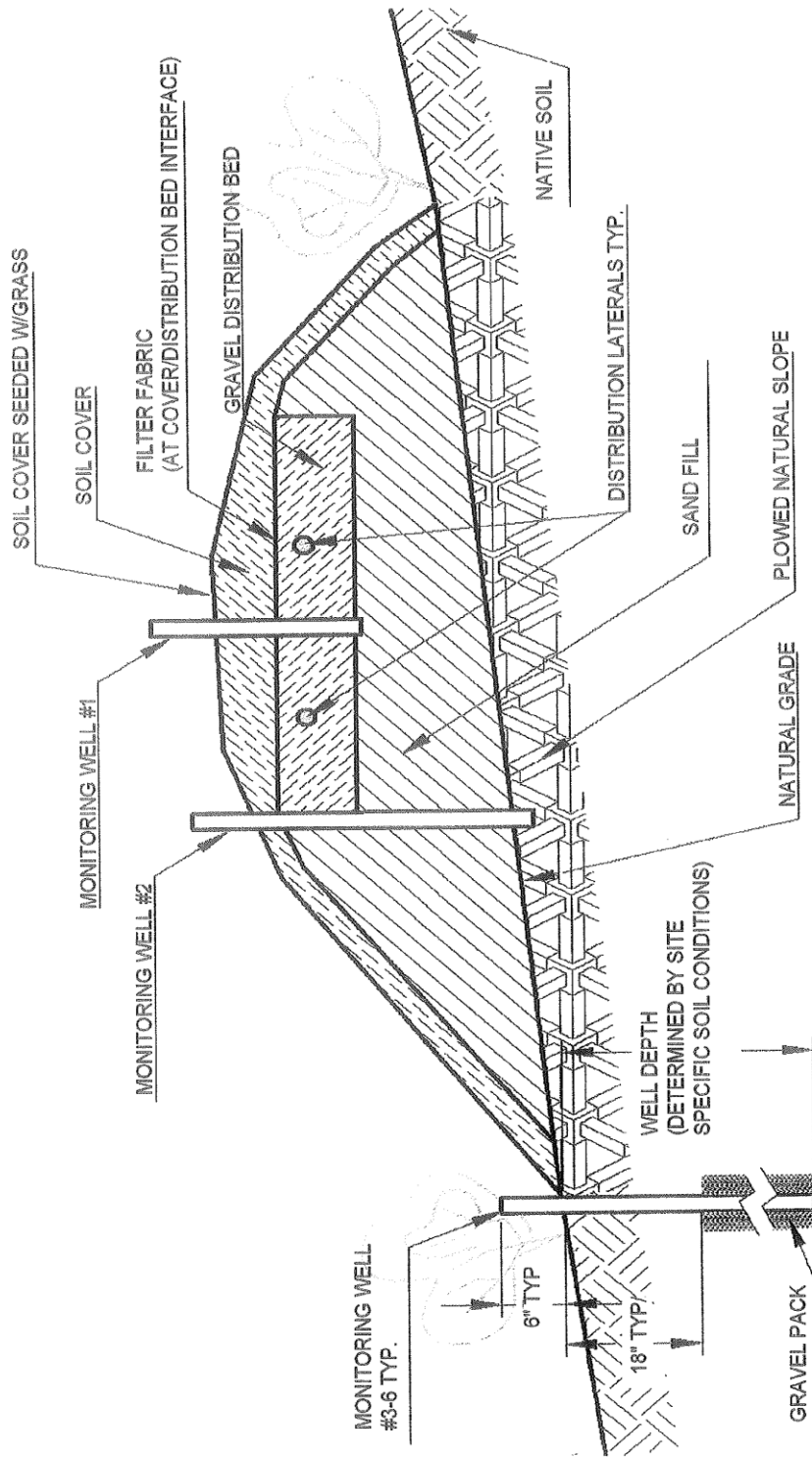
9. The qualified professional shall specify and verify acceptable texture for soil cover, and shall specify site preparation and other construction details necessary to insure proper installation and erosion control.

10. Borrow areas shall be designated on the plans if soil cover material is to be obtained on site. Soil cover material shall not be obtained from the designated expansion area, or from down slope of primary and expansion areas.

11. Mound systems shall be constructed only when the soils are sufficiently dry to resist compaction and loss of structure when worked.

12. A one-hundred (100) percent expansion area shall be provided.

13. The "WISCONSIN MOUND SOIL ABSORPTION SYSTEM SITING, DESIGN AND CONSTRUCTION MANUAL" dated January, 2000 is recognized by the Department as an acceptable design reference, with the exception of specific conflicting requirements listed above.



NOT TO SCALE

CALAVERAS COUNTY  
ONSITE WASTEWATER DEPARTMENT  
TYPICAL MOUND CROSS SECTION

## **E. Gravel Filled Pressure Distribution System**

1. A "Gravel Filled Pressure Distribution System" is designed to uniformly distribute septic tank effluent under pressure to disposal trenches having a minimum of six (6) inches of filter material below the distribution lateral and a minimum of two (2) inches of filter material and twelve (12) inches of soil cover above the distribution lateral. The system may be redundant or may include an interceptor drain or a capping fill.
2. To be considered suitable for a gravel filled pressure distribution system, the site must have the following characteristics:
  - a. A well drained, stable, convex or moderately concave slopes.
  - b. A slope of forty (40) percent or less.
  - c. Able to comply with all setback requirements.
3. For slopes in excess of thirty (30) percent, the maximum percolation rate measured at trench bottom shall be sixty (60) mpi.
4. For slopes less than thirty (30) percent, the maximum percolation rate measured at trench bottom shall be one-hundred twenty (120) mpi.
5. For systems with less than twelve (12) inches of filter material below the distribution lateral, percolation tests shall be conducted a minimum of six (6) inches below trench bottom when allowed for by the local geology.
6. Vertical separation requirements are listed below:

<b><u>Lot size</u></b>	<b><u>Depth below trench bottom to</u></b>		
	<b><u>Restrictive Layer</u></b>	<b><u>Temporary Water</u></b>	<b><u>Permanent Water</u></b>
Less than 2 acres with community water or 1 to 5 acres with well	30	30"	60"
Two acres and larger with community water or 5 acres and larger with well	24"	30"	60"

7. The required length of trench for a gravel filled pressure distribution system shall be determined in the same manner as for a standard system.
8. A one-hundred (100) percent expansion area located upslope of, or on contour with, the proposed disposal system shall be provided. If a gravel-filled pressure distribution system is used

on a site with conditions suitable for the installation of a standard system and the parcel was created prior to March 9, 1981, the minimum required expansion area shall be fifty (50) percent area.

## **F. Sand Filled Pressure Distribution System**

1. A "Sand Filled Pressure Distribution System" is designed to uniformly distribute septic tank effluent under pressure to disposal trenches having a minimum of twelve (12) inches of medium sand and six (6) inches of filter material below, and two (2) inches of filter material and twelve (12) inches of soil cover above the distribution lateral. The system may be redundant or may include an interceptor drain or a capping fill.

2. To be considered suitable for a sand filled pressure distribution system, the site must have the following characteristics:

- a. A well drained, stable, moderately concave or convex slope.
- b. A slope of forty (40) percent or less.
- c. Able to comply with all setback requirements.

3. For slopes in excess of thirty (30) percent, the maximum percolation rate measured at trench bottom shall be sixty (60) mpi.

4. For slopes less than thirty (30) percent, the maximum percolation rate measured at trench bottom shall be one-hundred twenty (120) mpi.

5. For systems with capping fill, percolation testing shall be conducted a minimum of six (6) inches below trench bottom.

6. Vertical separation requirements are listed below.

<b><u>Lot size</u></b>	<b><u>Depth below trench bottom to</u></b>		
	<b><u>Restrictive Layer</u></b>	<b><u>Temporary Water</u></b>	<b><u>Permanent Water</u></b>
Less than 2 acres with community water, or 1 to 5 acres with well	24"	30"	60"
Two acres and larger with community water or 5 acre and larger with well	24"	30"	60"

7. **Disposal Trench Sizing Criteria**

<u>Percolation Rate</u> (mpi)	<u>Design Application Rate</u> (gpd/sq. ft.)
Less than 60	0.45
60 - 120'	0.45 – 0.2 (graduated)

8. For design purposes the maximum effective seepage area shall be four (4) square feet per lineal foot of trench.

9. A one-hundred (100) percent expansion area shall be provided. The expansion area should be located upslope of, or on contour with, the proposed distribution system.

### **G. Advanced Treatment Systems with Pressure Distribution Trenches**

1. Recognized Advanced Treatment Systems include Intermittent Sand or other Supplemental Treatment System as approved by the Department. Other Advanced Treatment Systems may include, but are not limited to, aerobic systems as considered by the Department on a case by case basis.

An Advanced Treatment System with Pressure Distribution Trenches” includes gravel filled pressure distribution systems and recognized Advanced Treatment Systems designed to filter and biologically treat septic tank effluent for purposes of reducing constituents commonly found in effluent as defined in these regulations.

Advanced Treatment Systems are used in conjunction with disposal fields where site and soil conditions are not adequate for standard or engineered systems. These conditions include, but are not limited to, slowly permeable soils, inadequate depth of effective soil below trench bottom, and/or inadequate depth to groundwater below trench bottom.

Supplemental Treatment Systems that have been approved by state or nationally recognized testing agencies (NSF Standard 40 or equivalent) may be approved if they have been found to adequately protect surface water and groundwater quality and preclude health hazards and nuisances. All supplemental treatment units shall meet a 50 percent reduction in total nitrogen when comparing the 30-day average influent to the 30-day average effluent. Supplemental treatment units designed to perform disinfection shall provide sufficient pretreatment of wastewater so that effluent does not exceed a 30-day average Total Suspended Solids (TSS) of 30 mg/L and shall further achieve an effluent fecal coliform bacteria concentration less than or equal to 200 Most Probable Number (MPN) per 100 millimeters.

Allowable types of Supplemental Treatment Systems are as follows: textile filters, intermittent sand filters, recirculating sand filters and aerobic treatment units. Specific Supplemental Treatment Systems are subject to county approval

2. To be considered suitable for an Advanced Treatment System with pressure distribution trenches, the site must have the following characteristics:



- a. A well drained, stable, moderately concave or convex slope.
- b. A slope of thirty (30) percent or less when the percolation rate equals or exceeds sixty (60) mpi and a slope of forty (40) percent or less when the percolation rate is less than sixty (60) mpi.
- c. Able to comply with all setback requirements.
- d. A percolation rate less than two-hundred forty (240) mpi conducted at trench bottom. For systems with capping fill the test shall be conducted a minimum of six (6) inches below trench bottom.

3. Vertical separation requirements are listed below.

<u>Lot size</u>	<u>Depth below trench bottom to</u>		
	<u>Restrictive Layer</u>	<u>Temporary Water</u>	<u>Permanent Water</u>
Less than 2 acres with community water, or 1 to 5 acres with well	12"	24"	36"
Two acres and larger with community water or 5 acres and larger with well	6"	24"	36"

4. Disposal trench sizing criteria

<u>Percolation Rate</u> (mpi)	<u>Design Application Rate</u> (gpd/sq. ft.)
Less than 30	0.6
31-60	0.6 – 0.45 (graduated)
61-120	0.45 – 0.2 (graduated)
121-240	0.2 – 0.1 (graduated)

The Agency Administrator may approve a twenty-five (25) percent maximum increase in the above specified application rate based on a written site specific evaluation provided by a qualified professional.

- 6. A one-hundred (100) percent expansion area shall be provided.

## **H. Temporary Individual OWTS's**

### **1. General Bond**

- a. Temporary OWTS's may only be used on an interim basis for a period not to exceed one year. Such systems may include but are not limited to chemical toilets.
- b. An OWTS Permit is required prior to construction. Said permit is discretionary and may be issued only after review and approval by the Agency Administrator.
- c. Location of temporary systems shall be such that they cannot discharge, flow, seep or drain into any surface or groundwater or water intended for human or animal consumption. The following minimum distances shall be maintained:
 

(1) From any well	100 feet
(2) From any dwelling	50 feet
(3) From any property Line	10 feet
(4) From water table (temporary or permanent)	15 feet

### **2. Chemical Toilets**

- a. Chemical toilet facilities shall provide sufficient space for comfortable use, a minimum area of eight (8) square feet with a minimum width of two and one-half (2-1/2) feet, shall be provided for each toilet seat. A minimum area of ten (10) square feet with a minimum width of two and one-half (2-1/2) feet, shall be required when a urinal is included. Sufficient additional space shall be included if hand washing facilities are within the facility.
- b. Chemical toilets shall be designed, constructed and maintained so as to prevent the access of flies.
- c. The inside surfaces of all chemical toilets shall be of durable, non-absorbent material, smooth, easily cleanable and finished in a light color.
- d. Chemical toilets shall be ventilated and provided with self closing doors, lockable from the inside.
- e. The tanks for chemical toilets shall be constructed of durable, easily cleanable material. Tank size shall be sufficient to contain the initial chemical charge and provide capacity for at least one day's use for forty (40) persons. Size and construction shall be such as to prevent splashing on the occupant, field or road while being transported. A minimum tank capacity of forty (40) gallons shall be provided.
- f. Chemicals capable of controlling odors and liquefying solids shall be used in chemical toilets.

- g. Disposal of contents of chemical toilets shall be into a wastewater treatment plant, or at a disposal site approved by the Director of Environmental Health a copy of a haulers registration to dispose of waste must be on file with the Environmental Health Department prior to the rental of any toilets in Calaveras County.
- h. Chemical toilets shall be maintained in a clean and sanitary manner, free of odor and stains.
- i. Each chemical toilet must be identified with the name of the company and telephone number. The lettering shall be at least three (3) inches in height and contain other information as may be required by the Director of Environmental Health.
- j. Chemical toilets must be stored at a site approved by the Director of Environmental Health.
- k. Pumper trucks must comply with California Health and Safety Code requirements for septic tank pumpers.

## **I. Package Wastewater Treatment Plants**

1. Where effluent exceeds 2,500 – 3,000 gallons per day and package wastewater treatment plants are utilized, complete engineered plans shall be submitted by a Registered Civil Engineer to the Department for approval prior to beginning construction. Final approval of plans for package wastewater treatment plants may not be granted until a report of waste discharge has been filed with the Regional Water Quality Control Board - Central Valley Region and waste discharge requirements have either been adopted or waived. These plans shall include the following where applicable:

- a. A complete scaled plot plan of the proposed initial and future service areas showing wells, structures, sanitary wastewater lines, water lines, improved drainage facilities, topography, surface water features, and proposed land use.
- b. Total hydraulic capacity of the plant in gallons per day and treatment capacity expressed as oxygen demand and solids loading in pounds per day. Design criteria shall include a reserve capacity to accommodate a surge flow or increase in peak daily flow as well as the average daily flow.
- c. Calculations demonstrating ability of effluent to meet discharge standards as set by the Regional Water Quality Control Board - Central Valley Region.
- d. The source of data and the data calculated to determine plant capacity. Any future connections to the existing plant or any future expansion of the plant shall be shown on the plans.
- e. The percolation rates of disposal fields shall be calculated and figures shown on the plans. An expansion area equal in size to the original disposal field shall be so designated on the plan to be utilized in the event of failure of the original disposal fields. This

expansion area shall pertain to percolation ponds or evaporation ponds as well as subsurface disposal fields.

- f. A hydrologic balance for ponds, lagoons or disposal areas.
- g. Detailed operation and maintenance instructions and a list of similar installations including contact persons and telephone numbers.

2. When any existing package wastewater treatment plant is remodeled or altered, or when the quantity or quality of the wastewater treated changes, all of the above specifications are to be resubmitted for approval by the Department and the Regional Water Quality Control Board - Central Valley Region.

3. Mechanical and electrical equipment shall be of such durable hardware, workmanship and installation as to insure against operational failure with normal maintenance.

4. All installations shall be adequately protected against acts of vandalism or sabotage which could result in a malfunction of the plant. The entire plant, including any polishing ponds, percolation ponds and above ground irrigation systems shall be fenced and a locked gate provided to protect against any unauthorized person gaining entrance into the plant area which could lead to injury or loss of life.

5. A certified operator with skill to cause the plant to be operated as designed shall be available to operate the plant. The operator shall be certified by the State of California Water Resources Control Board-Division of Water Quality Control. The name, operator grade and certificate number of the person identified as the operator shall be submitted prior to initial plant start-up.

6. Installation of the plant, storage area and disposal system shall be under OWTS Permit and inspection by the Department. The engineer will be required to certify that the plant was installed properly.

7. The installation and operation of treatment plants shall not create a public nuisance in regard to odor nor cause a potential or immediate safety or health hazard to the public. The discharge of treated effluent shall not cause contamination of any groundwater or surface water.

8. Final disposition of wastewater effluent shall be in constant compliance with the discharge requirements set by the Regional Water Quality Control Board - Central Valley Region. Any deviation from these discharge requirements shall be declared a public nuisance and a violation of these Rules and Regulations.

9. Package wastewater treatment plant tanks are to be installed to required slope and elevation on properly installed foundations to prevent settling which may cause malfunction or leaking.

10. A grease interceptor shall be required whenever any commercial food establishment is connected to the plant or any activity which produces grease content over and above the normal grease content found in domestic wastewater. Grease interceptors shall be required as an addition

to a wastewater treatment plant if it is determined from the analysis of the wastewater influent or effluent that elevated grease levels prevail.

11. Monitoring by a certified wastewater treatment plant operator with laboratory analysis by a State Certified Laboratory is required in accordance with the Regional Water Quality Control Board Monitoring Program and County monitoring requirements, if established. Analysis required may include biochemical oxygen demand, dissolved oxygen and settle able solids of plant influent and effluent and at such other points on stream as may be necessary. Average daily and peak flows after the plant is in operation are to be determined by a reliable method. Copies of these analyses and operational records shall be furnished to the Department and to the Regional Water Quality Control Board - Central Valley Region.

12. An auxiliary electrical power supply shall be available for the continued operation of the package wastewater treatment plant. Portable power supply shall comply if it is available within a reasonable period of time in the event of a failure.

Emergency standby generators exceeding fifty (50) brake horsepower (bhp) shall be permitted by the Local Air Pollution Control District.

13. All new package wastewater treatment plants shall be owned and operated by an existing Public Agency with expertise in the field of wastewater management. Creation of a new Public Agency may also serve to meet this requirement.

## **J. Proposals for Experimental Systems**

1. Nothing in these regulations shall be construed to prohibit applicants from submitting proposals for experimental OWTS's for new systems on existing legal lots or for repairs of existing systems. An experimental OWTS design shall not be considered for creation of new lots.

2. All proposals for experimental systems shall be submitted by a qualified professional and shall have sufficient technical documentation for both the system and the site to support the application.

3. The Department may require submission of any such additional information as deemed necessary to properly evaluate the merits of the proposal and the risks of potential threats to public health or water quality.

4. Systems which require operation of significant mechanical equipment may be reviewed under the Package Wastewater Treatment Plants section of these regulations.

5. The Department may limit the number of particular types of experimental systems until sufficient operational history is available within the County to demonstrate system reliability.

6. A Notice of Engineered Wastewater Treatment System shall be recorded to ensure system information is transferred with title on change of ownership.

7. The Department may establish a monitoring program to be implemented by the owner to document system performance. Monitoring data shall be submitted to the Department according to an adopted schedule.

### **K. Subsurface Drip Disposal/Drip Systems**

1. Subsurface Drip Dispersal is an OWTS that is considered experimental which includes an approved Advanced Treatment System followed by the disposal of wastewater through subsurface drip irrigation. Wastewater shall be uniformly dispersed into driplines having a minimum of 8 inches of soil cover.

2. To be considered suitable for a Subsurface Drip Dispersal system, the site must have the following characteristics:

- a. A well drained, stable, moderately concave or convex slope.
- b. A slope of fifty-five (55) percent or less.
- c. Able to comply with all setback requirements.
- d. A percolation rate less than 240 mpi conducted at a depth of 12 and 18 inches below the ground surface.

3. Vertical separation requirements are as follows:

<u>Lot size</u>	<u>Depth below trench bottom to</u>		
	<u>Restrictive Layer</u>	<u>Temporary Water</u>	<u>Permanent Water</u>
Less than 2 ac...	12"	24"	36"
2 acres and larger...	6"	24"	36"

4. Disposal field sizing criteria

<u>Percolation Rate</u> (mpi)	<u>Design Application Rate</u> (gpd/sq. ft. )
	1.0
21-30	0.7
31-45	0.6
46-60	0.4
61-90	0.2
91-120	0.1
121-240	0.075

### **L. Easements**

1. An easement or deed restriction shall be recorded whenever onsite wastewater system components cross property lines or lie wholly or in part on a parcel of land different than the parcel upon which the wastewater originates.

## **CHAPTER 7, - WASTE DISCHARGE REQUIREMENTS**

### **A. Residential Units**

1. For residential OWTS units, total average daily flows greater than twenty-five hundred (2,500) gallons per day; complete engineered plans for the OWTS shall be submitted by a qualified professional to the Department. Filing of a Report of Waste Discharge with the Regional Water Quality Control Board – Central Valley Region may be required at the discretion of the Department and while directed by the Department is the sole responsibility of the applicant.

### **B. Commercial / Industrial Units**

1. All proposed commercial and industrial OWTS designs shall be engineered with plans submitted by a qualified professional to the Department. The design shall consider the waste constituents anticipated from the commercial use and provide grease traps or other pretreatment as may be required for the particular waste. Filing of a Report of Waste Discharge with the Regional Water Quality Control Board – Central Valley Region may be required at the discretion of the Department and while directed by the Department is the sole responsibility of the applicant.

## Chapter 13.12 - SEWAGE DISPOSAL—UNINCORPORATED AREAS\*

### Sections:

- 13.12.010 - Definitions.
- 13.12.020 - Application.
- 13.12.030 - Prohibited acts.
- 13.12.040 - Sewer connection.
- 13.12.050 - Sewer wells, cesspools and privies.
- 13.12.060 - Sewage disposal—Permit—Required.
- 13.12.065 - Sewage disposal—Permit processing fees.
- 13.12.070 - Sewage disposal—Permit—Applications.
- 13.12.075 - Sewage disposal—Permits—Application approval.
- 13.12.080 - Sewage disposal permits—Issuance.
- 13.12.085 - Sewage disposal—Permit—Expiration.
- 13.12.090 - Sewage disposal system—Alterations/repairs.
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- 13.12.110 - Inspections.
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- 13.12.180 - Violation—Penalty.
- 13.12.190 - Fees.
- 13.12.200 - Annual Reporting
- 13.12.210 - Permanent Records

### **13.12.010 - Definitions.**

For the purpose of this chapter, words and phrases are defined as follows unless it is apparent from their context that a different meaning is intended:

"Agency" means the Calaveras County environmental management agency as established under Chapter 2.22 of County Code.

"Agency administrator" means the environmental management agency administrator, or any designated or authorized agent thereof. For purposes of this chapter, agency administrator may also be used interchangeably with director of environmental health.

"Application" means an application for a soil profile, system installation, tank replacement, site evaluation, land development or other activity as carried out under this chapter. An application does not constitute a permit.

"Board of supervisors" means the Calaveras County board of supervisors.



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"Cesspool" means an excavation into the earth which is used for the reception of sewage or drainage from plumbing fixtures, which does not have watertight walls and bottom.

"Character of use" means the use which a sewage disposal system will service, i.e., single-family dwelling, retail store, restaurant, etc.

"Construct" means the act of construction.

"Construction" means the installation of a new system or part thereof, or the alteration or repair of an existing system.

"Consultant" means a registered civil engineer, registered environmental health specialist, or a registered geologist with specialty certification in engineering geology, as recognized by the state of California Department of Consumer Affairs. Registered geologists without the specialty certification in engineering geology may conduct soils investigations but may not perform designs or submit plans for sewage disposal system construction.

"Drainage system" means all the piping within public or private premises which conveys sewage, or other liquid wastes to a point of disposal, but shall not include the mains or laterals of a public sewer system.

"Engineered system" means an on-site sewage system that utilizes the components of a standard system, but that modifies or supplements those components with a special design or designs, such as sand filters, pumps, pressure distribution, interceptor drains, etc.

"Health officer" means the health officer of the county or any designated or authorized agent thereof.

"On-site sewage department" means the department directly responsible for carrying out the provisions of this chapter.

"Permit" means the formal written approval of an application.

"Privy" means a structure used as a toilet under a part or all of which is an unlined pit intended for the reception of human waste.

"Public sanitary sewer" means any sewage disposal system operated and maintained by any municipality, district or public corporation, organized and existing under and by the virtue of the laws of the state for the benefit of the public.

"Septic tank" means a watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge to a subsequent treatment unit or to a sewage disposal system.

"Sewage" means any liquid waste or water-carried solid waste containing organic or inorganic matter in suspension or solution, including kitchen, bath and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface water or industrial waste as may be present.

"Sewage disposal permit" means a written permit issued by the agency administrator permitting the construction of an individual sewage disposal system under this chapter.

"Sewage disposal system" means a system for disposal of sewage other than a public or community system, including, but not limited to, septic tank-soil absorption systems and chemical toilets.

"Sewer well" means and includes all of the following:

1. Any hole dug or drilled into the ground and intended for use as a water supply, which has been abandoned and is being used for the disposal of sewage.
2. Any hole dug or drilled into the ground, used or intended to be used, for the disposal of sewage and extending to or into a subterranean water-bearing stratum that is used, or may be used, or is suitable for a source of water supply for domestic purposes.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 2, 1987; Ord. 1424 § 1, 1981; Ord. 1285 § 1, 1980).

**13.12.020 - Application.**

Except as otherwise expressly provided, this chapter shall apply to all territory lying within the limits of the county, excluding any territory lying within an incorporated city.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 2, 1980).

**13.12.030 - Prohibited acts.**

It is unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with a means for the disposal of sewage complying with this chapter, the rules and regulations of the agency administrator promulgated under this chapter, and the California Health and Safety Code as enforced by the health officer.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 3, 1980).

**13.12.040 - Sewer connection.**

If the drainage system of a building is within two hundred feet of a public sanitary sewer, and the owner of the building may lawfully connect to the public sanitary sewer, such connection must be made in the most direct manner possible and in accordance with the rules and regulations of the operator of the public sanitary sewer.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 4, 1980).

**13.12.050 - Sewer wells, cesspools and privies.**

All sewer wells, cesspools or privies are public nuisances and it is a violation of this chapter to construct, maintain or operate a sewer well, cesspool or privy.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 7, 1980).

**13.12.060 - Sewage disposal—Permit—Required.**

It is unlawful for any person to construct or operate any septic tank, sewage treatment works, sewer pipes or conduits, drainage systems, or other means for the disposal, treatment or discharge of sewage without first obtaining a sewage disposal permit therefor from the agency administrator.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 5, 1980).

**13.12.065 - Sewage disposal—Permit processing fees.**

The board of supervisors establishes the following fees to take effect on the twenty-eighth day of July, 1993:

- A. Monitoring: seven dollars per new installation permit;
- B. Recording: five dollars per new installation permit.

(Ord. 2921 (part), 2007: Ord. 2324 § 2, 1993).

**13.12.070 - Sewage disposal—Permit—Applications.**

A. Applications for sewage disposal permits shall be filed with the Calaveras County environmental management agency/on-site sewage department.

B. Each such application shall contain a detailed plan (scaled plot plan) and description of the proposed sewage disposal system and construction thereof. The application shall also contain the character of use of the proposed sewage disposal system and such other information in such form as to comply with the changes in the law.

C. Applications for septic tanks and other subsurface drainage systems shall, in addition to the information required in this section, set forth the type and depth of soils. Plot plans shall identify the distance from the existing or proposed septic system to wells, springs and other waters used for domestic purposes from the proposed installation site.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 9, 1980).

**13.12.075 - Sewage disposal—Permits—Application approval.**

A. The application, and any plans, specifications, or other data, filed by an applicant shall be reviewed by the agency administrator. When the application is found to conform with the requirements of this chapter and any other pertinent laws, ordinances, rules or regulations, the application and any required plans shall be stamped "APPROVED."

B. Applications and plans for which no permit is issued within three hundred sixty-five days following the date of approval shall expire by limitation, become null and void, and the application, plans, specifications, or other data submitted for review may thereafter be destroyed by the agency administrator.

C. The agency administrator may administratively extend the time for action by the applicant for a period not to exceed one hundred eighty days upon written request by the applicant.

D. No application shall be extended more than once. In order to review action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 3, 1987).

**13.12.080 - Sewage disposal permits—Issuance.**

A. The agency administrator shall not approve or issue a sewage disposal permit for the construction

of any septic tank, sewage treatment works, sewer pipes or conduits or any other means for the disposal, treatment, or the discharge of sewage unless:

1. The means or proposed means for the disposal, treatment or discharge of sewage will not permit the escape of any noxious odors, vapors, or gases;
2. The means or proposed means for the disposal, treatment or discharge of sewage will not permit the ingress and/or egress of flies, rodents or other insects or animals;
3. The means or proposed means for the disposal, treatment or discharge of sewage will not permit the sewage to empty, flow, seep, drain or otherwise enter and pollute any stream, river, lake or other waters of the state, groundwater or any other waters which may be used or suitable for use for domestic or agricultural purposes;
4. The means or proposed means for the disposal, treatment or discharge of sewage shall not be offensive, injurious or dangerous to health;
5. The means or proposed means for the disposal, treatment or discharge of sewage conforms to the rules and regulations of the county for the disposal and treatment of sewage.

B. When the agency administrator issues the permit where plans are required, he or she shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the agency administrator, and all work shall be done in accordance with the approved plans.

C. One set of approved plans, specifications and computations shall be retained by the agency administrator for county records; and one set shall be kept on the site of the work by the permittee at all times during which the work authorized thereby is in progress.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 7, 1987: Ord. 1285 § 8, 1980).

**13.12.085 - Sewage disposal—Permit—Expiration.**

A. Every permit shall be valid for a period of three hundred sixty-five days to complete work authorized by the permit.

B. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit or complete work under that permit.

C. Unless issued prior to August 7, 2007, no permit shall be extended more than once. Permits may be extended more than once. The agency administrator may extend the time for action by the permittee for a period not to exceed three hundred sixty-five days upon written request by the permittee. Such request for extension shall be subject to conformance with regulations in force at the time of extension request. In addition, the permittee shall pay any incremental increase in permit fees beyond those already paid.

D. In order to renew work on a permit after expiration, the permittee shall pay a new permit fee, provided the plans conform with current regulations; and provided further, that the permit has not been expired for a period of more than three hundred sixty-five days.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 4, 1987).

**13.12.090 - Sewage disposal system—Alterations/repairs.**

The agency administrator may order changes to an existing sewage disposal system's method and location for the disposal, treatment, or discharge of sewage to prevent the system from becoming, or being, a nuisance or hazard to the health of humans or animals. Such orders shall designate a reasonable period of time within which the stated changes must be made.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 10, 1980).

**13.12.100 - Sewage disposal system—Regulations.**

A. A sewage disposal permit must be obtained from the agency administrator prior to the construction of a sewage disposal system.

B. To assure that sewage disposal systems are not injurious, harmful to water quality, dangerous to health, or nuisances, the board of supervisors shall make and establish rules and regulations, which may be amended from time to time, regarding the design, size, constituent materials, location, and manner of construction of sewage disposal systems, in accordance with section 13.12.150 of this chapter.

C. Every sewage disposal system shall be constructed in strict compliance with such rules and regulations and with the terms and conditions of the sewage disposal permit for the construction thereof.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 6, 1980).

**13.12.110 - Inspections.**

A. The agency administrator is authorized to make such inspections as are necessary to determine proper installation and operation of sewage disposal systems in compliance with this chapter and any rules and regulations promulgated under this chapter.

B. Owners or occupants of real property shall give the agency administrator access to their property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with this chapter.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 11, 1980).

**13.12.120 - Inspection prior to use.**

No work done under any sewage disposal permit shall be covered, concealed, or put into use before it has been inspected and approved by the agency administrator. For those installations occurring prior to the adoption of Ordinance No. 1285 (May 1980), documentation of a final building permit presumes a final septic permit.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 12, 1980).

**13.12.125 - Final approval—Prerequisite.**

A. The sewage disposal system shall be given an open-trench inspection by the agency administrator before any work other than excavation is commenced on the parcel. "Work," as used in this section, includes construction of any structure with internal plumbing, including the construction of a

foundation for such a structure, but excluding drilling of a well or the excavation for foundation and driveway.

B. If the agency administrator finds that compliance with subsection A of this section would be detrimental to the ultimate operation of the sewage disposal system, a variance may be granted to allow construction for a structure prior to open-trench inspection.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1450 § 3, 1981).

**13.12.130 - Special permits.**

A. Contrary provisions of this chapter notwithstanding, the agency administrator may grant special sewage disposal permits for limited periods of time if the application of this chapter or any rules and regulations promulgated under it would, during such limited periods of time, be impractical or unnecessary, and if the granting of such special permit would be consonant with the purpose of this chapter.

B. In issuing such special sewage disposal permits, the agency administrator may prescribe such conditions as are necessary to protect the public health, safety or the environment.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 13, 1980).

**13.12.140 - Administrative variances.**

A. The agency administrator may grant an administrative variance from any standard set forth in this chapter where written substantial evidence is submitted by a consultant as defined in this chapter that an unusual circumstance or unnecessary hardship would result from the application of the standard. Under no circumstance shall the granting of a variance create a hazardous condition or endanger public health, safety or the environment.

B. Applications for a variance shall be submitted to the agency administrator along with written substantial evidence supporting the request for a variance and any applicable fees. The agency administrator shall give notice to adjacent property owners of any variance granted. The agency administrator shall issue findings with respect to its determination of the request for a variance.

C. Prior to final approval of any such system, the designer thereof shall:

1. Submit to the agency administrator a written verification, based on field inspection, that the system has been installed as shown on the plans; and
2. Submit a scaled as-built drawing depicting tight lines (sanitary building sewage disposal system), septic tank and associated appurtenances and disposal field.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 14, 1980).

**13.12.150 - Provisions—Revision—Amendments.**

A. The board of supervisors may adopt, amend and repeal rules and regulations to further define the provisions of this chapter and to assist in carrying out the provisions of it. Such rules and regulations must be consistent with this chapter, and may only be adopted, amended or repealed after a public hearing held by the board of supervisors.

B. Public notice of any such hearing shall be given at least seven days in advance thereof in a newspaper of general circulation published in the county. Such notice shall include the time and place of hearing, information concerning the proposed changes and identification of where a copy of the complete text of the proposed rules and regulations may be obtained.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 15, 1980).

**13.12.160 - Sewage disposal permit—Appeal of denial.**

A. The agency administrator's decision on an application for a permit, or a request for variance, may be appealed by the applicant or any interested person to the board of supervisors whose decision shall be final. Appeals shall be filed with the clerk of the board within fifteen calendar days after notification by the agency administrator of the act claimed to be contrary to law, and shall specifically state the grounds on which the appeal is based. The clerk of the board shall set an appeal for hearing within fifteen days or as soon thereafter as can be agendized for review. The clerk of the board shall also notify the appellant and the agency administrator in writing, of the time so set at least five days prior to the hearing.

B. After such hearing, the board may reverse, wholly or partly, or may modify the order or determination appealed from.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1727 § 1, 1985: Ord. 1285 § 16, 1980).

**13.12.165 - Sewage disposal permit—Suspension or revocation.**

A. The agency administrator may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of this chapter or any other ordinance or regulation.

B. The agency administrator may also suspend or revoke a permit issued under the provisions of this chapter when it is found that the system for which the permit is issued degrades water quality or threatens the public health, safety or the environment.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 5, 1987).

**13.12.170 - Enforcement.**

The agency administrator is authorized to enforce the provisions of this chapter and the rules and regulations promulgated under it.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 17, 1980).

**13.12.180 - Violation—Penalty.**

A. Any person violating the provisions of this chapter or any rules or regulations promulgated under it shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

B. Every violation of any provision of this chapter shall constitute a separate offense for each day during which such violation continues.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1285 § 18, 1980).

**13.12.190 - Fees.**

A. Fees shall be assessed in accordance with the provisions of this chapter and as set forth in the fee schedule adopted by the board of supervisors. Fees shall be paid for plan review, issuance of a permit, inspections and reinspections and appeals of permit denials.

1. When a plan or other data are submitted by a consultant, a plan review fee shall be paid at the time of submitting plans and other data for review. Where submitted plans are incomplete or changes are required so as to necessitate additional plan review, an additional plan review fee shall be charged.
2. Permit fees shall be paid in addition to any other fees and paid at the time a permit is applied for.
3. An inspection or reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

B. Reinspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the agency administrator.

C. To obtain a reinspection, the applicant shall first pay a reinspection fee. This is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before a job is ready for such inspection or reinspection.

D. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(Ord. 2921 (part), 2007: Ord. 2250 § 1 Exh. A(part), 1992: Ord. 1922 § 6, 1987).

**13.12.200-Annual Reporting.**

Annual reports on onsite wastewater treatment system (OWTS) program activities shall be provided to the Central Vallry Regional Water Quality Control Board. Unless otherwise requested, reports will be submitted within sixty (60) days of the close of the calendar year. Reports will be submitted in tabular format from an Excel spreadsheet and will include:

- Number and location of complaints pertaining to OWTS operation and maintenance, and a summary of how these issues were resolved; and
- Registrations issued as part of the septic tank cleaning registration program (California Health and Safety Code Section 17400 et seq.), with copies of data on septic tank cleaning locations and sewage disposal volumes available upon request; and
- Number, location and description of permits issued for new and replacement OWTS, including the regulatory tier under which they were issued.



**13.12.210-Permanent Records**

All records pertaining to each onsite wastewater treatment systems (OWTS) permitted by the County shall be retained permanently. These records shall be made available for review within 10 working days upon written request by the Regional Water Board. The records for each permit shall reference the Tier under which the permit was issued.



**CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL**

<b>Short Name/Subject</b> Revised Rules and Regulations for Onsite Wastewater Treatment Systems	<b>Board Meeting Date</b> March 14, 2017	<b>Agenda Number</b>
<b>Dept:</b> Environmental Management Agency <b>Contact:</b> Brian Moss <b>Phone:</b> (209) 754-6036	<b>Supervisory District Number</b> Countywide	Consent Agenda
<b>Published Notice Required?</b> No <b>Public Hearing Required?</b> No	<b>Estimated Time:</b> 0	
<b>Type of Document?</b> Resolution <b>PowerPoint Presentation Included?</b> No <b>Budget Transfer Included (Must be signed by Auditor)?</b> No <b>Complete Agreement Required?</b> No <b>Position Allocation Change?</b> No		

**RECOMMENDATION:**

Adopt a Resolution revising the Calaveras County Rules and Regulations for Onsite Wastewater Treatment Systems.

**DISCUSSION/SUMMARY:**

The California Water Code authorizes the State Water Resources Control Board (SWRCB) to regulate all discharges that could affect the quality of waters of the State. The policies of the SWRCB are implemented locally through nine regional water quality control boards, including the Central Valley Regional Water Quality Control Board (CVRWQCB), which oversees Calaveras County. Wastewater discharges within Calaveras County are regulated through Waste Discharge Permits issued by the CVRWQCB.

In the past, the CVRWQCB adopted a general waiver of waste discharge requirements for onsite wastewater treatment systems (OWTS) where such systems were regulated by each individual county or jurisdiction. This general waiver expired on June 30, 2004, and discharges from OWTS have not been formally authorized by the CVRWQCB since the expiration date.

As originally initiated through Senate Bill 885 during the 2000 legislative session, the SWRCB was tasked with ultimately adopting the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Wastewater Treatment Systems in California. On June 19, 2012, the SWRCB approved Resolution 2012-0032, which adopted the OWTS Policy (Policy), which in turn was approved by the office of Administrative Law and became effective on May 13, 2013.

The purpose of the Policy is to allow for the continued use of OWTS at the local level while protecting water quality and public health. This Policy recognizes that responsible local agencies can provide the most effective means to manage OWTS on a routine basis. Therefore as an important element, it is the intent of this Policy to efficiently utilize, and improve upon where necessary, existing local programs through coordination between state and local agencies. If local agencies do not want to utilize state requirements for regulation of OWTS, the Policy allows them to develop and submit Local Agency Management Plans (LAMP's) for approval by the CVRWQCB. A LAMP allows local agencies to continue to use their current OWTS requirements (Rules and Regulations, Ordinance) upon approval.

Some of the Policy contains elements that would preclude property owners from developing on their property under the current Calaveras County requirements for OWTS. As a result, the Onsite

Wastewater Department developed a LAMP to provide alternatives to the Policy that are just as protective of public health and water quality, but will essentially allow continued use of the existing Calaveras County OWTS requirements. Once approved, the standards contained in an approved LAMP supersede other Policy standards.

As a condition of approval, a few changes must be made to the Rules and Regulations for Onsite Wastewater Treatment Systems. The Rules and Regulations were last updated in August 2012 and changes were made in anticipation of pursuing a LAMP. This update was a culmination of input from staff and Qualified Professionals (Engineers and Registered Environmental Health Specialists), and draft documents were distributed to stakeholders. In May of 2016, a draft LAMP was submitted to the CVRWQCB for review and some minor changes to the Rules and Regulations were required to satisfy the state standards. The latest revisions do not change any technical requirements for approval of an OWTS, but they better define the requirements of the Rules and Regulations.

**FINANCING:**

There will be no impact to County General Funds.

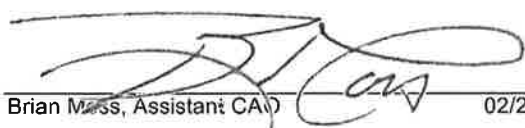
**ALTERNATIVES:**

The Board may choose not to consider adoption of new updated Rules and Regulations; however staff does not recommend this alternative, as doing so would make it more difficult for local property owners to get OWTS approved.


**OTHER AGENCY INVOLVEMENT:**

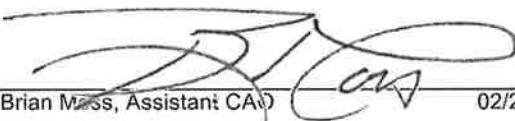
A variety of stakeholders provided input in the August 2012 revisions in anticipation of the LAMP requirements. The current revisions are minor and are required by the CVRWQCB for LAMP approval.

**APPROVED BY:**

  
\_\_\_\_\_  
Brian Moss, Assistant CAO 02/22/2017

  
\_\_\_\_\_  
Diane Beverud, Deputy Clerk of the Board of Supervisors 02/22/2017

  
\_\_\_\_\_  
Julie Moss-Lewis, Deputy County Counsel 02/22/2017

  
\_\_\_\_\_  
Brian Moss, Assistant CAO 02/22/2017

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS  
STATE OF CALIFORNIA  
March 14, 2017

Resolution  
No. 20170314r039

**RESOLUTION REVISING THE CALAVERAS COUNTY  
RULES AND REGULATIONS FOR ONSITE WASTEWATER  
TREATMENT SYSTEMS**

**WHEREAS**, Resolution 1834 amended Resolutions 2012-113, 10-147, 92-259, 94-45 and 94-195, which adopted Calaveras County rules and regulations for onsite wastewater treatment systems (OWTS); and,

**WHEREAS**, Calaveras County is under the jurisdiction of the State Water Resources Control Board (SWRCB); and,

**WHEREAS**, On June 19, 2012, the SWRCB approved Resolution 2012-0032, adopting the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Wastewater Treatment Systems (OWTS Policy); and,

**WHEREAS**, the OWTS Policy was approved by the Office of Administrative Law and became effective on May 13, 2013; and,

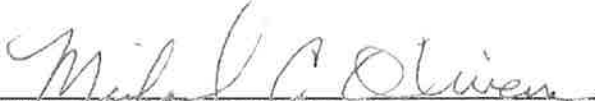
**WHEREAS**, the OWTS Policy allows local enforcement agencies to continue to implement a local program through the development of a Local Agency Management Plan (LAMP); and

**WHEREAS**, the LAMP allows the continued use of the existing Calaveras County Rules and Regulations for Onsite Wastewater Treatment Systems, approved per Resolution 92-259, if it meets the SWRCB requirements; and

**WHEREAS**, the SWRCB require minor revisions to the existing Calaveras County Rules and Regulations for Onsite Wastewater Treatment Systems prior to approval of the LAMP.

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors, County of Calaveras, State of California, does hereby authorize the amendments hereby proposed to the County's Rules and Regulations for Onsite Wastewater Treatment Systems.

**AYES:** Tofanelli, Garamendi, Oliveira, Mills, Clapp

  
Michael C. Oliveira, District 3 Supervisor 03/14/2017

**ATTEST**

A handwritten signature in cursive script, appearing to read "Diane Severud". The signature is written in black ink on a white background.

Diane Severud, Deputy Clerk of the Board of Supervisors 03/14/2017

**ROBERT G. BRUNKER  
RANCHERIA DEL RIO ESTANISLAUS, LLC  
BRUNKER LAND & CATTLE, LLC  
13278 SCHELL ROAD  
OAKDALE, CA 95361**

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**(209) 985-9851** (cell)

**(209) 881-3311** (fax)

August 12, 2018

Calaveras County Planning Department  
ATTEN: Peter Maurer / Planning Director  
pmaurer@co.calaveras.ca.us

Re: Our position on the “Draft Environment Impact Report” for the proposed Calaveras County general Plan update and map.

Dear Mr. Maurer,

Our family has been property owners in Calaveras County since May 06, 1940 operating a beef cattle grazing ranch. Upon the completion of the building of Tulloch Dam, in the late 1950’s, we suddenly had a very substantial amount of property that bordered the newly created lake. As we granted flowage easements, in consideration of future development potential, we knew that this portion of our property had a good potential for development and assumed that someday it would happen.

In April of 2006 we entered into an agreement with Castle & Cooke which would sell them a portion of our ranch for development and entitle additional acreage for future development. At that time the, and currently the land use designation for the property was/is “FSFR-5 (Future Single Family Residential - 5 acre)”. Now, per the Calaveras County General Plan Draft currently in circulation, that the land use designation for our property is being reduced to Resource Production.

We have been property owners in Calaveras County for 78 years and have been paying taxes on “FSFR-5 designated property every year. We have watched the growth, across the lake from us, which appears to us to have been a hodgepodge of different ideas with the intent to cram as many homes as possible along the lakeshore. Castle & Cooke, Calaveras County Planning Department and we have spent many years working towards creating a well-planned quality development characterizing the surrounding Copperopolis area. This would help attract potential home buyers and tourists which subsequently would greatly support the economic development of the community. Very much time and money has been spent on our project.

We have been working on a development plan and entitlements, attempting to move forward with improvements for many years now, and to give the property a land use designation making our goals and intentions much harder, or impossible to realize, would be unacceptable.

In summary, we do not desire to have any of the parcels' (053-020-015, 053-021-002, 053-021-011, 053-021-010, 053-020-013, 53-020-04, 53-020-05, 53-020-08, & 53-021-05: 7,048.29 acres total) land use designation reduced to Resource Production or any other lessor designation than we currently have. We have maintained a designation that suggests development and we have been planning for that.

If you are required to change our land use designation we would certainly hope for nothing less than we currently have now. "Future Specific Plan Area" has been recommended, by some, as a possibility which would also be acceptable.

Thank you for your consideration and understanding.

Respectfully,

Robert G. Brunker  
Manager and LLC Member

Calaveras Local Agency Formation Commission  
John Benoit, Executive Officer  
P.O Box 2694 Granite Bay, Calif 95746  
(209) 754-6511 [johnbenoit@surewest.net](mailto:johnbenoit@surewest.net)

July 18, 2018

Calaveras County Department of Planning and Building  
Peter Maurer, Director of Planning and Building  
891 Mountain Ranch Road  
San Andreas, CA 95249

RECEIVED  
JUL 20 2018  
Calaveras County  
Planning Department

Attn: Peter Maurer, Planning Director

**SUBJECT: Response for the County of Calaveras General Plan Draft  
Environmental Impact Report (DEIR)**

Dear Mr. Maurer,

Thank you for informing LAFCo about the DEIR for the County's General Plan. It is the policy of Calaveras LAFCo to actively participate in the development of Environmental Documents where LAFCo is or may be a Responsible Agency as required in Section 15096 of the CEQA guidelines or in this case, when the County is preparing a General Plan. LAFCo is concerned with the orderly provision of urban services throughout the County and that the services required for any subsequent development be provided by an established service provider to the extent feasible and that the service provider has and maintains adequate funding for the services provided.

As you are aware, LAFCo continues its effort to prepare Municipal Service Reviews and Spheres of Influence throughout the County as required by state law. If feasible, LAFCo intends to use the County's General Plan EIR as its environmental document for upcoming Sphere of Influence updates rather than preparing a new environmental document each time LAFCo adopts an updated Sphere of Influence. Please provide language in the "Purposes and of the EIR" section of the DEIR that LAFCO will be using the final EIR for upcoming Sphere of Influence updates. Likewise, other agencies such as the local Air Pollution Control Agency and the Transportation Commission may use the EIR in their role as a responsible agency. Note that there should be a discussion of LAFCo under the regulatory context section (4.9.3) on page 4.9-2 of the DEIR.

Depending upon the ability of a service district to provide services (as well as other factors) a Sphere of Influence update to include the territory in the General Plan map attached in the DEIR may not be feasible in the near term. The environmental documentation needs to also disclose any potential environmental impacts associated with a larger or updated Sphere of Influence. Of particular importance to LAFCO is a service district's ability to provide water and wastewater services. These areas should be thoroughly discussed to the extent feasible in the EIR. Since this is a programmatic EIR, LAFCO may wish to prepare a supplemental document should additional



environmental documentation be required at the time LAFCO updates various Spheres of Influence.

LAFCo has comments regarding the following.

**Resource Production:**

Impact 4.2.1 Impacts related to conversion of Prime Farmland and no mitigation measures are found feasible. The county may wish to establish a mitigation measure whereby 1 for 2-acre (or adopt another formula) for land conservation easements as a mitigation measure.

LAFCo prepared numerous comments regarding the Resource Conservation Element (RCE) in a memo dated March 2, 2016. These comments were not included in the final draft RCE. Please consider the following as mitigation in the EIR:

- a. *Require a 300 to 500 foot buffer (on lands within the development project) from the boundary of an adjacent agricultural use. When the buffer is not feasible, require an easement as suggested in (c) below.*
- b. *Require a combination of a lesser buffer, tall masonry fencing and tree planting along the boundary to mitigate impacts of noise, dust, trespass, and pesticide/herbicide overspray. Such a proposal must be supported by the Farm Bureau, County Agricultural Commissioner or other recognized authority as adequate to mitigate impacts.*
- c. *Require agricultural land mitigation agreements through the purchase of agricultural easements with a 1 to 2-acre conversion ratio on lands having equal agricultural value and risk of conversion as the lands proposed to be converted from agricultural to urban uses.*
- d. *Alternatively, the County could consider a trigger mechanism or threshold to know when an agricultural conversion mitigation program is needed. e.g. the following: "If agricultural land conversion rates increase significantly, the Board of Supervisors shall consider the adoption of a farmland conversion mitigation program".*

**Land Use:**

While the County amended its former policy as follows:

**"LU 5.3** Provide comprehensive, coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence to ensure that land use and development proposals considered by the City do not conflict with long-term plans of the County and vice versa"

**TO:**

“LU 6.3 Provide coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence to coordinate the effective provision of infrastructure and services”.

Neither policy is sufficient to prohibit inefficient and disorderly growth and development and suggests the policy expressed by LAFCo in its March 2, 2016 letter, as follows

*“Within the Sphere of Influence (as defined in Gov. Code, Section 56076) of the City of Angels Camp, any development proposals and entitlements shall first be referred to the City for possible annexation and development within the City.*

Adoption of this policy or a mitigation measure would go far to ensure efficient and orderly development within the City's Sphere of Influence by perhaps requiring development to be permitted by the City rather than the County in its sphere area.

Public Services:

Page 4.12.27 The Utica Power Authority (UPA) has a new name: the Utica Water and Power Agency (UWPA).

General Comment: LAFCo has been in the process of updating Spheres of Influence for Water and Wastewater Agencies continuously since the adoption of the Municipal Service Review (MSR) in 2012, the latest being the Calaveras County Water District Sphere which was updated in July 2017. LAFCo is also currently In the process of updating information from the 2012 Water and Wastewater MSR. LAFCo has also been continuously updating MSR information for County Service Areas, Community Services Districts and the Mark Twain Healthcare District

Thank you for the opportunity to comment. Please forward a copy of the final GPEIR to LAFCO.

Sincerely,



John Benoit  
Executive Officer, Local Agency Formation Commission

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 10

P.O. BOX 2048, STOCKTON, CA 95201

(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)

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www.dot.ca.gov

*Making Conservation  
a California Way of Life.*

August 13, 2018

**10-CAL-VAR-VAR  
Calaveras County  
Draft General Plan and  
Draft EIR  
SCH # 2017012043**

Mr. Peter Maurer  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Dear Mr. Maurer:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Calaveras County General Plan (Plan) and Draft Environmental Impact Report (EIR). The Plan represents the County's vision for the future of Calaveras County setting goals and policies to guide County growth and development. Our comments address both the Plan and the EIR.

Caltrans applauds the use of policies guiding the Plan to create more livable communities with increased transportation choices and reduced traffic impacts.

**Land use policies:**

Caltrans support all community policies related to developing town centers, concentrating in-fill or commercial development in town center and for the development of walking paths in town centers, and developing hiking, bicycling and equestrian trails for recreational use as presented in Chapter 4.9.

Job growth within the County may reduce the jobs/housing imbalance and the accompanying vehicle miles traveled. This current imbalance means a portion of the labor force commutes to jobs outside of the County. Calaveras County has the highest home-based work vehicle miles traveled per capita, compared to seven neighboring counties. Caltrans supports inclusions of the following land use policies within the General Plan Update:

LU-1 Development of mixed use communities providing for a wide range of residential, commercial, visitor-serving and job-generating uses that facilitate their development as independent communities.

LU 5.5 Revitalize existing community centers by encouraging a mixed-use concentration of

Mr. Maurer  
August 13, 2018  
2

retail, entertainment, arts, housing and services to support job and economic growth (IM LU-2A, LU-2B, LU-2C and LU-5D).

**Summary of Transportation Impacts and Mitigation Measures document:**

Regarding Transportation and Circulation Impact 4.13-2, in recognition of significant impacts related to measures of effectiveness for the performance of Caltrans-maintained roadways under the Market-Level 2035 growth scenario or the General Plan Buildout (Growth Beyond 2035), Caltrans supports Policy C2.2 that allows the “Board of Supervisors to reduce a roadways LOS on a case-by-case base to ensure, in part a project does not prohibit or significantly impair the County’s implementation of bicycle and pedestrian facilities...”.

The Summary of Impacts and Mitigation Measures table does not include reference to Conflict with an Applicable Plan, Ordinance or Policy Establishing Measures of Effectiveness for the Performance of the Circulation System Taking into Account All Modes of Transportation (Impact 3) as it relates to Transportation and Circulation Impacts. However, the TIA does include reference to Impact 3. This appears to be an omission error. The discussion of Impact 3 in the TIA includes several proposed policies that support smart mobility, active transportation, complete streets, etc. Caltrans encourages the project lead to include the discussion of Impact 3 in the Summary of Impacts and Mitigation Measures table.

Caltrans supports the following policies listed in relation to Impact 3 and would encourage the prioritization of these policies in future implementation of the General Plan: Goal C-3; Policy C 3.1; Policy C 3.2; Policy C 3.3; Policy C 3.4; Policy C 3.5; Policy C 3.6; Goal C 5; Policy C 5.1; Policy C 5.2; Policy C 5.3; Implementation Measure C-1A (Complete Streets); Implementation Measure C-1C (Transportation Alternatives in Impact Fees); Implementation Measure C-2B (Transportation Impact Study Guidelines); Implementation Measure C-3A (Park-and-Ride Facilities); Implementation Measure C-3B (Transit Planning); Implementation Measure C-3C (Transit Stops); and Implementation Measure C-5A (Bicycle and Pedestrian Plans).

Section 4.13-12 should stipulate that level of service thresholds for Caltrans highways in District 10 are determined by whether the highway is on the Interregional Route System (IRRS). Routes on the IRRS have a minimum LOS standard of C in rural areas and D in urban environments. Routes not on the IRRS have a minimum standard of D regardless of context.

Caltrans reviewed section 4.13-6 and noticed the automobile collision data from SWITIERS is incorrect for years 2013 and 2014. In addition, SWITIERS collision data from 2015 and 2016 has been produced but has not been provided in this report.

Transit no longer has the gold line active to serve Delta College. Please remove from Section 4.13-8 of the report.

### **Appendix G- Transportation Impact Analysis Report:**

Regarding Chapter 2 Existing Conditions, provide maps of routes identified in the Public Transportation section; and of proposed Bicycle and Pedestrian Circulation as proposed in the 2015 Calaveras County Regional Bicycle, Pedestrian and Safe Routes to School Master Plan.

Regarding Chapter 3 Impact Analysis, consider applying potential trip reduction factors associated with current Public Transportation service and Bicycle and Pedestrian Circulation; and proposed future expansion of Public Transportation service and facilities serving Bicycle and Pedestrian Circulation. In Figure 4- Roadway Expansion to Serve Market-Level Growth Through 2035, consider creating a new map, or adding proposed future expansion of Public Transportation service and facilities serving Bicycle and Pedestrian Circulation to the current map.

Caltrans is aware that many sections of the State Route, under market level year 2035 will be considered LOS D as acceptable to Calaveras County. However, Table 6 on page 28 shows some sections improving to LOS C and the TIA does not indicate what mitigations will be done to improve LOS. Similar improvement is shown on page 29 Table 7 (General Plan Buildout) with no proposed mitigations listed. Please explain how the existing LOS will improve to a LOS C and what mitigations will translate as the required improvements. Section 4.13-15 states the Vehicle Miles Traveled (VMT) would decrease for Calaveras with General Plan Buildout but it doesn't indicate what mitigations will be done to achieve this improvement.

Potential improvements on Foundry Lane and Angels Oaks Roadway Extension Project in Angels Camp near SR 4/49 should be included in the EIR as this project will bring development and effect local traffic circulation in Angels Camps.

### **General Comments**

Caltrans believes the County could benefit if this General Plan update addresses SB 743-related policy such as identifying any areas eligible to receive streamlining for VMT analysis (transit priority areas), VMT thresholds for land use projects, support for land use development and transportation projects that minimize vehicle miles traveled, and support for identifying transportation demand management measures and other mechanisms to reduce or mitigate vehicle miles traveled. It is suggested that Calaveras County work with the Regional Transportation Planning Agency, Caltrans, and other interested parties on technical aspects of SB 743 implementation such as VMT calculation and analysis, as well as potential programmatic measures to mitigate vehicle miles traveled on a county-wide basis. Note that SB 743 implementation work is eligible for funding by Caltrans Planning Grants <http://www.dot.ca.gov/hq/tpp/grants.html>.

Draft CEQA regulation indicates a statewide implementation date of July 1, 2020 (not January 1, 2020). Prior to that date, Lead Agencies may opt-in to using VMT per capita within CEQA transportation analysis.

Mr. Maurer  
August 13, 2018  
4

The Governor's Office of Planning and Research updated the November 2017 Technical Advisory, releasing a revised one in April 2018 in Volume I Page 4.13-10. It is noted that Calaveras County will utilize VMT with CEQA analysis when new guidelines are adopted in Volume I Page C-1-2. Caltrans supports Calaveras County's overview of VMT in preparation of coming changes to CEQA transportation analysis as stated in Volume I Page 4.13-15.

If you have any questions or would like to discuss these comments, please contact me at (209) 948-7325 (e-mail: [gregoria.ponce@dot.ca.gov](mailto:gregoria.ponce@dot.ca.gov))

Sincerely,



GREGORIA PONCE, Chief  
Chief, Office of Rural Planning

c: Matt Boyer Interim Director, Calaveras County Public Works  
Amber Collins, Calaveras Council of Governments  
State Clearinghouse

# Castle & Cooke

*Scott R. Thayer*

Senior Vice President

August 7, 2018

**VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL**

Peter Maurer, Planning Director  
**CALAVERAS COUNTY PLANNING DEPARTMENT**  
891 Mountain Ranch Road  
San Andreas, Ca 95249  
[pmaurer@co.calaveras.ca.us](mailto:pmaurer@co.calaveras.ca.us)

**RE: COMMENTS ON DRAFT ENVIRONMENT IMPACT REPORT (DEIR) (SCH # 2017012043) FOR THE PROPOSED CALAVERAS COUNTY GENERAL PLAN UPDATE**

Dear Mr. Maurer:

This letter is submitted on behalf of Castle & Cooke California, Inc. and Castle & Cooke Commercial-CA, Inc. (collectively, "Castle & Cooke"), the owners of the Saddle Creek Resort, Copperopolis Town Square, Sawmill Lake, Vineyards and Copper Valley Ranch projects located in Calaveras County. Castle & Cooke appreciates the opportunity to comment on the County's draft Environmental Impact Report ("DEIR") for the proposed Calaveras County General Plan Update.

The General Plan Update will contain the County's vision for future growth. Under California law, the County's General Plan is required to include a land use element that designates the proposed general distribution and general location and extent of uses for housing, business, industry, open space, including agriculture, natural resources, recreation and other categories of public and private land uses. When approved, the land use element of the County's updated General Plan will function as a guide to planners, the general public and decision makers as to the ultimate development for the County at build-out. According to the State of California Governor's Office of Planning and Research 2017 General Plan Guidelines, the land use element of the General Plan should include categories reflecting existing land uses as well as projected development. (See 2017 OPR Guidelines, Pages 42 – 45.)

Castle & Cooke has reviewed the DEIR and the County's proposed General Plan Update, and has the following comments relating to Castle & Cooke's Sawmill Lake and Copper Valley Ranch projects.



### Sawmill Lake Project

The Sawmill Lake project consists of approximately 247 acres of land proposed as a mixed use residential master planned community with approximately 800 residential dwelling units. Castle & Cooke submitted its application for the Sawmill Lake project, including a proposed specific plan and vesting tentative subdivision map, on July 17, 2006. The application was deemed complete on March 2, 2007. An EIR was prepared for the project. However in 2013, the Calaveras County Board of Supervisors voted to deny the project "without prejudice" based on the reasoning that the County was constrained from issuing the proposed land use entitlements for the project because the County was then in the process of updating its General Plan. Hence the Board expressly stated that its denial was "without prejudice" to Castle & Cooke's right to continue with its land use entitlement applications for the project. Castle & Cooke intends to renew its application for land use entitlements for the Sawmill Lake project as soon as the County's updated General Plan is adopted.

By way of history, the Sawmill Lake project was originally part of a larger land holding which included the now partially developed Copper Town Square. The overall property, including Copper Town Square and Sawmill Lake, has been slated for use as a community center dating back to 1997 when the County entered into a written agreement with then land owners Ed and Susan Rich to designate the Sawmill Lake property as a part of the Copperopolis Community Center.

The original intent to develop the Sawmill Lake project in conjunction with Copper Town Square is evidenced by the planned extension of Sawmill Creek Road from Copper Town Square through the Sawmill Lake property to a connection point at Little John Road, and a road connection for Sawmill Lake Lane which was planned to extend around Sawmill Lake to a second intersection at Little John Road. These circulation elements are reflected in the Copper Town Square EIR and land plan. These roads are an integral part of the Copper Town Square planning approvals, but currently dead-end into the undeveloped Sawmill Lake project. Effective master planning requires that the Copper Town Square and Sawmill Lake projects be developed in a complementary and cohesive fashion.

The County's proposed General Plan Update designates the Sawmill Lake project on Figure 2 of the General Plan Update as "Future Specific Plan," and the project is included within the "Future Specific Plan" ("FSP") land use designation in Table 3-1 of the DEIR. However, several of Castle & Cooke's Sawmill Lake parcels were inadvertently omitted from the "Future Specific Plan" land use designation. In our discussions with County staff, it was confirmed that Assessor's Parcel Numbers 540-07-006, 540-07-018, 540-06-032 and 61-03-001 were inadvertently omitted from the Sawmill Lake "Future Specific Plan" land use designation on the General Plan land use map. Castle & Cooke requests that these four parcels be included within the "Future Specific Plan" land use designation, and that Figure 2 of the proposed General Plan Update be revised accordingly. In addition, Castle & Cooke requests that the County confirm that 800 of the total residential units reflected as "Future Specific Plan" in Table 3-1 of the DEIR have been allocated to the Sawmill project, or if not, that Table 3-1 be modified to reflect this.

### Copper Valley Ranch Project

Castle & Cooke's Copper Valley Ranch project is proposed as a 4,350 acre master planned community. In July 2006, Castle & Cooke submitted its application for approval of land use entitlements for the Copper Valley Ranch project, including a General Plan Amendment, Specific Plan, Development Agreement and Tentative Subdivision Map. The County deemed Castle & Cooke's application to be complete



on March 7, 2007. After over two years of processing, in 2009, the County abated further processing of Castle & Cooke's Copper Valley Ranch applications pending the County's adoption of its General Plan Update. Castle & Cooke intends to continue the processing its land use entitlements for the Copper Valley Ranch project as soon as the County adopts the proposed General Plan Update. To date, Castle & Cooke has spent over \$3,000,000 in CEQA compliance and processing costs for the Copper Valley Ranch project.

Copper Valley Ranch is located immediately south of Castle & Cooke's Saddle Creek Resort and is adjacent to the approved Tuscany Hills project which lies to the northeast. The Copper Valley Ranch project is an integral part of the overall circulation element for Tuscany Hills. In fact, the Tuscany Hills project approvals were conditioned upon development of secondary access to and from the Tuscany Hills project via roads which are reflected in the proposed Copper Valley Ranch land plan. When developed, Copper Valley Ranch would complete the regional roadway improvements needed for Tuscany Hills.

Despite the foregoing, the County's proposed General Plan Update designates the entire Copper Valley Ranch project area as "Resource Production." Castle & Cooke believes that in light of its pending application and substantial processing efforts for proposed land use entitlements, the Copper Valley Ranch project should rightfully be designated in the proposed General Plan Update as "Future Specific Plan." More importantly, Castle & Cooke submits that accurate visionary planning for the Copperopolis / Lake Tulloch region requires this designation for the Copper Valley Ranch project.<sup>1</sup>

Through its past achievements, Castle & Cooke has demonstrated a determined commitment to developing its land holdings in Calaveras County in a responsible manner, and with the highest development standards. Altogether Castle & Cooke has combined capital investments in Calaveras County exceeding \$120 Million. The Saddle Creek and Copper Town Square developments are the only major land use projects which have actually been developed in the Copperopolis region within the past 25 years.

In the course of developing the Saddle Creek and Copper Town Square projects, Castle & Cooke constructed Little John Road from State Highway 4 to the Copper Cove subdivision, significantly improving access for the State Highway 4 - Lake Tulloch corridor. Development of the proposed Copper Valley Ranch project would provide additional roadway improvements which would connect Copper Valley Ranch to the regional roadway circulation system, at no cost to the County.

The Copper Valley Ranch project is uniquely situated for development. We ask that the County recognize the suitability and potential benefit of further clustered development in this area, and Castle & Cooke's past accomplishments, by revising the proposed General Plan Update to designate Copper Valley Ranch as a "Future Specific Plan" area. The proposed General Plan Update is the County's opportunity to

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<sup>1</sup> In this regard, Castle & Cooke notes that a rather large area near Lake Tulloch and located east of O'Byrne's Ferry Road is designated in the proposed General Plan Update as "Future Specific Plan" despite the fact that no application for land use entitlements has apparently ever been submitted for that property. That property appears to account for over 1,300 of the 2,130 residential units which are designated as "Future Specific Plan" in the proposed General Plan Update.

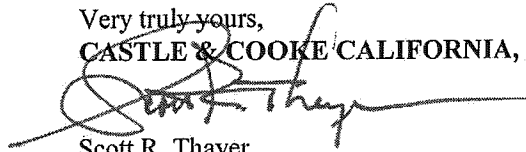
In addition, Castle & Cooke has been advised that the new owner of the Oak Canyon Ranch Specific Plan property plans to place that project under a permanent conservation easement, and is currently processing an application with the County to terminate that project's development agreement and to re-designate the property to a "Conservation" General Plan land use designation. This will have the effect of removing 2,675 residential units from the residential buildout estimate contained in the County's proposed General Plan Update.

Peter Maurer, Planning Director  
Calaveras County Planning Department  
August 7, 2018  
Page 4

address the region's projected development in a comprehensive manner with respect to land use, circulation, housing, conservation, open space, noise and safety, rather than having to address these issues later in a separate General Plan amendment immediately following the adoption of the updated General Plan. This would avoid the County's adoption of a General Plan Update which is outdated even before it is approved.

Throughout the County's planning effort on the proposed General Plan Update and the related CEQA process, Castle & Cooke has worked in a cooperative fashion with County planning staff, the Planning Commission and the Board of Supervisors to appropriately designate its Calaveras County projects. We hope to convince the County of the unique value of this forward thinking planning effort.

Very truly yours,  
CASTLE & COOKE CALIFORNIA, INC.



Scott R. Thayer  
Senior Vice President  
Operations and Land Development

SRT:cls





August 13, 2018

Mr. Peter Maurer  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, California 95249

Subject: Calaveras County Draft General Plan Update Draft Environmental Impact Report

Dear Mr. Maurer:

This letter responds to your Notice of Availability of the draft environmental impact report for the proposed Calaveras County General Plan Update. At issue are the potential effects of the project on federally and State listed and proposed species, fully protected species, species of special concern, wildlife, wetlands, and natural habitats.

The Center for Biological Diversity is a national, non-profit conservation with more than 1.6 million members and online activists dedicated to protecting diverse native species and habitats through science, policy, education, and the law. We have offices in 11 states and Mexico.

Our comments and recommendations are based on 1) Draft EIR Calaveras County Draft General Plan June 2018 4.4 Biological Resources (Section 4.4); 2) Calaveras County Draft General Plan SCH#2017012043 Draft Environmental Impact Report Volume I of II Chapters 1-8 & Appendices A & B (DEIR) dated June 2018; and 3) other information available to the Center for Biological Diversity including the references cited in this letter.

Our comments and recommendations are as follows:

1. Add the following to **Table 4.4-2 Special Status Plants with Potential to Occur within the County** (pages 4.4-18 to 4.4-19):

endangered Hartweg's golden sunburst (*Pseudobahia bahiifolia*), endangered Colusa grass (*Neostafia colusana*), endangered fleshy owl's clover (*Castilleja campestris* ssp. *succulenta*), endangered Greene's tuctoria (*Tuctoria greenei*), endangered hairy orcutt grass (*Orcuttia pilosa*), and threatened Hoover's spurge (*Chamaesyce hooveri*)

2. Add the following to **Table 4.4-2 Special Status Wildlife with Potential to Occur within the County** (pages 4.4-19 to 4.4-21):

endangered Sierra Nevada yellow-legged frog (*Rana sierrae*), endangered San Joaquin kit fox (*Vulpes macrotis mutica*), endangered vernal pool tadpole shrimp (*Lepidurus packardii*), wolverine (*Gulo gulo*), porcupine (*Erethizon dorsatum*), California spotted owl (*Strix occidentalis occidentalis*), and the black-backed woodpecker (*Picoides arcticus*)



3. Delete Policy COS 3.2 (first paragraph) on page 35:

To the extent practicable avoid impacts to habitats that are known to support state or federally listed species. Where impacts cannot be avoided, compensate for these impacts in accordance with resource agency (CDFW and/or USFWS) protocols/policies for the listed species.

Replace with:

To the **maximum** extent practicable avoid **and minimize** impacts to habitats that are known to support state or federally listed species, proposed species, fully protected species, and/or species of special concern. Where impacts cannot be avoided **and/or minimized**, compensate for these impacts in accordance with resource agency (CDFW and/or USFWS) protocols/policies.

4. Delete Policy COS 3.2 (last and first paragraphs) on pages and 36

When appropriate, mitigation for impacts to CESA/FESA listed species and/or their habitats may be accomplished via CDFW and/or USFWS approval for the applicant to purchase species compensation credits from an agency approved conservation. For mitigation that includes avoidance on project sites or that provides offsite land preservation, a qualified biologist shall be required to develop long-term maintenance and management for any onsite species avoidance area, and/or for either on or offsite mitigation preserve established for a project's effects on CESA/FESA listed species.

Replace with:

**Unless it is not biological feasible, mitigation for impacts to CESA/FESA listed species, proposed species, fully protected species, species of special concern, and/or their habitats shall be implemented within Calaveras County and as close to the impacted site as feasible.** When appropriate, mitigation for impacts them and/or their habitats may be accomplished via CDFW and/or USFWS approval for the applicant to purchase species compensation credits from an agency approved conservation bank **within Calaveras County.** **The County of Calaveras shall ensure that the mitigation habitat has equal or greater biological value than the impacted sites.** For mitigation that includes avoidance on project sites or that provides offsite land preservation **within Calaveras County**, a qualified biologist shall be required to develop **an in-perpetuity** maintenance and management plan **and a Property Analysis Record (PAR)** for any onsite species avoidance area, and/or for either on or offsite mitigation preserve **within Calaveras County** established for a project's effects on CESA/FESA listed species.

5. Delete the following in IM COS-4K on page 40:

Use of herbicides must be undertaken by a licensed herbicide applicator.

Replace with

**To the maximum extent practicable, mechanical means (hand, tools, vehicles, appropriate animals such as the short-term use of domestic goats) shall be utilized to remove and control invasive weeds, and if this is not possible, then herbicides may be utilized.**

Herbicide use must be undertaken by a licensed herbicide applicator.



6. Delete the following in Policy COS 3.8 (last paragraph) on page 43:

On parcels greater than 10 acres where on-site protection of 30 percent of existing oak woodland canopy and replacement are infeasible, mitigation for project impacts to oak woodlands can include: a monetary contribution to the States Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements, onsite planting mitigation compensation, or a combination of onsite and offsite plant, or mitigation through oak woodland preservation via recordation of a conservation easement that facilitates the perpetual protection of oak woodland.

Replace with

On parcels greater than 10 acres where on-site protection of 30 percent of existing oak woodland canopy and replacement are infeasible, mitigation for project impacts to oak woodlands can include: a monetary contribution to the States Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements within Calaveras County, onsite planting mitigation compensation, or a combination of onsite and offsite planting within Calaveras County, or mitigation through oak woodland preservation via recordation of a conservation easement that facilitates the perpetual protection of oak woodland within Calaveras County. The County of Calaveras shall ensure that the protected oak woodlands have equal or greater biological value than the impacted sites. A management plan and Property Analysis Record (PAR) shall be completed on any site intended for protection of oak woodland to ensure adequate in-perpetuity management.

Add 4.4-6 Wildlife Roadway and Highway Crossing after 4.4-5 Wildlife Movement Corridors on page 4.4-49:

4.4-6 Improve the ability of listed species and any native wildlife to safely cross highways and roadways to reduce human injuries and fatalities resulting from vehicle-animal collisions. Based on the analysis and with the implementation of mitigation, the impact is less than significant.

In 2002, there were more than 1.5 million deer-automobile collisions in the United States, causing at least \$1.1 billion in vehicle damage and killing about 150 humans and at least 1.5 million deer (Curtis and Hedlund 2005; Steiner et al. 2014; Shilling 2016). Signage and speed limits are used to modify human behaviour to reduce deer-vehicle collisions, however, modifying the behaviour of deer and other large animals may be a more effective method. Wildlife fencing is an effective method for directing deer and other animals to specific crossing sites (Huijser et al. 2016). Wildlife culverts, wildlife under- and over-crossings, and fencing located in appropriate locations are excellent ways to ensure safe passage across roadways by black-tail deer, black bears, mountain lions, smaller wildlife, and federally and State listed animals (Simpson et al. 2016; Sikich and Riley 2012; McCollister and van Manen 2010). Culverts and undercrossings large enough to accommodate deer and similar sized animals, while including suitable substrates for the threatened California tiger salamander, threatened California red-legged frog, and smaller wildlife will almost certainly reduce the number of collisions between animals and vehicles. For example, wildlife crossings on the Trans-Canada Highway in Canada's Banff National Park have reduced wildlife road mortality by 80%, and as much as 96% for ungulates (Robbins 2003).

4.4-6(a) The following new policy will be added to the General Plan's Conservation and Open Space Element:

Policy COS 3.9 Encourage safe passage of listed animals and wildlife across roadways to reduce human injuries and deaths from animal-vehicle collisions



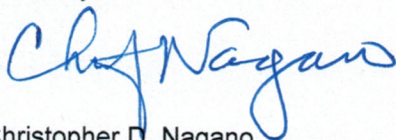
4.4-6(b) The following new implementation measure shall be added to the General Plan's Conservation and open Space Element:

IM COS-4 The County and other parties will, where and when appropriate, require or include properly sized and constructed culverts and undercrossings under roadways for wildlife and federally and State listed species, proposed species, fully protected species, and species of special concern. When possible, appropriately sized culverts and undercrossings will be placed under highways and roadways where it has been identified animals are most are most likely to cross. When and where appropriate, fencing will be used to direct animals to specific culverts, undercrossings or other roadway crossings. Signage and rumble strips may also be utilized to alert drivers to specific areas used by black-tail deer and other large wildlife for roadway crossing.

The County may have County roadcrews enter the specific locations and photographs of roadkilled animals they encounter during their official duties into the California Roadkill Observation Center run by the University of California at Davis's Road Ecology Center ([www.roadecology.ucdavis.edu](http://www.roadecology.ucdavis.edu)). This information will help in identifying areas where the largest numbers of listed animals and wildlife cross roads and will assist in devising measures to reduce vehicle-animal collisions.

We appreciate the opportunity to comment on the Calaveras County Draft General Plan Update Draft Environmental Impact Report. Please contact me via email or US Mail if you have any questions.

Sincerely,



Christopher D. Nagano

Senior Scientist (endangered species)  
Endangered Species program  
Center for Biological Diversity  
P.O.B 11374  
Portland, Oregon 97211-0374

email: [Cnagano@biologicaldiversity.org](mailto:Cnagano@biologicaldiversity.org)



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- Steiner, W., F. Leisch, and K. Hacklander. 2014. A review on the temporal pattern of deer-vehicle accidents: impact of seasonal, diurnal and lunar effects in cervids. *Accident Analysis and Prevention* 66(2014): 168-181.

Calaveras County Republican Central Committee (CCRCC)

August 12, 2018

Mr. Peter Maurer, Planning Director

Dear Mr. Maurer;

RECEIVED

AUG 13 2018

Calaveras County  
Planning Department

**Introduction and Establishing Value:** Calaveras County is a rural Sierra Foothill and Mountainous County with a substantial historic value. This historic value is the foundation and our future, it provides us with a definition and a guide to where we are going. Calaveras County in itself is a park, a wilderness playground setting for residents to enjoy and properly manage through our Government entities so that Suburban and Urban folks as well as world travelers can come to play, enjoy and educate themselves on our rural country lifestyle and the renowned historic past we inherited, along with our pristine backcountry and wilderness trails, lakes, rivers and streams that provide some of the most pure water available in California. Our core values are low population, clean air, pristine water and forest land to be enjoyed by all!

**The Challenge Before Us:** Today with the State's mandated General Plan and the "project required" Draft EIR, our California Legislature is attempting to put forward a One-Size- Fits-All plan for every community in California. In our county this "State Central Plan concept" will not work! Calaveras will remain a low population density County, therefore we will continue to be a sanctuary for travelers and city dwellers so they may experience the pristine outdoor lifestyle, adventure and historic elements and traditions Calaveras has to offer. The Tourism industry in Calaveras County is a huge part of our present and our future with our paralleling Wine, Ag and Adventure industries. We are fierce believers in property rights as long as they do not adversely affect our neighbors lifestyle, and we see no need to consider the urban "Complete Streets" or "High Density Residential Housing" into our future plans. Those are city concepts that do not belong and will not work in our foothill communities.

**The Draft EIR** appears more like "Central Plan" instructions than a project Environmental Impact Report. We view this as a concerning extension of an EIR's purpose and responsibility. We find this intrusion and the control factor to our County's General Plan concerning. We note that under Article 5, Authority for and Scope of General Plans, California Code Section 65300.7 states:

*"The Legislature finds that the diversity of the state's communities and their residents requires planning agencies and legislative bodies to implement this article in ways that accommodate local conditions and circumstances, while meeting its minimum requirements." (italics mine)*

**Disadvantaged Rural County:** We must remove each and every item in the Draft EIR that is not mandatory to a Disadvantaged Rural County.

**New High Density Residential Development:** We must remove this connotation from the Draft EIR and any mention of it in our County General Plan.

**CCRCC further believes:** The general plan should be general and flexible in nature, Calaveras residents and the Planning Commission have established the purpose of the General Plan to act as a **Guide** not a **Blueprint**.

**Future Growth and Development:** No one can predict precise growth, development or future expansion looking out 10 or 20 years. Therefore, the ground rules must be flexible allowing each future project to be graded and viewed independently on merit, need and fit with the resources available.

The CCRP believes that a general plan should be general in nature and flexible enough to accommodate future projects to allow for reasonable growth. With this in mind we have reviewed the elements in the **General Plan EIR** and are giving our comments pertaining to the DEIR.



The Draft EIR appears more like instructions for a "Central Plan" than a project Environmental Impact Report. This is a concerning extension of an EIR's purpose and responsibility. We find this intrusion and controlling factor to our County's General Plan concerning, after all the County General Plan is not in itself a "Project" but, has been labeled as such in State legislation for the specific purpose to force implementation of unnecessary language, implementations and restrictions.

The residents have demanded that the central focus be Personal Property Rights that do not interfere with our neighbor's rights to a peaceful existence and that Property Rights and Flexibility are the central themes of our General Plan.

There is absolutely no need to reference "New High Density Residential Development" in Towns throughout Calaveras County — this concept in itself carries a very anti-rural way of life connotation. This will not occur in our county, therefore, all references to "New High Density Residential Development" and the likes must be struck from this Draft-EIR.

**Refer to Summary of Impacts and Mitigation Measures to review our comments.**

#### 4.1 Aesthetics

**Mitigation Measure(s) -- *Less than Significant - None Required.*** We agree as most of the concerns outlined are subjective, project specific, as a project may increase a scenic view or enhance a scenic setting. However, there are two exception that must be struck or re-stated.

First exception is: ***Policy COS 6.1 Work with community organizations and special districts to develop park and active recreation facilities, striving to provide a minimum of 3 acres of local park land for every 1,000 County residents. (IM COS - 7A, COS - 7B, COS - 7C and COS - 7G)***

Calaveras is a playground. Therefore, the need to create parks per policy COS 6.1 is not necessary. Communities have established and will establish the necessary parks as they see fit.

Second exception is: ***Policy 4.1 - 2 (a) Implementation Measure PF - 4D of the Draft General Plan shall be revised as follows:***

***IM PF - 4D*** Emergency Communications. Install facilities that create or enhance voice and data communications between law enforcement and emergency service providers and between emergency responders and the public. *The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for installation of new emergency communications facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for placement of new emergency communications facilities.*

Public Safety always trumps environmental concerns: Cellular, radio and transmissions towers must be placed at their most efficient and effective positions -- communications in the foothills must be improved, this is a paramount public safety issue.

#### 4.2 Agriculture, Forest & Mineral Resources

**Mitigation Measure(s) -- *Less than Significant - None Required.*** We agree, however our current healthy forestry plans are being challenged due to the tremendous fires attacking the foothills and forest lands in our State. The revisioning on protecting our forest resources and watershed is changing the method/process/thinking and will require heavy forestry and watershed operations to insure healthier and safer forest lands. This course correction creates jobs and economic development as well as increases our ground and surface waters — all critically important to our environment.

#### 4.3 Air Quality and Greenhouse Gas Emissions

**Things to consider:**

Calaveras County has not completed a GHG Reduction Plan to establish baseline levels of GHGs. Without this study how can we determine if there is Significant impacts based on the Draft General Plan?

This EIR analysis is based on a population growth, at build out in 2035, of 111,527 residents. A more current analysis is being used in our County done by the Department of Finance DOF with an estimated increase in population by 2035 of just 54,912 which is more accurate considering today's population trends in Calaveras County. Air Quality and GHG impacts must be evaluated with the correct population numbers, reducing the impacts.

**Materials taken from the EIR analysis:**

**Page 4.3-1** Relatively few sources of air quality emissions are located within the County. However, air quality impacts occur through the transport of air quality pollutants from the more developed Central Valley to the County. Therefore, while sources of emissions within the County may be limited, the overwhelming transport of emissions from outside of the County into the County can negatively impact air quality within the County. The most visible impacts to air quality originating within the CCAPCD jurisdiction is a result of open burning of vegetation related to property owners, industrial activities, and state agencies.

**Page 4.3 -15** Importantly, the Introduction section of the CARB Handbook clarifies that the guidelines are strictly advisory, recognizing that: “[l]and use decisions are a local government responsibility. The Air Resources Board Handbook is advisory and these recommendations do not establish regulatory standards of any kind.” CARB recognizes that there may be land use objectives as well as meteorological and other site-specific conditions that need to be considered by a governmental jurisdiction relative to the general recommended setbacks, specifically stating, “[t]hese recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues” (CARB 2005).

Based on the above statements, Calaveras County needs to do a thorough analysis prior to determining any **Significant Impact** to the environment.

**4.7 Hazards and Hazardous Materials**

**4.7-7** Have grave concerns about the language added to policy S 3.2 since 89% of Calaveras County was classified as being in a high or very high fire risk zone because of the rural nature of our county. Does this mean that it will become impossible to build in our county in the future? This needs to be taken into consideration.

**Policy S 3.2** - Ensure that *The County shall review applications* for new development, including essential public facilities, *to ensure that new development* complies with adopted fire codes and standards for fire protection. *Application review for new developments which would be located in moderate, high, and very high fire hazard severity zones shall include a consistency check to ensure that the proposed project conforms with the standards of Title 24, Wildland Urban Interface Building Codes, and Title 14 of the California Code of Regulations 1270, as well as assessing potential hazards related to slope, prevailing wind patterns, and the potential for post-fire hazards. (IM S-3A)*

**4.8 Hydrology and water Quality**

**Mitigation Measure(s) -- Less than Significant - None Required.** *We agree, however, our Water, Watershed, Streams, Creeks, Rivers, Lakes and Reservoir's must be protected. Calaveras is a source county for water and the responsibility that comes with that is tremendous. Therefore, we must protect and administer the proper best practice care when determining development or agricultural use of land that may affect ground or surface water.*

**4.9 Land Use and Planning Element**

**4.9-1** Agree with the EIR findings of Less than Significant Mitigation Measures – none required

**4.9-2** Agree with the EIR findings of Less than Significant Mitigation Measures – none required

The Draft General Plan *Land Use Element* should stand as written.

#### **4.10 Noise and Vibration**

**4.10-1** While we agree that noise along State route corridors will increase with an increased volume of traffic, we do not agree that there is no feasible mitigation. CalTrans can mitigate the noise by resurfacing the roads under its jurisdiction and control with rubberized asphalt. The result is quieter and longer lasting pavement, good use of old rubber tires, less greenhouse gas emissions, and safer conditions for the people who repave the road.

**4.10-3** To protect historic structures and existing buildings, change Policy N 1.14 from "The County shall limit the use of heavy-duty vibration-generating construction equipment ... " to "The County shall prohibit the use of heavy-duty vibration-generating construction equipment ... ." Additionally, the County should require all construction activities using heavy-duty vibration-generating construction equipment to take place during daylight hours if homes or businesses are close to the work site of heavy-duty vibration-generating equipment.

#### **4.11 Population and Housing**

**4.11-2** We found no narrative in the General Plan Update to suggest that development associated with the Draft General Plan would displace existing housing or people. Single family houses are the primary dwelling unit norm in the County. High density urban type multifamily and or multistory housing is no more appropriate in the rural area of Calaveras County than a cattle ranch would be in the middle of a city, such as Sacramento or San Francisco.

#### **4.12 Public Services and Utilities**

**4.12-1** Do not agree with the EIR findings of Significant: A significant effect on the environment is unknown until the project is proposed. This is not needed since an EIR would need to be done on any new project brought forward.

**IM PF-4D** Should not add the language: The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for installation of new emergency communications facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for placement of new emergency communications facilities.

**4.12-2** Do not agree with the EIR finding of Significant: A significant effect on the environment is unknown until the project is proposed. This is not needed since an EIR would need to be done on any new project brought forward.

**Policy S 1.7** Should not add language: The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for new fire protection facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for development of new fire protection facilities, and, where feasible, existing facilities shall be upgraded to increase the efficacy of fire protection service without the need for the construction of new facilities. Safety trumps the environmental sensitivity.

**4.12-4, 4.12-5, 4.12-6, 4.12-9, 4.2-10** Do not agree with the EIR finding of Significant: For the same reasons stated in 4.12-1 A significant effect on the environment is unknown until the project is proposed. This is not needed since an EIR would need to be done on any new project brought forward.

The Draft General Plan *Public Facilities & Services Element* should stand as written.

#### **4.13 Transportation and Circulation**

**4.13-1** We do not agree that Policy C 1.1, incorporate the concept of Complete Streets for planning transportation and development, will support Goal C-1 on roads under State jurisdiction, ownership and control where the speed limit is above 30 mph and paved shoulders vary in width from a few inches to a foot or two. It will conflict with the California requirement for motor vehicles to keep a distance of at least 3 ft from a bicyclist. Widening State roads in Calaveras County to safely accommodate pedestrians and bicyclists would be very costly. The benefit to cost ratio would probably not allow the use of state or federal funds.

Policy C 1.3, prioritize funding and construction of projects that reduce vehicle miles traveled, does not support Goal C-1. In a rural county, maintaining a good level of service, which includes better speed and less stops, supports Goal C-1. Maintenance of the pavement, repair of bridges and culverts, and providing passing lanes on two lane roads should be top priority for funding. A good level of service allows residents to reach a doctor quickly in an emergency, to get to the fire quickly in order to extinguish it while it is still small, and to get to work or school on time. Reducing vehicle miles traveled does nothing to provide for the safe and efficient movement of people and goods.

**4.13-2.** We agree with the revision for the LOS on State Routes.

We will appreciate your thoughtful consideration of our comments and recommendations.

Respectfully,

Ed Langan

First Vice Chair, Communications

CCRCC



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 North Central Region  
 1701 Nimbus Road  
 Rancho Cordova, CA 95670  
 www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
 CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

August 13, 2018

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AUG 13 2018

STATE CLEARINGHOUSE

Peter Maurer  
 Planning Director  
 Calaveras County  
 891 Mountain Ranch Road  
 San Andreas, CA, 95249

Dear Mr. Maurer:

Calaveras County Draft General Plan (PROJECT)  
 DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
 SCH# 2017012043

The California Department of Fish and Wildlife (CDFW) received and reviewed a Draft Environmental Impact Report (DEIR) from Calaveras County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> CDFW previously submitted comments in response to the Notice of Preparation of the DEIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish and Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish and Game Code, § 1600 et seq.) Likewise, to the extent implementation of

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

## **PROJECT DESCRIPTION SUMMARY**

The Project site is located in Calaveras County, which encompasses approximately 662,791 acres. Watersheds within the County include the Mokelumne River watershed at the County's northern border, the Stanislaus River and Lower San Joaquin River watersheds at the County's southern/southwestern border, and the Calaveras River watershed in the north-central portion of the County.

The Project consists of an update to the existing 1995 General Plan. The Project is intended to guide growth and development within the county through the year 2035. The project includes a general plan land use map, buildout projections, and a total of eight elements: Land Use, Circulation, Resource Production, Conservation and Open Space, Noise, Safety, Public Facilities and Services, and Community Plan. If the determination is made that buildout of the General Plan will result in impacts to the environment, the DEIR will identify appropriate feasible mitigation measures to ensure that the necessary improvements are implemented over the course of the next 18 years.

## **ENVIRONMENTAL SETTING**

To identify a correct environmental baseline, the DEIR should include a complete and current analysis of the presence of endangered, threatened, candidate, and locally unique species. CEQA guidelines § 15125, subdivision (c) requires lead agencies to provide special emphasis to sensitive habitats and any biological resources that are rare or unique to the area. This includes, but is not limited to vernal pools, streambeds, riparian habitats, and open grasslands that are known to be present within the Project boundaries or its vicinity. CDFW recommends that the environmental documentation identify natural habitats and provide a discussion of how the proposed Project will affect their function and value.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, and other species databases, be consulted to assess the potential presence of sensitive species and habitats. Recent surveys for the different species that have the potential to be present within the project limits and its vicinity shall be included within the DEIR. Additionally, species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly or indirectly impacted. CDFW recommends the lead agency rely on survey and monitoring protocols and guidelines available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

## **IMPACT ASSESSMENT AND MITIGATION MEASURES**

Based on habitat assessments and survey results, the DEIR should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources under CDFW's jurisdiction, including all direct and foreseeable indirect impacts caused by the proposed Project. The DEIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)).

CDFW recommends that the DEIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed and it must permit the significant effects of the Project to be considered in the full environmental context. CDFW also recommends that the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines Section 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.

Although Policy COS 3.1 states that new development shall use site planning techniques, including buffers and setbacks, and encourage clustering of development to protect sensitive biological resources, some of the population growth is anticipated to occur outside of the existing communities, throughout the rural areas of the County. Direct impacts to riparian habitat, lone chaparral, and other sensitive habitats include removal of these habitats during development/construction of projects, or indirect impacts from adjacent development that affects the health and vigor of these communities. Indirect impacts to these communities also include habitat degradation caused by the introduction of invasive plant species or deposition of sediments caused by land grading and manipulation. CDFW is concerned that the proposed Project may result in direct, indirect and cumulative adverse impacts to environmental and Public Trust resources within the Project area. The Project area may be impacted by reducing riparian and terrestrial habitats, including habitats for sensitive species and could result in the direct "take" of State-listed species.

CDFW recommends that the DEIR should include a list of present, past, and probable future projects producing related impacts to resources under CDFW's jurisdiction or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects.

Mitigation measures should establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measures should also describe when the mitigation measure will be implemented, and explain why the measure is feasible.

CDFW recommends that the environmental document include measures that are enforceable and do not defer the details of the mitigation to the future.

#### *Threatened, Endangered, Candidate Species, and Species of Special Concern*

The Project area, as shown in the Draft General Plan includes habitat for State, and/or federally listed species, such as but not limited to; Southern long-toed salamander (*Ambystoma macrodactylum*), pallid bat (*Antrozous pallidus*), Red hills cryptantha (*Cryptantha spithamaea*), Stanislaus monkeyflower (*Erythranthe marmorata*), American peregrine falcon (*Falco peregrinus*), forked hare-leaf (*Lagophylla dichotoma*), Congdon's lomatium (*Lomatium congdonii*), Patterson's navarretia (*Navarretia paradoxiclara*), steelhead - Central Valley DPS (*Oncorhynchus mykiss irideus*), Holzinger's orthotrichum (*Orthotrichum holzingeri*), Sierra Nevada yellow-legged frog (*Rana sierra*), tongue-leaf copper moss (*Scopelophila cataractae*), California tiger salamander (*Ambystoma californiense*) and great gray owl (*Strix nebulosa*).

Species-specific surveys should be conducted on a per project basis in order to ascertain the presence of species where habitat is present within the Project area. CDFW recommends that the lead agency require survey protocols previously approved by CDFW and that an assessment for rare plants and rare natural communities follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document is available here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

#### *Species Scoping*

Please be aware that the CNDDDB is a positive-occurrence database. The majority of private lands have not been surveyed for special-status species, and thus, will not be accurately represented by the CNDDDB. Species presence/absence and any potentially significant impact is best determined by field verification.

#### *Great Gray Owl (Strix nebulosa) (GGO)*

The State endangered great gray owl (*Strix nebulosa*) (GGO) is not included on any list in the DEIR, however is known to exist in "Coniferous Forest", "Hardwood Forest and Woodland Communities" (foothill and oak woodland), and "wet meadow" habitat types.

Recent survey efforts for the GGO have shown that the species exist in areas outside of current range maps, and are associated with lower elevation areas that exhibit favorable habitat characteristics. The CNDDDB records show GGO occurrence's in the neighboring counties of El Dorado and Tuolumne, which contain similar habitat types and elevation profiles to Calaveras County. Additionally, CDFW has knowledge of the GGO nesting on private property in Amador and Calaveras counties. Key nesting habitat characteristics include mid- or late- succession forests, particularly with large snags greater than 24 inches diameter at breast height (dbh); decadent, large black oaks located near grass-forb



foraging areas, suitable nesting habitat located within 300 yards of meadows or open foraging areas.

In order to avoid significant impacts, as well as provide protection and appropriate mitigation for the GGO, CDFW recommends the DEIR be revised to accurately disclose which potential habitat types (as described in the DEIR) may have presence of GGO.

#### *Migratory Birds and Birds of Prey*

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the project area.

CDFW recommends that the proposed Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds, including but not limited to raptors or "fully protected" birds, within the Draft General Plan Area. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the DEIR. Measures to avoid the impacts should include species-specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

#### *Evaluating Impacts to Locally Significant Bat Roosting Sites*

Some roost sites for local bat populations may be considered by CDFW to be a significant biological resource. Impacts to these roosting sites may significantly limit this resource. The Project area as shown in the Draft General Plan may contain locally significant bat roosting sites such as but not limited to trees, caves, barns, houses, tunnels, and bridges used for multiple life history roles. In general, when a bat roost site will be lost or modified during a project, CDFW recommends the following including "Guidelines for defining biologically important bat roosts" (Neubaum, Navo, & Siemers, 2017) or other similar guidelines for identifying roost sites of biological importance; and recommends avoiding any significant roosts or proposing site specific mitigation measures. Examples may include but are not limited to:

- Conducting pre-project surveys or monitoring, usually over the course of spring, summer, fall, and winter (and possibly for two or more years) to determine which bat species are using the site. Multiple survey visits are necessary because different species may use a particular roost only during certain seasons (maternity, hibernation, dispersal, migration). Further, multiple visits within a season may be necessary to ensure intermittent use is observed. Due to year-to-year variation in use, multiple years of surveys may also be necessary.

- Using exclusionary devices installed and timed appropriately before a maternal roost site is developed. Improper timing of installation of exclusionary devices can trap non-volant bats inside a structure and their mother cannot return to nurse them once she flies out of the device.
- Ensuring that replacement roost structures (bat houses, other structures, or crevices incorporated into bridge design) are designed to accommodate the bat species they are intended for.
- Replacement roost structures should be in place for a minimum of one full year prior to implementing the project. The replacement structures should be monitored to document bat use. Ideally, the project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.

A project activity that results in the loss or modification of an original roost structure should be implemented outside the critical hibernation and maternity seasons.

#### *Watercourses and Wetlands*

The extent of CDFW discretionary areas differ from other agencies such as the U.S. Army Corps of Engineers or the Regional Water Quality Control Board Applications. Under CDFW's authority per Fish and Game Code section 1600, these areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes, including ponds and drainages, in the State and any habitats supported by these features such as wetlands and riparian habitats.

The DEIR should identify all Project activities subject to Fish and Game Code section 1602. These areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes, including ponds and drainages, in the State and any habitats supported by these features such as wetlands and riparian habitats. The DEIR should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed Project including an estimate of the impact to each habitat type. If Project activities are subject to Fish and Game Code section 1602 within the General Plan Area, the EIR should identify any potential impacts to these resources and propose mitigation measures to avoid, minimize, and mitigate impacts to these resources.

Notification to the CDFW may be required pursuant to Fish and Game Code section 1602 if the Project proposes to: divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake; use material from a streambed; or result in the disposal or deposition of debris, waste, or other material where it may pass into any river, stream, or lake.

CDFW recommends the DEIR be revised, to provide clear guidance as to the requirements to comply with Fish and Game Code section 1600 et. seq, and how compliance will support the mitigation measures related to the DEIR and proposed ordinance. Additionally, CDFW stresses the importance of providing complete information within the Notification regarding all Project related activities, including but not limited to: the entire scope of the intended land use; physical features present; the proximity of the project activities, regardless of footprint, to any lake, pond, or stream; lentic and lotic geomorphology; and species-specific concerns.

### **CUMULATIVE IMPACTS**

The DEIR does not provide a cumulative impact assessment to natural resources and therefore does not adequately determine whether the approval of the Calaveras Draft General Plan poses significant cumulative impacts. The lead agency should consider the Project's cumulative impacts to natural resources, including present, past, and probable future projects producing related impacts to these resources.

CDFW recommends that the lead agency should consider impacts on vegetation and habitat reductions within the area and their potential cumulative effects, prior to approving each project. The DEIR should incorporate mitigation performance standards that would reduce the significant impacts as expected.

### **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB data submission survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

### **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089.)

### **CONCLUSION**

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Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed Project. Written notifications shall be directed to the address listed in the header of this letter.

CDFW appreciates the opportunity to comment on the DEIR to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Michael Shun, Environmental Scientist at (916) 767-8444 or michael.shun@wildlife.ca.gov.

Sincerely,



Tina Bartlett  
Regional Manager

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*Office of Planning and Research*

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**Literature Cited**

Neubaum DJ, Navo KW, Siemers JL. 2017. Guidelines for defining biologically important bat roosts: a case study from Colorado. *Journal of Fish and Wildlife Management* 8(1):272–282; e1944-687X. doi:10.3996/102015-JFWM-107



JUL 31 2018

Marti Crane, Valley Springs

In the time allotted this evening, I cannot list all the necessary details and resources, so I'm submitting my statement for the official record.

Calaveras County  
Planning Department

**Policies that do not commit to reduce impacts are not mitigation measures.**

CEQA requires that mitigation measures be enforceable commitments to reduce or avoid significant environmental impacts. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4<sup>th</sup> 439, 445; CEQA Guidelines, sec. 15126.4, subd. (a)(2).) The County proposes as mitigation measures, a number of policies and programs that do not commit the County to reduce or avoid significant environmental impacts. The following list of such policies and programs do not qualify as mitigation measures.

**Policy COS 4.10** Should proposed developments within the County be anticipated to result in potential impacts related to the emission of criteria air pollutants, the County *shall consider* imposing mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

**Policy COS 4.14** The County *shall investigate* the potential use of woody biomass generated through forest management, such as thinning and defensible space clearing, for the generation of renewable energy.

**IM COS-4I** *At the County's discretion*, for development that is subject to a discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on special status species as defined above *and determine what avoidance measures or mitigation measures are warranted* to offset or mitigate these impacts to the extent feasible.

**IM COS-4J** *At the County's discretion*, development that is subject to a discretionary entitlement and subject to CEQA review shall be required to evaluate potential impacts to sensitive and significant communities using the methodologies identified below and shall require mitigation for potentially significant and significant impacts.

**Policy COS 3.9** *Encourage* development to be compatible with wildlife movement.

**IM COS-4L** The County shall work with applicants *to encourage* preservation or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement *shall be encouraged* throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants *to encourage* development to be compatible with wildlife movement. *Mitigation measures may include* installing wildlife friendly fencing or lighting to minimize interference with wildlife movement.

Creek corridors should be preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they should have connectivity to/with other dedicated or undevelopable open space lands to the extent possible.

**IM PF-1D** Facilitate Joint Use and Facility Co-Location. Coordinate with facility and service providers to facilitate colocation of parks, schools, police, fire, libraries, community centers and other community facilities to support community interaction, enhance neighborhood identity, support joint use, and leverage resources. The County shall consider the environmental benefits of facilitating joint use and facility co-location when evaluating the expansion of public service facilities.

Many implementation measures in the plan identify mitigation tasks, but provide no time frame for the task to be accomplished. Since the County can defer these measures indefinitely, they are not enforceable and **do not qualify as mitigation measures.**

The people of Calaveras County deserve straight talk.

The County needs to say yes when it means yes, and no when it means no.

People deserve to know when the County will protect the environment, and when they will not. Only then can people take the appropriate action on Election Day.

When you continue to call these 'mitigation measures', and work to push them through,

I have to wonder who you're representing with this document.

It's clearly not the people of Calaveras who have chosen to live here for the promised quality of life experiences and opportunities.





**Central Sierra Environmental Resource Center**  
Box 396, Twain Harte, CA 95383 • (209) 586-7440 • fax (209) 586-4986  
Visit our website at: [www.cserc.org](http://www.cserc.org) or contact us at: [johnb@cserc.org](mailto:johnb@cserc.org)

August 8, 2018

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Dear Peter (and Calaveras County Supervisors):

Some of you representing the County may be aware that more than a decade ago our Center and our attorneys were influential in convincing previous County Supervisors and County Planning Directors that the Calaveras County General Plan contained internal inconsistencies and significant major legal flaws that required a revision of the General Plan. Since that time, at every opportunity during the many years that this General Plan Update process has unfolded, our staff has respectfully submitted input and stressed our hope for a balanced new Plan that meets legal requirements.

It is extremely troubling that after providing highly detailed input in response to the initial release of the Draft General Plan, our staff still sees Calaveras County pressing forward with a General Plan that inarguably fails to meet legal mandates. Why would the County, after investing so much money and time into this process, intentionally move to adopt an updated General Plan that would fail to stand up to legal scrutiny on basic legal grounds?

CSERC has never expressed any expectation that the new General Plan would address all of our resource concerns or all of our goals for open space, agriculture, scenic resources, and water. We have, however, stated our clear expectation that the new General Plan will meet minimum State requirements and will contain feasible and meaningful mitigation measures where impacts are unavoidable.

**The CSERC comments below are intended to supplement the comments that were collaboratively developed with Ellison Folk of Shute, Mihaly & Weinberger, who is submitting those CSERC comments separately.** These supplemental comments focus narrowly on Biological Resources in the DEIR as well as some specific policies tied to Aesthetics, Agriculture, and Air Quality.

## INTRODUCTION TO CSERC'S COMMENTS ON BIOLOGICAL RESOURCES

Out of the many potential effects that could be caused by adoption of a General Plan, the effects of the Plan's goals, policies, and implementation measures on biological resources have the potential for especially significant effects for the environment and for the long-term health of natural resources in Calaveras County. What the General Plan allows in terms of development, where it allows that development, and the adequacy of mitigation measures in the General Plan are all pivotally important for water/aquatic resources, vegetation/habitat, and wildlife, as well as air quality, scenic resources, and other values that tie to biological resources.

CSERC acknowledges that the DEIR generally provides an informative, well-written description of the environmental setting – the existing habitat types within the County, including where those habitats generally are located, which types the consultants judge to be sensitive plant communities, and which species are identified as special status species for special consideration. In addition, the DEIR authors lay out general regulatory relevance of laws that are pertinent to biological resources.

However, there are many flaws or errors in the document; key wording lacks needed clarity, and numerous policies or mitigation measures are written with caveats or weak wording that undermines any obligation for the desired action to be implemented.

### **The following specific comments identify a need for changes in order for the General Plan to protect biological resources:**

**COMMENT:** A correction is needed for pages 4.4–27 and 4.4-28, where the DEIR describes Public Resources Code 21083.4 and the State requirement to mitigate for plans or projects that result in a significant impact to oaks or oak woodland. In that section on page 4.4, the DEIR reads:

*“PRC 21083.4 offers a “menu” of mitigation options. Typically, significant impacts to oaks or oak woodland requires replacement tree mitigation at a five to one ratio (i.e., five oak trees are planted for every removed oak tree).”*

That DEIR section is misleading because it omits important information. The DEIR text fails to explain that 21083.4 (2) (C) specifies that **planting of oaks can be used for no more than half of the mitigation of impacts to oaks or oak woodlands.** *“Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.”* Thus, in addition to replacement tree mitigation done through planting new oak trees (5 to 1 or more), **some other form of mitigation for impacts to oaks must provide at least half the mitigation through one or more of the other mitigation options** listed on pages 4.4-27 and 4.4-28. This point is important since the General Plan will be the basis for future mitigation for

development. **The text needs to be corrected to show that tree planting cannot make up more than half of the mitigation for impacts to oaks or oak woodland habitat.**

### **SENSITIVE PLANT COMMUNITIES**

The DEIR identifies three plant communities “...that the CDFW considers rare enough to warrant monitoring and have included them in the California Natural Diversity Database (RareFind 3) (CNDDDB) records. The three plant communities are riparian woodland, lone chaparral, and big tree forest...”. The DEIR also explains: “Communities of special concern are communities that have historically had a limited distribution as well as communities that have become limited because of human activities.”

Riparian woodland is the first such sensitive plant community described in the DEIR. On page 4.4-14, the DEIR acknowledges that there are only approximately 226 acres of riparian woodland habitat present within the County. Thus, out of 2/3 of a million acres of habitat types shown in Table 4.4-1 in the County, the sensitive plant community of riparian woodland only makes up a tiny fraction of 1/10 of one percent of existing habitat.

**COMMENT: Due to riparian woodland currently being found on only approximately 226 acres across the entire County, and due to its sensitive rating by CDFW, CSERC strongly urges the County to adopt a goal with an associated policy and implementation measure that requires protection of the remaining riparian woodland habitat. As an example, CSERC suggests: “All new development shall avoid any impact to riparian woodland habitat unless avoidance is determined to be infeasible by the CDFW.” We ask for this or a similar policy be added to the General Plan to protect riparian woodland habitat.**

Such a policy and measure would ensure that the overwhelming majority of this sensitive plant community would not be degraded or eliminated by new development during the planning period. As directed by CEQA, whenever mitigation is feasible and can result in avoidance or a reduction of a significant impact, then that mitigation shall be adopted. In this case, it is a feasible and realistic option for the County to adopt a goal, policy, and implementation measure that directs all new development to be done outside of riparian woodland habitat. CSERC requests such a new requirement in the final General Plan.

### **WILDLIFE MOVEMENT CORRIDORS**

The DEIR appropriately discusses Wildlife Movement Corridors on pages 4.4-17 and 4.4-18. The text explains that Wildlife Corridors have several functions, with Regional Wildlife Movement Corridors providing foraging, breeding, and retreat areas for migrating, dispersing, immigrating, and emigrating wildlife populations, while Local Wildlife Corridors provide access routes to food, cover, and water resources within restricted habitats.

“Establishing connections among natural lands has long been recognized as essential for sustaining natural ecological processes and biodiversity.” 4.4-17

“Maintaining connectivity between the remaining natural areas and minimizing further fragmentation is crucial to the long-term viability of California’s natural heritage. If selected carefully and managed properly, habitat linkages and wildlife corridors, which can range from a large intact ranch bridging two protected areas to narrow riparian corridors or highway underpasses, can significantly contribute to both the viability of individual species and the integrity of the natural community.” 4.4-17

“Wildlife requires connected corridors and habitat linkages to find food, mates, and to maintain species diversity. Based on hundreds of studies, the evidence is clear: isolated remnants of land suffer predictable, cumulative losses of species; this is one of the strongest generalizations in the field of ecology. Habitat isolation is harmful.” 4.4-17 and 4.4-18

The text in the DEIR could not be more compelling or clear. Wildlife Movement Corridors are essential for sustaining healthy wildlife populations.

**Yet the General Plan does not contain feasible and effective requirements that actually will assure that new development will avoid impacts to Wildlife Movement Corridors or that will ensure that the County establishes a long-term network of protected Wildlife Movement Corridors. Policy COS 3.4 is positive in stating the policy to “Identify and protect corridors important to wildlife movement and dispersal.” IM COS-4E weakly reads that the County should “consider” CDFW data for the purposes of establishing guidelines for protecting important wildlife movement corridors. But no actual measure or policy ever requires that wildlife movement corridors shall be protected from new development or from barriers associated with new development.** This is just one of many defects that combine to result in Significant and Unavoidable Impacts to biological resources if the Proposed General Plan is adopted without changes.

**COMMENT: To correct this deficiency, CSERC urges that a measure be added to the General Plan that provides meaningful protection for Wildlife Movement Corridors. An example CSERC suggests is:** “New development shall be required to maintain the viability of Wildlife Movement Corridors. Within existing communities, new development shall ensure that buffers of a minimum width of 75’ from the centerline of the stream are left undisturbed along stream corridors. Outside of existing communities, buffers of a minimum width of 100’ from the centerline of the stream shall be left undisturbed along stream corridors. Where additional major wildlife movement corridors are identified by CDFW, appropriate protection of those corridors shall be required.”

IM COS-4J misleadingly purports to provide effective mitigation that would protect riparian woodland (and potentially other at-risk habitat such as movement corridors) through steps spelled out in the measure. However, **in reality IM COS-4J fails to actually mitigate in any meaningful way.** Whether or not a biologist is required to be hired by a development company, and whether or not an at-risk plant community is mapped by such a biologist – the reality is that **without mandated protection for vulnerable plant species through policies or**

**mandates, then any benefit to biological resources is nebulous or non-existent.** In addition, IM COS-4J only directs that riparian habitat, for example, should be avoided “to the extent practicable.” That caveat is neither measurable nor does IM COS-4J provide any requirement to actually avoid destruction of riparian woodland habitat if the developer does not see that as practicable.

**COMMENT:** In order to make IM COS-4J meaningful and in order to actually avoid significant impacts to riparian habitat and other critically important habitat values (such as wildlife movement corridors), the wording “to the extent practicable” should be deleted. Thus, the language would then direct that the sensitive plant community or other high value habitat must be protected and avoided. Mitigation would be assured, not speculative.

Despite a considerable amount of positive information in the DEIR, some statements or claims contained within the DEIR are not accurate, and they undermine the legality of the DEIR. This is a significant defect that needs to be corrected.

**COMMENT:** As one example, the DEIR contains false information related to the impacts to biological resources. The DEIR incorrectly asserts that due to IM COS “...the County’s Draft General Plan would ensure that special-status and non-special-status species throughout the County are protected on a per project basis as well as a Countywide basis.” 4.4-33. That claim is not valid.

*“IM COS-4C encourages the County to undertake Countywide planning for the conservation of special-status amphibian species through the preparation of a Habitat Conservation Plan (HCP) for such species. An HCP would allow the County to more effectively manage special-status populations over the entire County and would facilitate programmatic mitigation (IM COS-4B) of such special-status species. Increasing the efficacy of special-status species management would reduce the potential impacts related to development within the County by ensuring that development complies with programmatic mitigation and Countywide requirements.” 4.4-33*

In contrast to the assertion that IM COS would ensure species are protected, in reality IM COS solely “encourages” the County to undertake some future planning process that may or may not ever lead to a concrete plan with effective results. The DEIR falsely assures that species will be protected, yet the DEIR fails to actually provide policies (such as protection of Wildlife Movement Corridors in the County) that would lead to protection for wildlife as development occurs.

**COMMENT:** The EIR text needs to be corrected to acknowledge that without the mandatory completion of a CDFW-approved HCP within 2 or 3 years of General Plan approval, any reliance on a possible future HCP is both speculative and meaningless for the purpose of mitigating development impacts to biological resources that may occur due to the General Plan – especially in the time period prior to a formal adoption of such a speculative plan.

## MITIGATION MEASURES & RELATIONSHIP TO THE CHOICE OF DRAFT PLAN OR ALTERNATIVE

On page 4.4-30, the DEIR states that the discussion of impacts related to biological resources is based on buildout of the Draft General Plan in comparison to existing conditions and the standards of significance.... 4.4-31 further acknowledges: “...*some of the population growth is anticipated to occur outside of the existing communities, throughout the rural areas of the County.*”

**The amount of overall buildout identified for the General Plan (the amount for the County to plan for) truly matters** – especially for the resulting impacts on biological resources, water resources, transportation, air quality, agriculture, and open space values. By proposing to adopt a draft General Plan that is outrageously unrealistic and that allows the County to claim a development need that does not exist, the County would thus end up allowing a far higher amount of speculative development proposals that would include projects that ripple further into biologically important lands.

**COMMENT:** One of the most important factors determining the degree of impacts to biological resources that may result from the adoption of a new Calaveras County General Plan is whether the Board votes to adopt the draft General Plan or instead votes to adopt one of the action alternatives. As previously noted in CSERC comments, the NOP for the EIR revealed that the draft General Plan would allow for development to occur during the planning period for 7 times the housing “need” for the estimated “additional population” based on DOF projections. More recent discussion by the County describes the amount of development as 6 times the housing need. **CSERC strongly asserts that the County would violate CEQA (which requires the adoption of feasible measures to mitigate for significant impacts) if the County chooses to approve the draft General Plan that would allow so much leapfrog development, sprawl, and unnecessary significant impacts to biological resources and other values in the County.**

CSERC re-states that comment: If the County intentionally avoids reducing the extent of significant impacts to biological resources by approving the draft General Plan instead of an alternative that would cause far less development in rural, biologically important areas, the County will not comply with CEQA direction, which requires the adoption of feasible mitigation measures in order to minimize or reduce the degree of significant impacts.

We note that on page 4.4-33, the DEIR acknowledges clearly: “*Although the Draft General Plan encourages development within existing communities and includes various measures to reduce potential impacts related to special-status species, buildout of the Draft General Plan would result in impacts to special-status plant and animal species, or other sensitive biological resources...*”. “*Therefore, buildout of the Draft General Plan could result in a significant impact.*”

## IMPACTS AND MITIGATION MEASURES

As stated on page 4.4-31 of the DEIR, the text explains that the draft General Plan includes policies and programs that are intended to protect biological resources from the impacts of future development.

In truth, however, a high percentage of the policies and implementation measures contained in the Conservation and Open Space Element of the draft General Plan contain directives that are so nebulous, generic, and mushy that they cannot be relied upon for legal mitigation purposes.

**AS WRITTEN, NUMEROUS COS POLICIES AND IMPLEMENTATION MEASURES FAIL TO PROVIDE TIGHT PRESCRIPTIVE CRITERIA OR REQUIREMENTS THAT CAN BE ASSURED OF BEING APPLIED. INSTEAD, POLICIES OR IMPLEMENTATION MEASURES SIMPLY RE-STATE ALREADY EXISTING LEGAL REQUIREMENTS BY STATE AND FEDERAL REGULATIONS, OR THE POLICIES OR IMPLEMENTATION MEASURES ARE WORDED WITH CAVEATS, ESCAPE CLAUSES, OR SUCH NEBULOUS WORDING THAT ENFORCEMENT WOULD BE PRECLUDED.**

**COMMENT:** COS 3.1 simply states that new development will use planning techniques and will “encourage” clustering of development. “Encourage” has no mitigation value, since it neither requires a consequential action to take place nor is it measurable as to whether or not the County did or did not “encourage.” **CSERC strongly urges that the final version of the County General Plan should not contain meaningless, legally indefensible wording in mitigation measures or policies, including: “encourage”, “to the extent practicable”, “to the extent feasible” or “where feasible”, “support efforts where appropriate”, “consider”, and other legally unenforceable or weak wording now contained in draft General Plan policies and implementation measures. All such weak wording or caveats that allow avoidance of mitigation actions should be removed from the General Plan in the final version.**

#### **MITIGATION MEASURES CANNOT RELY ON THE CREATION OF A REPORT**

It is fully appropriate and logical for the County to require new developments to include a Biology report that identifies impacts and recommends mitigation measures for impacts to at-risk resources -- such as described in Policy COS 3.3. But a General Plan requirement to produce a report that identifies potential mitigation measures for impacts does not ensure that the County either will find such a report to be valid and defensible (and thus adopt the recommendations), or that the report’s recommended mitigation measures will actually be sufficient to meet a standard of doing all feasible to reduce the significance of an impact.

Requiring a biological resources report and identification of mitigation measures to be prepared by a biologist hired by a developer (who has an economic rationale for minimizing recommendations for major mitigation requirements) is often likely to result in a lower level of risk identified than if the report was produced by a neutral party. But even assuming that a report is fair and scientifically sufficient, nothing in the draft General Plan requires the County to adopt all the mitigation requirements proposed in the report or to strengthen mitigation

proposals when the County deems the report to be inadequate or incomplete. Thus, the creation of a report does not equal mitigation.

IM COS-4B puts forward “mitigation options” for Biological Resources: “Adopt written guidelines establishing mitigation measures acceptable to Calaveras County for mitigating impacts to sensitive biological resources. Applicants may apply these mitigation options or hire a qualified professional biologist to identify alternative mitigation.”

**COMMENT: CSERC fully supports the adoption of specific, feasible, appropriate, and meaningful mitigation measures by the County (similar to the Tuolumne County Biological Resources Handbook that was utilized effectively for decades). Such a list of mitigation measures can be valuable if the measures are made available for potential implementation by small development applicants and others who do not realistically need the services of a paid professional biologist.** However, no such written guidelines exist at this time, nor does the County have even a draft version of such measures available for consideration in concert with this General Plan Update process. Thus, any future creation of any such County approved mitigation measure guidelines is highly speculative. The creation of such written guidelines depends upon some future board planning process and eventual action. And no criteria or timeline is provided in the DEIR to even indicate a potential for short term completion of such a list.

Accordingly, despite CSERC’s support for both the referenced HCP and the development of easily understood, widely applicable written guidelines, neither is legitimate for the purpose of mitigation related to this General Plan process. Similar to IM COS-4C that calls for some future planning process to create a Habitat Conservation Plan, **the written guidelines referenced in IM COS-4B are neither in existence nor imminent.** The draft General Plan cannot rely upon some nebulous, non-initiated, unfunded HCP or an unfunded set of guidelines. **To correct this flaw, a source of funding and a timeline for completion of the written guidelines should be provided in the final General Plan. Otherwise, the envisioned future actions by the County cannot be considered to be mitigation implementation measures in the General Plan.**

One new mitigation measure described in the DEIR is **4.4-1(a)**, which states that the County shall require development to evaluate potential impacts to biological resources and to minimize, avoid, and or mitigate to special status species or as otherwise required by State or Federal law.

There may be some minor informational value for an implementation measure to simply state that the County shall require development to comply with State or Federal environmental laws. However, IM COS-4H provides no mitigation benefit other than to state already legally mandated direction that developers will meet laws.

**COMMENT:** To re-state the obvious (the need to comply with existing laws) in a General Plan measure is empty and meaningless unless specific mitigation requirements are contained



within the General Plan that actually mandate such compliance by specifying how compliance will be required and assured. **As currently written, IM COS-4H provides no value.**

**IM COS-4I** requires that “at the County’s discretion,” project applicants will be required to enlist the services of a qualified biologist. As noted previously in these comments, hiring a biologist and producing a report does not assure that the report will actually result in necessary protection for at-risk, special status species or sensitive habitats.

**COMMENT:** In addition to removing the weakening caveat “at the County’s discretion,” **IM COS-4I should be revised to actually have value for biological resources. CSERC recommends the following suggested changes be made:** “For development that is subject to a discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist unless the County Planning Director judges the development project to be minor and without potential for any significant impact. For all other development, where project applicants must enlist the services of a qualified biologist, the County shall consider the biologist’s report describing recommended avoidance or mitigation measures intended to offset or mitigate for potential project impacts. At a minimum, the County shall adopt those recommendations; and additional mitigation may be required if deemed necessary by the County.”

The revised version of IM COS-4I as suggested above would result in clarity by ensuring that the County adopts, at a minimum, the recommended mitigation or avoidance measures from the biologist.

The first paragraph of Policy COS 3.2 is meaningless because it simply re-states already legally required direction to follow existing laws by avoiding impacts to habitats or by compensating as per resource agency protocols when avoidance is not practicable.

**COMMENT:** However, while the first paragraph of Policy COS 3.2 is basic meaningless, the second paragraph of Policy COS 3.2 is counterproductive and likely illegal. It provides that for sites that may have habitat for listed species, applicants who choose not to mitigate or compensate for impacts can attempt to get around such required mitigation measures by allowing applicants to pay biologists to do site surveys for the at-risk species “to prove absence.” The wording of the policy states that if resource agencies concur with the adequacy of the surveys, no mitigation for impacts to the species may be required by the County. CSERC points out that **surveys for listed species never prove absence, they only show either presence or a lack of detection. Surveys can prove presence, but not absence. Thus suitable habitat for listed species is still important whether or not a species is found during a particular survey of that habitat.**

Many listed species may only utilize a highly suitable habitat site during a percentage of the year when that site is most appropriate with the species’ needs. A survey may miss that time period. Also, a site may only be used for portions of a day (for example, dawn and dusk) so that surveys done at other times do not detect presence.

Having surveys done by professional experts for the listed species should certainly be fully supported, and the results should be carefully considered by the County whenever a project is up for approval. But simply allowing an applicant to pay to have a survey done and then for the County to allow the applicant to avoid any mitigation requirement is not scientifically justified nor is that measure likely to avoid legal challenges.

**COMMENT: CSERC recommends that the last sentence of that paragraph of Policy COS 3.2 be revised to read:** “If such surveys are conducted with applicable resource agency concurrence and do not produce any detections, then mitigation requirements may be diminished or not required by the County.”

### **RECOMMENDATION TO REDUCE THE SIGNIFICANCE OF IMPACTS TO SENSITIVE HABITATS**

4.4-2 acknowledges that even with the implementation of mitigation contained within the draft General Plan, the impact to riparian habitat or other sensitive communities is judged to be significant and unavoidable. The draft General Plan as currently written fails to contain a feasible and realistic option to reduce the significant impact on riparian habitat and sensitive plant communities.

**COMMENT:** CSERC urges that the final General Plan contain a very clear requirement that new development shall reduce any potential impact to riparian habitat and lone chaparral by avoidance and adequate buffering. **A measure should require that any new development that is located outside the boundaries of urban development within existing defined communities shall not be approved in areas with riparian habitat and/or lone chaparral.**

Such a clearly worded requirement to avoid impacts to riparian habitat and to lone chaparral in areas outside of existing defined communities can markedly the potential for a significant and unavoidable impact on those two limited and sensitive plant communities.

### **OAK WOODLAND HABITAT IS INADQUATELY PROTECTED WITHOUT ADDITIONAL MITIGATION**

**4.4-3(a)** is a new policy added to purportedly minimize the potential for buildout of the draft General Plan to impact oak woodlands. It provides some value as currently written, but it fails to provide feasible and realistic mitigation that could greatly reduce the risk of a significant impact on oak habitat.

**Policy COS 3.8, in the second and third bullet points, is positive in requiring that on properties with a development footprint smaller than 10 acres, a qualified professional must count the oak trees, measure their diameters, and determine the number that will be impacted by the development.** Further, boundary of the dripline/canopy of the woodland shall be shown on development and grading plans.

**COMMENT: CSERC supports that direction in Policy COS 3.8.**

Policy COS 3.8 goes on in bullet point four to state that on properties less than 10 acres, the mitigation shall be replacement through planting at certain ratios.

**COMMENT: As discussed previously in these comments, this planting mitigation is at odds with State oak woodland mitigation language that restricts tree planting to apply as no more than half of the mitigation for oak impacts.** At a minimum, additional mitigation must be provided to ensure that the other 50% of mitigation is not tree planting. Furthermore, as now written, there is no language in COS 3.8 requiring County post-project monitoring to ensure that there actually is successful survival of the planted oaks (such as monitoring done at a time period of 7 years post planting); nor is a consequence described for a replacement mitigation if the replanted trees fail to survive (and thus provide no mitigation benefit).

**COMMENT: CSERC urges that for projects with a development footprint smaller than 10 acres, the applicant simply be required to retain and preserve oak woodland habitat across a minimum of 20% of the project site without clearing, paving, cutting of existing oaks, or other alteration of the habitat. Where such retention areas can be overlapping with riparian areas, such an overlap would be especially beneficial.** This mitigation requirement would allow the development of 80% of each project site with less than 10 acres of a development footprint, and it would result in retained patches or strips of oak woodland that benefit that might otherwise be extirpated from the site.

Policy COS 3.8 provides that for properties greater than 10 acres, a minimum of 30 percent of existing oak woodland canopy shall be retained. However, the policy then goes on to provide a caveat that when protection of 30 percent of existing oak woodland canopy is unfeasible, other mitigation measures can be used.

**COMMENT: In some situations, only requiring the retention of 30 percent of existing oak woodland may (or may not) be appropriate that for properties greater than 10 acres.** However in many situations the loss of 70% of oak woodland habitat on a proposed project site would be a highly significant impact of great importance. Accordingly, it may be appropriate to allow the mitigation measure to be reworded so that it more appropriately provides that for properties greater than 10 acres in size, mitigation for oak impacts may be approved based upon a mitigation requirement to retain 30 percent or more of the oak woodland habitat through the design of the project. CSERC's biologists also note that additional oak impact mitigation measures are spelled out in detail in the comment letter submitted for CSERC by Shute, Mihaly & Weinberger.

On page 4.4-44 **Policy COS 3.2** states that development should avoid impacts to special-status and sensitive biological resources to the extent practicable, and where avoidance is impracticable, to mitigate impacts consistent with state and federal policies. Thus, Policy COS

3.2 actually provides no direction to avoid resource impacts because it provides such an open-ended excuse for a development applicant to simply claim that avoidance is impracticable.

**COMMENT: CSERC urges that the policy be re-worded:** “Avoid impacts to special-status and sensitive biological resources. Where total avoidance is infeasible, mitigate impacts consistent with state and federal policies.”

On page 4.4-45, the DEIR discusses how the preparation of a biology report would ensure that wetland habitats are identified prior to development. The DEIR also describes conservation easements as an acceptable method of mitigation. Then the DEIR jumps to the conclusion that once wetlands are identified, the requirement of have a biology report and the acceptance of conservation easements as mitigation would combine to reduce or avoid impacts to wetlands.

Such circular text fails to adequately protect wetlands or waters of the United States. It is positive that there may be biologist reports that help identify wetlands. Conservation easements may be one of a variety of mitigation measures considered by the County as the most appropriate and effective mitigation to minimize impacts to wetlands or waters of the United States. But a report and an option of conservation easements does not actually require any avoidance of wetlands or waters, nor does the provision of a conservation easement as a mitigation option necessarily result in avoidance of wetlands or waters of the United States.

**COMMENT: What is needed in the General Plan is a clearly worded implementation measure such as:** “Development shall avoid direct impacts to wetlands or to waters of the United States. Where indirect impacts such as grading, fill, or hydrologic disturbance may affect wetlands of waters of the United States, strict mitigation measures such as buffers, conservation easements, or other mitigation shall be applied to minimize any indirect impacts.” **CSERC asks that the recommended implementation measure suggested above be added as IM COS 3.9.**

### **Inadequate protection of perennial and ephemeral streams (and corridors)**

As currently written, **the draft General Plan does not contain effective direction to avoid impacts to streams or to stream corridors.** IM COS 4K does provide specific direction that a project applicant must contract with a qualified professional to evaluate if the project could result in fill or hydrological disruption. But no requirement is provided to assess whether or not a project will negatively affect stream corridor resources, aquatic resources, water quality, riparian habitat, or various other resource values. **Such a measure is needed in order to assure protection for water quality, aquatic species, wildlife movement, protection of riparian habitat, scenic resources, and other important values.**

**COMMENT: CSERC urges that the following measure be added to the General Plan:** “Lake, pond, river, and stream corridor habitat shall be conserved through retention of undisturbed buffers with building set-backs and the requirement to avoid any barriers to wildlife movement along the water corridor. Within existing communities, new development shall ensure that

buffers of a minimum width of 75' from the centerline of the stream are left undisturbed along stream corridors. Outside of existing communities, buffers of a minimum width of 100' from a lake or pond or from the centerline of the stream or river shall be left undisturbed."

### **Failure to require development to be located within or adjacent to existing communities**

**COMMENT:** On page 4.4-47, the DEIR incorrectly asserts that the draft General Plan "focuses further development within existing communities and in adjacent lands." This is not accurate. As drafted, there is no requirement for new development to be located in existing communities or directly adjacent lands, nor is there language prohibiting approval of new development that would either result in sprawl or leapfrog development out into rangeland, agricultural land, or natural grassland, oak woodland, or forest.

**COMMENT:** CSERC urges the General Plan to contain a clear policy directing new development to be located in or adjacent to existing communities, and to have a supporting implementation measure to ensure the effectiveness of the policy.

### **IM COS 4L provides another example of meaningless wording and a failure to ensure the desired outcome is required.**

In the single paragraph of IM COS-4L, the implementation measure text includes "encourage" preservation.... "to the maximum extent feasible". Habitat preservation and enhancement "shall be encouraged...." The County shall work with applicants "to encourage" development to be consistent with wildlife movement. Mitigation measures "may" include installing wildlife friendly fencing.... Creek corridors "should" be preserved... and the overall amazingly weak-worded paragraph ends with the caveat "to the extent feasible."

**COMMENT:** The County appears to be inviting litigation and further delays in implementing a new General Plan. Without wording that actually requires mitigation actions to be done, any policy or mitigation measure in the Plan is meaningless.

### **Specific CSERC comments on Sections 4.1-4.3 of the Calaveras County General Plan**

#### **Section 4.1: Aesthetics**

- IM PF-4D states that *"Wherever possible, sites that are less environmentally sensitive shall be selected for the placement of new emergency communications facilities."*

**COMMENT:** The wording "wherever possible" is too vague and will allow for too many exceptions that may cause environmental damage. This phrase should be deleted. from the revised text.

- IM LU-5A CSERC supports that new emergency communications facilities shall be *“masked or otherwise disguised.”*

**COMMENT:** The weakening phrase *“at the county’s discretion”* should be removed. Failing to use design measures such as the mono-tree communications tower design will result in adverse scenic impacts that could be avoided.

#### **Section 4.2: Agriculture, Forest and Mineral Resources**

- Section 4.2-1 states that there is no feasible mitigation measures for the conversion of Important Farmlands to other uses, yet it is obvious that the County could adopt policies and implementation measures that would do exactly that – avoid the conversion of Important Farmlands to other uses.

**COMMENT:** Residential development should be concentrated around existing urban areas in order to avoid the conversion of Resource Production Lands. For any projects where the County judges the benefit to be so great as to justify the conversion of Resource Production Lands, applicants should be required to fully mitigate for any conversion of farmlands. When unavoidable, conversion of farmland to other uses should also include the designation of a portion of the parcel as open space to mitigate for loss of open space. CSERC also asserts that **Policy RP 1.2 Should be clarified to specifically state a minimum lot size for parcels adjoining Resource Production Lands.**

- Policy COS 4.14 would have the County investigate the use of biomass for the generation of renewable energy. CSERC notes that this would benefit not only the County, but also the US Forest Service, by increasing local market capacity for wood chips produced through the removal of excess forest fuels from the national forest that is done for wildfire resilience purposes.

#### **Section 4.3: Air Quality and Green House Gas Emissions**

- Policy COS 4.9 states that *“The County shall continue to support emissions reductions programs such as the Carl Moyer Program.”*

**COMMENT:** For legal planning purposes, the word *“support”* is vague and meaningless in terms of any goal to reduce GHG emission. At the least, **the word “support” should be changed to “implement.”** But overall, the current General Plan approach is not specific enough or adequate regarding the County’s role in actually taking steps to reduce emissions.

- **Policy COS 4.10** states that the county “*shall consider imposing mitigation measures*” if a development project is anticipated to result in the emission of criteria air pollutants.

**COMMENT:** This should be reworded to: *the county “shall impose mitigation measures.”* Additionally, **the mitigation measures should be defined in detail in** the General Plan.

- **Policy COS 4.11** states that “*All construction, grading, quarrying and surface mining operations within the county shall be required to consider asbestos emissions per CCAPCD Tule 906.*”

**COMMENT:** The word “*consider*” is not strong enough language. **The wording should be revised** such as: “*shall be required to adhere to CCAPCD Tule 906 regarding asbestos emissions.*”

## IN CLOSING

CSERC’s staff (including our botanist, aquatic biologist, and biologist) collectively submits the above comments. It is our hope that they will be considered carefully so that resulting corrections and improvements in the Draft General Plan can produce a Final General Plan that meets legal requirements and that moves the County forward with balanced planning direction for coming decades.

A handwritten signature in black ink that reads "John Buckley". The signature is written in a cursive style with a large, looping initial "J".

John Buckley, executive director

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Re: Comments on Draft Environmental Impact Report for the Proposed  
Calaveras County General Plan Update

Dear Mr. Maurer:

Shute, Mihaly & Weinberger LLP submits these comments on the Calaveras County General Plan Update (Update or Project) Draft Environmental Impact Report (DEIR) on behalf of the Central Sierra Environmental Resource Center (CSERC). Our review of the DEIR reveals serious violations of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) and CEQA Guidelines (California Code of Regulations, title 14 § 15000 et seq.) and various state laws.

This Update will determine the shape of growth in Calaveras County for decades to come. It will guide protection of the County's precious environmental and agricultural resources, conservation and development of new housing, development of infrastructure, and other critical land use decisions. Thus, decisionmakers and the public need to make crucial decisions regarding the General Plan based on robust information, not on a narrow, pro-development version of the facts.

CSERC staff has participated actively in various General Plan revision committee meetings, public open house sessions, and workshops presented for County officials and interested County residents. During those opportunities for input, CSERC emphasized that strengthening General Plan protection for natural resources, open space, water resources, scenic values, and air quality would provide long-term benefits for the local economy and for scenic values tied to tourism. Nonetheless, County officials and



building industry interests have advocated for weakening or avoiding the inclusion of conservation policies that are necessary to comply with state and federal law. This focus on minimizing protective measures is reflected in the proposed Update and the DEIR. As evidenced by the numerous admitted significant unavoidable impacts, the update will create long-term environmental damage, affecting residents and future generations throughout the region.

The buildout of the update encourages sprawl development by allowing “the addition of 19,979 residential units and a population increase of 71,567 within the County.” DEIR at 3-6. Department of Finance (DOF) projections for the County only predict a population increase of 9,963 persons requiring the addition of approximately 4,353 residential units. DEIR at 3-5. The Update plans for a population more than seven times the predicted increase and for more than 4.5 times the number of required residential units. The DEIR claims it is allowing “substantial development flexibility in terms of density, intensity, and location of future development.” DEIR at 3-6. But this is simply a fancier way of saying that the update allows for sprawl development into the open space, agricultural, and resource production lands that make Calaveras County special. The Update will result in far greater significant and unavoidable environmental impacts than the DOF Projections General Plan Alternative would.

The EIR is “the heart of CEQA.” *Laurel Heights Improvement Ass’n v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (citations omitted) (*Laurel Heights I*). It is an “environmental ‘alarm bell’” that alerts the public and responsible officials to environmental changes before they reach “ecological points of no return.” *Id.* (citations omitted). The EIR is also intended to hold public officials accountable by “demonstrat[ing] to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” *Id.* (citations omitted).

Where, as here, an EIR fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy CEQA’s most basic goals. Pub. Resources Code § 21061 (“The purpose of an [EIR] is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”).

Our comments on the Notice of Preparation of the EIR urged the County to complete a robust environmental review of the Update and to analyze alternatives that promote conservation and rural values. The DEIR fails to do either.

As set forth in more detail below, it is our opinion that the DEIR does not comply with the requirements of CEQA and other state laws. In numerous instances, the DEIR fails to thoroughly assess the impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts. It also fails to fully analyze potentially significant effects and to consider any alternatives that could reduce the significant environmental impacts of the Update.

The pervasive flaws in the document demand that the County revise and recirculate the DEIR to provide the public an accurate assessment of the environmental issues at stake, and a mitigation strategy—developed *before* General Plan approval—that fully addresses the significant impacts of the proposed Update.

#### **I. The DOF Projections Alternative Must Be Chosen under CEQA.**

Under CEQA, a lead agency is *required* to adopt an environmentally superior alternative if it is feasible to do so. Pub. Res. Code § 21002.1 (public agency shall avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so); *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1341 (finding analysis of reduced-size alternative inadequate and rejection of reduced-size alternative (which was the environmentally superior alternative) unsupported); *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.*(2001) 91 Cal.App.4th 1344, 1354 (“public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects”). A feasible alternative is one that would meet the project’s objectives and would diminish or avoid its significant environmental impacts. CEQA § 21002; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 731.

Here, the DEIR recognizes that “because the DOF Projections Alternative would result in the fewest impacts in the most resource areas in comparison to all other Project alternatives, the DOF Projections Alternative would be considered the Environmentally Superior Alternative.” DEIR at 6-25. The DOF Projections Alternative would result in fewer impacts to air quality and GHG emissions; noise and vibration; transportation and circulation; cultural resources; geology, soils, and seismicity; and population and housing. DEIR at 6-25. Further, the DEIR acknowledges that “DOF Projections Alternative would still be capable of achieving the majority of the proposed project’s objectives.” DEIR at 6-13.

Because the DOF Projections Alternative is the environmentally superior alternative and meets the proposed project's objectives, therefore, the County is *required* to select it over the proposed project.

Selection of the DOF Projections Alternative is not only required by law, but also required by common sense. The proposed project vastly inflates the amount of growth in the County. While this amount of growth will likely not occur under the proposed project, the proposed project will allow poorly-mitigated sprawl development. By overstating and inflating the project, the County has made it impossible to mitigate the significant impacts and encourages development into agricultural and open space lands.

## **II. The DEIR Inadequately Analyzes Alternatives to the Proposed Update.**

By contrast, it will be far easier to mitigate the more realistic development goal embodied by the DOF Projections Alternative. The County has not adequately considered mitigation for the DOF Projections Alternative that would reduce the number of significant impacts and instead improperly concludes that "the DOF Projections Alternative would still result in the same significant and unavoidable impacts identified in this EIR for the proposed project." DEIR at 6-25. The DEIR must consider mitigation for the DOF Projections Alternative that will reduce some of the impacts to a less than significant level. But to the extent that the DOF Projections Alternative does not reduce any impacts to less than significant, CSERC believes that the DEIR's alternatives analysis is deficient.

Although the DOF Projections Alternative is the environmentally superior alternative of those presented, the DEIR still fails to analyze a reasonable range of alternatives. The DEIR must consider alternatives that could actually lessen the significant impacts of the Update to a point where they are no longer significant and unavoidable. *Berkeley Keep Jets*, 91 Cal.App.4th at 1354. The County cannot be relieved of its obligation to conduct comprehensive environmental review simply because the County prefers a certain approach to development. *See N. Coast Rivers All. v. Kawamura* (2015) 196 Cal.Rptr.3d 559, 575 (invalidating a program EIR because an "artificially narrow" objective precluded consideration of alternatives). The DEIR provides no reasonable explanation as to why it did not analyze alternatives that could reduce the inevitable damage from the Update to a less than significant level. Because the DEIR fails to analyze *any* potentially feasible alternative that could avoid or lessen significant impacts to a less than significant level, it fails to comply with CEQA. *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1305. *See also* CEQA Guidelines § 15126.6(b); *Center for Biological Diversity v. County of San*

*Bernardino* (2010) 185 Cal.App.4th 866, 884-85 (agency failed to demonstrate that a suggested alternative was infeasible).

While two of the alternatives purport to have “fewer” impacts than the proposed project, the EIR does not examine any alternatives which reduce the number of significant and unavoidable impacts. DEIR at 6-26 (Table 6-3: Alternative Environmental Impacts Comparison). All significant and unavoidable impacts under the project remain significant and unavoidable under all the alternatives. This is contrary to the mandates of CEQA to analyze alternatives that lessen significant impacts to a less than significant level.

### **III. The DEIR Improperly Relies on Unenforceable and Noncommittal General Plan Policies and Programs to Avoid Significant Impacts.**

#### **A. The DEIR Must Not Substitute Proposed General Plan Policies and Programs for Mitigation Measures.**

An EIR must “separately identify and analyze the significance of impacts . . . before proposing mitigation measures.” *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 658. When an agency folds discussion of mitigation into discussion of the project and impacts, this “subverts the purposes of CEQA,” because it results in omission of “material necessary to informed decisionmaking and informed public participation.” *Id.*

In *Lotus*, the court invalidated an EIR for a highway broadening project, because the agency failed to analyze mitigation measures separately from impacts. *Id.* The EIR identified the primary environmental impacts of the project as potential damage to structural root zones of redwood trees near Highway 101. *Id.* at 649. It also described “Avoidance Minimization and/or Mitigation Measures” that had been incorporated into the project. *Id.* at 650. The finding in the EIR that impacts were not significant was “explicitly premised on [those] mitigation measures.” *Id.* at 651. “By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregard[ed] the requirements of CEQA.” *Id.* at 656. The court refused to allow this practice, because when an EIR does not properly separate these issues, it “precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences.” *Id.* at 658.

The DEIR for the Update violates the *Lotus* rule repeatedly. For example, in the Aesthetics chapter, the DEIR concludes that based on the Land Use (LU) Element of the Update’s inclusion of goals, policies, and IMs related to minimizing light and glare

in the county, the impact would be less than significant. DEIR at 4.1-23; *see also e.g.*, DEIR at 4.2-22 (impacts relating to conflicts with agricultural use or with Williamson Act contracts were less than significant based on the Update). Accordingly, the DEIR's conclusion that many impacts will not be significant is "explicitly premised" on General Plan policies that the DEIR claims will "reduce" environmental impacts, in direct violation of *Lotus*. *See* 223 Cal.App.4th at 651.

These are precisely the types of compressed conclusions that *Lotus* prohibits, because they lead to the omission of "material necessary to informed decisionmaking and informed public participation." *See* 223 Cal.App.4th at 656, 658. The revised DEIR must separately identify potential environmental impacts before analyzing possible mitigation measures.

**B. The DEIR Violates CEQA by Concluding Vague Mitigation Measures Will Sufficiently Mitigate Project Impacts.**

Further, mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments that will ensure the measures are actually implemented—not merely adopted and then disregarded. Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2); *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Assns.*, 83 Cal.App.4th at 1261. In contrast, a general plan's goals and policies are frequently somewhat vague and aspirational. Thus, the County may only rely on General Plan policies and programs to mitigate environmental impacts under CEQA where they represent a firm, enforceable commitment to mitigate. *See Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358.

Here, the DEIR consistently and impermissibly cites vague, unenforceable, and noncommittal policies and programs as justifications for decisions to require no mitigation of potentially significant impacts. For example, in the Aesthetics analysis, the DEIR concludes impacts from light or glare would be less than significant based on vague General Plan policies that lack enforceable mandates. DEIR at 4.1-23 to 4.1-24.

Likewise, the DEIR identifies vague, unenforceable, and noncommittal policies and programs as mitigation measures for significant impacts. The new program proposed to address impacts of buildout by protecting sensitive communities and reducing competition from invasive species would simply "Support efforts to eradicate invasive species and encourage practices that reduce their spread," and would not clearly impose binding requirements from the list of possible measures. DEIR at 4.4-40. And the



mitigation to reduce impacts to wildlife movement states only that the policy will be to “Encourage development to be compatible with wildlife movement.” DEIR at 4.4-49. Further examples of improper mitigation measures are discussed below in Section V.

There are no mechanisms in place to ensure that these policies and programs will actually be implemented, so they cannot serve as CEQA mitigation. *See* Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(3); *Anderson First*, 130 Cal.App.4th at 1186-87.

#### **IV. The DEIR Improperly Attempts to Avoid Analysis and Mitigation of Impacts by Concluding They Are Significant and Unavoidable.**

Ultimately, an EIR’s central purpose is to identify a project’s significant environmental effects and then evaluate ways of avoiding or minimizing them. Pub. Resources Code §§ 21002.1(a), 21061. Mitigation is defined by CEQA to include “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.” CEQA Guidelines § 15370(b). CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. CEQA Guidelines § 15126.4(a)(1)(A) (EIR “shall identify mitigation measures for each significant environmental effect identified in the EIR”); *Woodward Park Homeowners Ass’n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 724 (“The EIR also must describe feasible measures that could minimize significant impacts.”); 1 Kostka & Zischke, *Practice Under the California Environmental Quality Act* § 14.6 (2d ed. 2008) (“A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.”). Moreover, CEQA requires the agency to mitigate significant effects to the extent feasible. *See Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443, fn. 8.

Where all available and feasible mitigation measures have been identified, but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable. *See* CEQA Guidelines § 15126.2. However, the lead agency cannot simply conclude that an impact is significant and unavoidable and move on. *Berkeley Jets*, 91 Cal.App.4th at 1371 (DEIR may not “travel the legally impermissible easy road to CEQA compliance . . . [by] simply labeling [an] effect ‘significant’ without accompanying analysis.”). Rather, “a more detailed analysis of how adverse the impact will be is required.” *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1123. Specifically, the agency must (1) perform a thorough evaluation of the impact and its severity before and after mitigation, and (2) propose *all* feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines §§ 15091(a)(1), 15126.2(b)

(requiring an EIR to discuss “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance”).

Thus, the County is legally required to mitigate or avoid the significant impacts of the Update wherever it is feasible to do so. *See* Pub. Resources Code § 21002.1(b). In other words, it cannot approve the Update with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Resources Code § 21002; CEQA Guidelines § 15126(a).

In the Aesthetics Chapter, for example, when discussing the tendency of the project to substantially degrade the existing visual character or quality of the site or the site’s surroundings, the DEIR acknowledges that “buildout of the Update would inevitably result in changes to the existing rural character of the County.” DEIR at 4.1-19. But rather than proposing specific, enforceable mitigation measures to reduce this impact, the proposed mitigation measures focus only on the construction of new repeating towers. DEIR at 4.1-19 and 22-23. No further analysis of the impacts of the massive development is included, and the DEIR simply lists unenforceable General Plan policies that would “encourage new development to be compatible with the scale and character of existing development.” DEIR at 4.1-20. It concludes that “other feasible measures are not available to reduce impacts related to degradation of the existing visual character or quality of the County associated with buildout of the Draft General Plan.” DEIR at 4.1-22. However, no explanation is given for why *enforceable* mitigation is infeasible. Because the DEIR “simply label[s] effect[s] ‘significant’ without accompanying analysis,” the DEIR cannot be approved as currently drafted. *See Berkeley Jets*, 91 Cal.App.4th at 1371.

Further discussion of this issue is included below in sections V and VII.

## **V. The DEIR Does Not Accurately Describe the Environmental Baseline.**

An indispensable component of a complete assessment of project impacts is an accurate depiction of existing environmental conditions. Investigating and reporting existing conditions are “crucial function[s] of the EIR.” *Save Our Peninsula Comm. v. Monterey County* (2001) 87 Cal.App.4th 99, 122 (“SOPC”). “[W]ithout such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible.” *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953. Decisionmakers must be able to weigh the project’s effects against “real conditions on the ground.” *City of Carmel-by-the-Sea*, 183 Cal.App.3d at 246. “Because the chief purpose of the EIR is to provide detailed information regarding the

significant environmental effects of the proposed project on the physical conditions which exist within the area, it follows that the existing conditions must be determined.” *SOPC*, 87 Cal.App.4th at 120 (internal quotation marks omitted). Therefore, the DEIR must present the existing acreage and dwelling units or floor area of existing uses and uses proposed on the County’s unincorporated lands. The document must also show or describe *where* the new uses proposed would represent changes from existing uses. Neither the DEIR nor the Update do this. The DEIR must be revised to disclose this information and recirculated.

## **VI. The DEIR’s Analyses of the Impacts of the Proposed Project Are Inadequate.**

The DEIR’s impact sections for the most part simply name potential impacts of the project and, in most cases, identify them significant and unavoidable. The DEIR rarely quantifies the impacts, nor even describes their nature and extent. Its analyses read more like a set of general discussions of these types of impacts in a generic county anywhere in California, rather than analyses of how *this* General Plan will affect *this* County. The DEIR’s impact analyses are universally flawed in this manner, because none of them considers the project actually put forth by the proposed Update.

It is only at this early stage that the County can design wide-ranging, *enforceable*, measures to mitigate County-wide environmental impacts. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR “[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility. . . .”). A “program” or “first tier” EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses.

Thus, it is particularly important that the DEIR for the General Plan analyze now, rather than when individual specific projects are proposed at a later time, the overall impacts for the complete level of development it is authorizing. A General Plan, as the “constitution for all future development,” dictates the location and type of future development in the County. An EIR for a general plan must take into account all of “the future development permitted by the [general plan].” *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409 (citation omitted); *see also City of Carmel-by-the-Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 245.

Once the accurate description of the current environmental conditions, the DEIR must then analyze the impacts of the project on this baseline. The DEIR, here, fails



to provide the legally required analysis of the unfettered growth that the General Plan allows and promotes. Thus, in addition to preparing a legally valid General Plan that comprehensively plans for all unincorporated County land, the County must revise the DEIR to accurately disclose the impacts of the maximum density allowed by the General Plan it does propose to adopt. Below, this letter details the specific legal inadequacies of the DEIR's various impact sections.

**A. The DEIR Fails to Adequately Analyze and Mitigate the General Plan's Air Quality Impacts.**

The DEIR's analysis of air quality impacts is crippled by the same flaws that afflict the rest of this document: because the General Plan does not provide a comprehensible description of the distribution of both the current and proposed land uses throughout the County, the DEIR does not analyze the environmental consequences of the proposed land uses on air quality. The DEIR includes, in Appendix C, the National Emissions Inventory for Calaveras County. This is the only quantitative information provided regarding the current *sources* of emissions in the County. DEIR at Appx. C at 120-124. The DEIR discloses that operational emissions of NO<sub>x</sub> will increase by 17,283 lbs/day, ROG by 77,614 lbs/day, and PM<sub>10</sub> by 24,499 lbs/day. DEIR at 4.3-32. It makes no predictions for construction emissions.

**1. The DEIR's Analysis of Construction Related Emissions Impacts Is Deficient.**

The DEIR incorrectly concludes that construction emissions will be less than significant. DEIR at 4.3-32. The DEIR's flawed logic, which allows it to arrive at this conclusion, is that because future projects will have to consult with Calaveras County Air Pollution Control District (CCAPCD) if construction emissions exceed CCAPCD thresholds, then CCAPCD would work with the project applicant to develop project specific mitigation measures to reduce emissions to a less than significant level. DEIR at 4.3-32. Full mitigation is an unreasonable assumption.

Right now, construction results in the emissions of 88.9222 tons of PM<sub>10</sub> each year—even though it is subject to the same CCAPCD standards that the DEIR relies upon to claim that air quality impacts from construction will be less than significant. DEIR at Appendix C at 121. Construction dust is the fifth largest source of PM<sub>10</sub> in the County. Numerous scientific studies link exposure to particulate matter, including PM<sub>10</sub>, to premature death in people with heart or lung disease, aggravated asthma, decreased

lung function, and increased respiratory symptoms including difficulty breathing.<sup>1</sup> Older adults and children are at an increased risk for negative health impacts.<sup>2</sup> However, when the County ran the CalEEMod Emissions Estimation Model, it zeroed out all construction emissions. Assuming zero emissions from construction of an additional 19,979 units of housing and the infrastructure and additional services to accommodate an additional 71,567 people is entirely unsupported. *See* DEIR at 3-8. The DEIR must be revised and recirculated to disclose actual construction emissions assuming full buildout and to analyze the impact these emissions would have on the environment.

**2. The DEIR Fails to Adequately Analyze the Project’s Potential to Expose Sensitive Receptors to Substantial Pollutant Concentrations.**

The DEIR makes no attempt to quantify the increase in toxic air contaminants (“TAC”) from buildout of the General Plan; instead it defers this analysis, suggesting that these emissions can be controlled at the local and regional level through permitting. DEIR at 4.3-35 to 36. CEQA does not allow an EIR to defer analysis and mitigation to a future time. *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296. A project’s impacts must be analyzed, disclosed, and mitigated at the “earliest feasible stage in the planning process.” *Id.* at 307; *see also* CEQA Guidelines § 15126.4(a)(1)(B) (“Formulation of mitigation measures should not be deferred until some future time.”); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-94.; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396. Consequently, the DEIR must evaluate the increase in TAC emissions that would result from implementation of the General Plan and disclose the current levels of TAC emissions for a comparison.

Land uses that result in TAC exposures, particularly exposure to combustion-related diesel particulate matter (“DPM”), are not usually required to acquire air quality permits. Therefore, lead agencies, such as the County, must take action to prevent or minimize health risk exposure, and cannot rely on future permitting, as the DEIR has attempted to do. Clearly, sound planning principles, along with CEQA’s bar on deferred analysis, dictate that the appropriate context for addressing and eliminating these

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<sup>1</sup> *See* Health and Environmental Effects of Particulate Matter (PM), EPA, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm> (last updated June 20, 2018); *see also* Particle Pollution and Your Health, EPA (September 2003, EPA-452/F-03-001) <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1001EX6.txt>.

<sup>2</sup> Particle Pollution and Your Health, EPA (September 2003, EPA-452/F-03-001) <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1001EX6.txt>.

land use conflicts is during a comprehensive update of the General Plan, not at the project-specific level.

**B. The DEIR Fails to Adequately Analyze and Mitigate the General Plan's Climate Change Impacts.**

**1. The DEIR Fails to Present an Accurate Representation of Climate Change Impacts Caused by the General Plan.**

The DEIR provides insufficient detail regarding methodology and assumptions to determine whether the greenhouse gas (“GHG”) analysis actually evaluates the Project’s impacts. For example, the DEIR finds that “[b]uildout of the Update would result in 4,027,100 daily vehicle miles travelled (VMT) within the County.” DEIR at 4.3-28. However, it gives no current estimate of VMT in this chapter of the DEIR, nor analyzes how this number could be reduced, nor discloses the amount of emissions from mobile sources currently. In fact, this is the single mention of VMT in the Air Quality and GHG section. The document never explains the relationship between the proposed Update, including the type and location of proposed land uses, and the emissions data from each type of use to allow the public and decisionmakers to determine whether the DEIR’s emissions estimates reflect the proposed project.

The DEIR includes projected emissions from area, energy, mobile, waste, and water, but the DEIR’s emission estimates provide no information regarding methodology and assumptions as to how the DEIR authors calculated the estimates. DEIR at 4.4-42. Nor does the DEIR provide current, baseline GHG emissions. The DEIR must answer the following questions: Which specific sources were considered in the calculation of energy GHG emissions? Were GHG emissions from construction activities and operations taken into account? If so, how were the emission estimates arrived at in the absence of detailed land use data? What is the current baseline of GHG emissions? Reference to Appendix C does not answer these questions.

Construction activities, such as site grading and asphalt paving, and the associated use of utility engines and heavy-duty construction vehicles of individual projects related to the General Plan would produce combustion emissions from various sources. During construction of the Project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels emits GHGs. GHG estimates must be based on residential, commercial and industrial growth and must be calculated assuming some buildout projection (i.e., 1/20th of the total development occurs in each year with equal construction phasing in each

year). Here, the DEIR provides none of this information and zeros out construction emissions. *See* DEIR at Appendix C at 3.

Other critical information missing from the DEIR relating to its energy-related GHG emissions projections includes the following: (1) the amount of water-related energy use assumptions (conveyance, water treatment, water distribution, and wastewater treatment); (2) the emissions from agriculture. The revised EIR must provide the necessary details regarding all sources of GHG emissions.

**2. The Update and DEIR Must Recognize that Uncontrolled, Sprawling Growth Undermines State Greenhouse Gas Reduction Goals.**

The DEIR determines that the substantial increase in GHG emissions that would accompany implementation of the General Plan could conflict with the State’s ability to meet the AB 32 goals. DEIR at 4.3-39. The document correctly identifies this impact as significant. DEIR at 4.3-39. Yet the DEIR is entirely wrong when it concludes that this impact is unavoidable. The County has the ability to create and adopt a General Plan that advances the goals of AB 32 (and SB 375), and this General Plan creates the opportunity to advance a sustainable land use and transportation planning agenda.

The General Plan and DEIR must recognize that uncontrolled, sprawling growth undermines the State’s GHG reduction goals. Decentralized, low density land use development results in excessive reliance on the private automobile. Thus GHG emissions will continue to rise despite technological advances, because the increase in driving is projected to overwhelm planned improvements in vehicle efficiency. Buildout under the proposed General Plan is expected to result in 4,027,100 daily VMT within the County, an increase of over two million daily VMT. DEIR at 4.3-28.

Findings from the study entitled “Growing Cooler: The Evidence on Urban Development and Climate Change,” show that “much of the rise in vehicle emissions can be curbed simply by growing in a way that will make it easier for Americans to drive less”—specifically, through compact development that can reduce driving by 20 to 40 percent.<sup>3</sup> Indeed, recognizing the unsustainable growth in driving, the American Association of State Highway and Transportation Officials, representing state departments of transportation, is urging that the growth of vehicle miles traveled *be cut in*

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<sup>3</sup> Reid Ewing, Keith Bartholomew, Steve Winkelman, Jerry Walters, and Don Chen, *Growing Cooler: The Evidence on Urban Development and Climate Change* (Oct. 2007), [https://www.nrdc.org/sites/default/files/cit\\_07092401a.pdf](https://www.nrdc.org/sites/default/files/cit_07092401a.pdf).

*half. Id.* (emphasis added.) Slowing the growth of vehicle miles traveled, especially when many regions including the County are facing increases in population, is a daunting task. However, much of the rise in vehicle emissions can be curbed simply by managing land use in a way that makes it easier for people to drive less. *Id.* The Legislature and the people of California have decided that this state must move toward sustainable growth. The County's insistence on working against this goal is unjustifiable.

### **3. The DEIR's Approach to Climate Change Mitigation Is Utterly Deficient.**

The County takes a step in the right direction by planning to develop a GHG reduction plan as an implementation measure to reduce the substantial increase in GHG emissions that would accompany implementation of the General Plan. DEIR at 4.3-43. Unfortunately, this plan has yet to be developed and cannot be analyzed. "The purpose of an environmental impact report is . . . to list ways in which the significant effects of such a project might be minimized . . ." CEQA § 21061. The Supreme Court has described mitigation as part of the "core" of an EIR. *Citizens of Goleta Valley v. Bd. of Supervisors of Santa Barbara County* (1990), 52 Cal.3d 553, 564. It is important to note that the DEIR's obligation to identify mitigation is not diminished just because no available mitigation reduces the impact all the way to a less-than-significant level. Any measure that will reduce the severity of the impact is still useful, and still must be identified and analyzed. CEQA Guidelines § 15126.4(a)(1); *cf. Santiago County Water Dist. v. Orange County* (1981) 118 Cal.App.3d 818, 831.

Many of the policies and programs listed as mitigation in the DEIR include terms like "shall investigate," "support," "provide incentives," and "inventory." See DEIR at 4.3-43. The entirety of the analysis and mitigation is improperly deferred. Specifically, the DEIR and the yet to be developed GHG reduction plan provide inadequate commitment to substantive, enforceable climate change mitigation and protection, and fail to provide mechanisms to ensure that climate change mitigation will endure and evolve, as appropriate, across the 20-year project lifespan. A "program" or "first tier" EIR is not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 199. Therefore, policies that call for investigating and supporting must be modified to actually require the implementation of the policies' programs.

In essence, we can find no evidence that the County is seriously committed to offsetting the substantial increase in GHG emissions that would result from implementation of the General Plan. Additional actions to reduce GHG emissions have been demonstrated to be feasible. The *Model Policies for Greenhouse Gases in General*

*Plans* offers numerous potential mitigation measures and the County should adopt this framework to adequately mitigate GHG emissions.<sup>4</sup> The County must adopt all feasible mitigation measures using the powers the County has to enact ordinances and control development characteristics to reduce GHG emissions. CSERC includes further discussion of this issue below in Section VII.B.2.

#### **4. The Update Violates the Regional Welfare Doctrine.**

The state has clear statewide goals tied to SB32. The County's Update openly conflicts with those goals. Additionally, the proposed General Plan disregards the cooperative, regional approach to climate change called for in Senate Bill 375 and Assembly Bill 32. Both bills require state and local governments to work together to reduce the State's greenhouse gas emissions. After all, if the State is to meet its goals of reducing greenhouse gas emissions, any increase in emissions created by the proposed Plan must be offset (and then some) by reductions in other jurisdictions. The proposed General Plan, however, would admittedly result in increased emissions by allowing sprawling development, which increases vehicle miles traveled. This antiquated approach to planning puts the desires of the County—i.e., revenue from urban development in unincorporated areas—ahead of the regional and indeed global interests caused by these increased emissions. Moreover, it places the burden of reducing the State's emissions on other jurisdictions.

This would result in a violation of the Regional Welfare Doctrine. Under the California Constitution, a public agency must adequately consider and address the welfare of the entire region—not just the area within its own jurisdictional boundaries—when exercising its police power. *See Northwood Homes, Inc. v. Town of Moraga* (1989) 216 Cal.App.3d 1197, 1201 (citing *Associated Home Builders of the Greater Eastbay, Inc. v. City of Livermore* (1976) 18 Cal.3d 582 ); *Lee v. City of Monterey Park* (1985) 173 Cal.App.3d 798, 803-804 ; *Arnel Development Company v. City of Costa Mesa* (1981) 126 Cal.App.3d 330, 336 . If the County were to approve the proposed General Plan, it would turn a blind eye to the General Plan's significant regional and statewide consequences, in violation of this constitutional mandate.

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<sup>4</sup> California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, [http://www.ca-ilg.org/sites/main/files/file-attachments/resources/CAPCOA\\_Model\\_Policies\\_for\\_Greenhouse\\_Gases\\_in\\_General\\_Plans\\_-\\_June\\_2009.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources/CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf).



**C. The DEIR Fails to Adequately Analyze and Mitigate the Impacts on Biological Resources.**

Calaveras County has a multitude of sensitive and critical habitats and an array of special-status species that have the potential to occur in the County. DEIR at 4.4-7 to 21. The County is home to 18 species of special status plants and 14 species of special-status wildlife. DEIR at 4.4-18. Given these sensitive biological resources, one would expect the DEIR to provide a comprehensive analysis of the effect that implementation of the General Plan would have on the County's plant and wildlife communities.

Yet, the DEIR never actually evaluates how growth expected under the General Plan would impact sensitive habitats, or plant and wildlife communities. Instead, the document takes the novel approach of assessing whether the proposed General Plan includes adequate provisions to ensure protection of the resources. *See e.g.*, 4.4-31. While this exercise is certainly necessary, it does not release the County from its obligation of actually analyzing how growth from the General Plan would affect resources. CEQA requires that an EIR be detailed, complete, and reflect a good faith effort at full disclosure. CEQA Guidelines § 15151. The document must provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decisionmakers to make intelligent judgments. *Id.* The information regarding the project's impacts must be "painstakingly ferreted out" and may not be deferred. *Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado*, 131 Cal.App.3d 350, 357 (1982) (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment).

The DEIR, however, defers any analysis of the probability for a species to occur in the county stating for every single species: "Properties with suitable habitat need surveys completed prior to the time development or land alterations are proposed." DEIR Appendix D: Biological Resources at Tbl. 2 and Tbl. 3.

To adequately analyze impacts to biological resources, the DEIR must include not just lists of species and habitats (DEIR at 4.4-18 to 21), but maps showing their locations (and migration corridors) in the County and textual explanations of the species' needs and their status—a discussion, that is, of how rare they are locally and overall, and how development under the General Plan might threaten them. Having established the baseline, the DEIR would then need to compare the locations of habitat and species to the locations of development, and to propose concrete, enforceable mitigation measures to protect any threatened resources. Of course, this analysis must

look to the maximum densities allowed under the proposed General Plan in order to determine where development will affect biological resources.

Until it follows these steps or undertakes some similar procedure to determine the potential impacts of development under the General Plan, this DEIR's analysis will remain thoroughly inadequate. Furthermore, until this analysis is undertaken, it is not possible to identify or evaluate feasible mitigation measures capable of minimizing the Project's significant impacts on biological resources.

**D. The DEIR Fails to Adequately Analyze and Mitigate the Project's Impacts to Agriculture.**

The DEIR's description of the current state of agricultural land in the County is lacking crucial information. Every analysis of a project's environmental effects must begin with the description of the environmental conditions before the project – the baseline. *See SOPC*, 87 Cal.App.4th at 122. In considering impacts to agricultural lands, the crucial issues are how much agricultural land is under threat of development, and where the threatened land is located.

With a few small exceptions, the “vast majority of lands under Williamson Act contracts within the County would be located within areas designated by the Draft General Plan Land Use Map as Resource Production.” DEIR at 4.2-23. However, the DEIR fails to compare the amount of land, in addition to land under Williamson Act contracts, currently designated for agriculture or resource production uses. The DEIR notes that because “the full extent of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the County is not known at this point in time, conversion of Farmland could potentially occur with implementation of the Draft General Plan Land Use Map.” DEIR at 4.2-22. Even if the County has not been included in the Farmland Mapping and Monitoring Program (FMMP) (DEIR at 4.2-3), the County can inventory the existing agriculture use on the ground and compare that to the full buildout under the General Plan to obtain the amount of farmland that could be converted. The County cannot simply conclude “impacts to agricultural resources would be limited to areas where urban development, as identified by higher-density land use designations, would be located on or adjacent to existing agricultural resources not protected as Resource Production land or Working Lands.” DEIR at 4.2-22. The number of acres of existing agricultural resources not protected as Resource Production land or Working Lands must be disclosed.

The County should also compare the existing land use *designations* for agriculture (and not just current use) to the proposed buildout of the General Plan. The



DEIR must show how land uses could potentially change under the current General Plan, without the proposed update; such analysis is required under CEQA Guidelines section 15125(e). This analysis should have occurred in the discussion of Impact 4.2-2—Impacts related to conflicting with existing zoning for agricultural use or with Williamson Act contracts. DSEIS at 4.2-22. Instead the analysis limits itself to conflicts with Williamson Act contracts and does not consider potential conflicts with existing zoning. DEIR at 4.2-22 to 25. Even though the DEIR acknowledged that there would be impacts to agricultural resources not protected as Resource Production land or Working Lands (DEIR at 4.2-22), it then states incorrectly that the proposed General Plan’s “policies, goals, and IMs would prevent new development occurring under buildout of the Draft General Plan from conflicting with zoning for agricultural use ... by limiting non-compatible development from occurring on, or directly adjacent to, Resource Production lands and Working Lands.” DEIR at 4.-2-25. This incorrect assertion undermines the DEIR’s finding of a less-than-significant impact since there is no basis for the DEIR to conclude that lands zoned for agricultural use will not be impacted by the proposed General Plan. It is impossible to evaluate how the project will change the current General Plan without a clear picture of the Plan as it stands today.

By not disclosing the amount of farmland that could be converted, the DEIR fails to inform the public and decisionmakers of the scale of the agricultural impacts. The DEIR must be revised to provide a clear, complete picture of current and proposed uses for agricultural lands within the County, or it will remain inadequate. These impacts are significant and must be analyzed as such in a revised and recirculated EIR.

**E. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Impacts to Energy.**

**1. The DEIR’s Discussion of Building Energy Lacks Rigorous Analysis and Contains Incorrect Information.**

To its credit, the DEIR quantifies the Project’s increase in building-energy impacts. Although construction and operation of the Project would greatly increase electricity and natural gas consumption, the DEIR concludes that the Project would not involve inefficient, wasteful and unnecessary use of energy and would therefore involve a less than significant impact. DEIR at 5-8 and 10. The DEIR lacks the evidentiary basis for this conclusion.

Agencies have long relied on existing energy-reduction requirements in building codes, and on the beneficial side effects of reducing greenhouse gases, to

demonstrate that a project's energy use will not be wasteful or inefficient. That approach is no longer sufficient under CEQA, however. *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 211. EIRs must quantify the energy impacts of proposed projects. *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 263-64. This DEIR improperly relies solely on building standards to find no unnecessary or wasteful use of energy, concluding:

given that future development within Calaveras County would be required to comply with CALGreen and the Building Energy Efficiency Standards, as well as applicable CCAPCD standard mitigation measures, buildout of the Draft General Plan would not result in the inefficient or wasteful consumption of electricity or natural gas or conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

DEIR at 5-8.

While the DEIR does quantify the “before” and “after” energy requirements of the proposed Update, it offers no explanation or justification why the massive increase in energy required for the County's buildings under buildout would not be wasteful or inefficient. The County currently consumes 315.90 millions of kWh of electricity and 0.90 millions of therms of natural gas. DEIR at 5-7. Under buildout of the proposed Update, “total electricity use for the County in 2035 is estimated to be around 2,350 millions of kWh per year and a natural gas use of approximately 31.35 millions of therms.” DEIR at 5-6. Electricity consumption will increase 7.4 times and natural gas consumption will increase 34.8 times compared to the current consumption. The DEIR must be revised and recirculated to explain how exactly nearly *35 times* the natural gas consumption and more than *7 times* the electricity consumption are required under buildout and how this is not wasteful and inefficient. Resort to building standards as analysis and mitigation is entirely inadequate.

Further, this section states that “approximately 70 percent of PG&E's delivered electricity was derived from renewable energy and GHG-free energy sources such as . . . natural gas . . .” DEIR at 5-7. Natural gas is neither renewable nor GHG-free. With natural gas consumption increasing 35 times the current consumption, and a fundamental misunderstanding of the energy and GHG implications of natural gas, the Update certainly does not meet the goal of “decreasing reliance on natural gas.” CEQA Guidelines, Appx. F § I. The DEIR must discuss potential mitigation measures to decrease the reliance on natural gas. These possible mitigation measures include, but are

not limited to, those outlined in Appendix F, section II.D. And the DEIR must discuss “why certain measures were incorporated in the project and why other measures were dismissed.” CEQA Guidelines, Appx. F § II.D.1.

Finally, the DEIR’s discussion of “[t]he effects of the project on local and regional energy supplies and on requirements for additional capacity” is inadequate. *See* CEQA Guidelines, Appx. F § II.C.2. The DEIR notes that the “[b]uildout of the Draft General Plan would increase demand for [natural gas and electricity] services but would be accommodated by PG&E.” DEIR at 5-7. It then goes on to state that expansion of the services could include “additional substations, additional towers and conveyance infrastructure.” DEIR at 5-7. But it concludes that “while PG&E may expand service and increase energy supplies to respond to increasing demand from buildout of the Draft General Plan, such expansion would not result in adverse impacts on regional energy supplies, energy resources, or the need for substantial new or altered energy or natural gas utilities.” DEIR at 5-7. But this misses the point of Appendix F, section II.C.2 entirely—consideration of the impacts of the project on energy supplies and requirements for additional capacity. The DEIR admits that buildout of the Update will need both additional energy supplies and additional capacity. This is an impact that must be mitigated—it cannot be ignored because the County believes that PG&E will be able to meet nearly 35 times the current natural gas demand and more than 7 times the electricity demand by building more infrastructure and procuring additional energy supplies. The effects of this building and procurement must be analyzed and mitigated—ideally with mitigation controlled by the County and aimed at reducing consumption of natural gas and electricity.

## **2. The DEIR Fails to Quantify the Increase in Construction-Energy Impacts.**

As noted above, EIRs must quantify the energy impacts of proposed projects. *Ukiah Citizens for Safety First*, 248 Cal.App.4th at 263-64. The DEIR makes no attempt to quantify the energy-impacts from the massive buildout proposed under the Update or to compare that to the current amount of energy used for construction now. It also relies improperly on CCAPCD’s standard mitigation measures and CARB’s In-Use Off-Road Diesel Vehicle Regulation along with other unnamed “federal, State, and local standards and regulations” that are supposed to improve “vehicle efficiency, fuel economy, cleaner-burning engines, and emissions reductions.” DEIR at 5-4 to 5. Reliance on these standards does “not meet the requirements of appendix F of the CEQA Guidelines.” *See Ukiah Citizens for Safety First*, 248 Cal.App.4th at 264.

### **3. The DEIR's Analysis of Transportation Energy Is Inadequate.**

Buildout of the Update would result in an additional 2,084,600 VMT per day above the existing VMT/day, and this massive increase “would result in the consumption of approximately 2076.7 barrels of gasoline per day.” DEIR at 5-9. Astonishingly, the DEIR concludes that “buildout of the Update would not be considered to result in the inefficient or wasteful consumption of transportation energy.” DEIR at 5-10.

The DEIR bases this conclusion by stating generically that “California leads the nation in registered alternatively-fueled and hybrid vehicles” and “State-specific regulations encourage fuel efficiency and reduction of dependence on oil.” DEIR at 5-10. The DEIR offers no evidence that the County has registered enough alternatively-fueled and hybrid vehicles to significantly reduce the impact of the an additional 2,084,600 VMT/day. Nor does it offer any evidence that state fuel efficiency regulations will measurably reduce the energy required to power cars in the County driving more than two million extra miles per day.

The DEIR also relies on Update policies that “prioritize funding and construction of projects that reduce vehicle miles traveled,” “promote increased of transit facilities by encouraging expansion of public transit services to nearby urban areas and construction of new bus stops,” “encourage development of bicycle and pedestrian facilities,” and “require new development to incorporate, wherever applicable, bicycle and pedestrian circulation improvements.” DEIR at 5-10. But a closer look at these policies makes it clear that none of them are mandatory or measurable and none incorporate any sort of performance standard required under CEQA. *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119.

An EIR cannot rely on “mitigation measures designed to reduce vehicle trips [to] also reduce energy impacts.” *Ukiah Citizens for Safety First*, 248 Cal.App.4th at 264. “CEQA EIR requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount.” *California Clean Energy Committee*, 225 Cal.App.4th at 210. Because the DEIR relies on mitigation measures designed to reduce vehicle trips to also reduce energy impacts and because none of the mitigation measures are mandatory or measurable, it is legally deficient. The DEIR must be revised and recirculated with an analysis in compliance with Appendix F of CEQA and actual mitigation measures proposed.

#### 4. The DEIR Omits a Discussion of Renewable Energy.

When an EIR “omit[s] any discussion or analysis of renewable energy options for” a project, CEQA is violated. *California Clean Energy Committee*, 225 Cal.App.4th at 213. Under CEQA, the EIR must contain a “discussion of a potentially significant environmental consideration,” including renewable energy under Appendix F. *Id.* Here, the DEIR mentions renewable energy (including when it classifies natural gas as a type of renewable energy source) in a few spots in the Building Energy section. *See* DEIR at 5-7. But it lacks a discussion or analysis of renewable energy options that could be considered under the Update. It instead relies on unenforceable Update policies that simply encourage incorporation of alternative energy systems during buildout and it offers no analysis of these policies. DEIR at 5-7. The DEIR fails “to comply with the requirements of appendix F to the Guidelines by not discussing or analyzing renewable energy options.” *California Clean Energy Committee*, 225 Cal.App.4th at 213.

With a buildout of 19,979 residential units and additional infrastructure and development to support the massive increase in population, the County must move toward net zero and natural gas free homes. The Institute for Local Government has compiled a “best practices” guide to increase renewables in both new and existing construction, as well as increase energy efficiency overall.<sup>5</sup> In addition, the California Air Pollution Control Officers Association’s *Model Policies for Greenhouse Gases in General Plans* includes sections on Alternative Energy Policies and Energy Efficiency Policies.<sup>6</sup> The County must review these suggested policies and either adopt them or explain why adoption is infeasible.

In sum, “[b]ecause the [D]EIR . . . [is] inadequate in its analysis of energy impacts of the project, recirculation and consideration of public comments concerning the energy analysis will be necessary before the EIR may be certified and the project approved.” *See Ukiah Citizens for Safety First*, 248 Cal.App.4th at 266-67.

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<sup>5</sup> Sustainability Best Practices Framework , Institute for Local Government, [https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability\\_best\\_practices\\_framework\\_7.0\\_version\\_june\\_2013\\_final.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability_best_practices_framework_7.0_version_june_2013_final.pdf).

<sup>6</sup> California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, [http://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_CAPCOA\\_Model\\_Policies\\_for\\_Greenhouse\\_Gases\\_in\\_General\\_Plans\\_-\\_June\\_2009.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources_CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf).

**F. The DEIR Inadequately Analyzes the General Plan's Cumulative Impacts.**

**1. The Analysis Is Legally Flawed.**

Rather than attempting any form of cumulative impacts analysis, the DEIR concludes that “[b]ecause the proposed Update anticipates development across a large geographical area (Calaveras County) over a long period of time, the analysis presented throughout this EIR is inherently cumulative and considers the cumulative contexts.” DEIR at 5-2. But it then immediately admits that “in some instances buildout of the Draft General Plan could combine with other projects surrounding the county.” DEIR at 5-2. However, it fails to list these projects and conclusorily asserts that “[t]he impacts associated with buildout of the Draft General Plan in combination with other projects would not create a substantial difference in the analyses and conclusions included throughout this EIR.” DEIR at 5-3.

Under the CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.” CEQA Guidelines § 15130(a)(1). Because “[c]umulative impacts can result from individually minor but collectively significant projects” (CEQA Guidelines § 15355(b)), an impact that appears less than significant (or mitigable to such a level) when only the project is scrutinized may turn out to contribute to a significant cumulative impact. In that case, the EIR must determine whether the project’s contribution is “cumulatively considerable,” that is, whether its “incremental effects . . . are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” CEQA Guidelines § 15065(a)(3); *see also Kings County Farm Bureau*, 221 Cal.App.3d at 729. This mandate assumes even greater importance for a program-level EIR such as this one. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR allows agency to “consider broad policy alternatives and program-wide mitigation measures” at an early stage when the agency has greater flexibility to deal with cumulative impacts).

The CEQA Guidelines clearly explain the two approaches necessary for an adequate discussion of significant cumulative impacts:

Either: [] A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or  
[] A summary of projections contained in an adopted general plan or related planning document, or in a prior



environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

CEQA Guidelines § 15130(b). The DEIR fails to follow either approach. Instead it speaks generically about how many CEQA resource areas are location specific, including hazards and hazardous materials. DEIR at 5-3. But, for example, the project-specific analysis did not analyze whether the buildout allowed under the County General Plan, together with development in the city and neighboring counties, would cause significant cumulative impacts on Fire Protection and Emergency Medical Services. Analysis like this example must be considered for every resource area and the discussion must include either a list of projects or a summary of projections. As it stands now, the DEIR does not even mention development in the City of Angels Camp, the County's incorporated city.

The very purpose of cumulative impact analysis is to determine whether impacts that appear insignificant in isolation add up to significant damage the environment. The DEIR must take a hard look at the impacts of the General Plan together with the impacts of development in the County's city and neighboring counties, and after undertaking that analysis, must determine whether the General Plan's contribution to such impacts are cumulatively considerable.

The DEIR not only violates CEQA by failing to provide a legally adequate analysis of cumulative impacts, it violates CEQA by failing to propose feasible mitigation to reduce those impacts. Because the DEIR fails to acknowledge that the General Plan could contribute considerably to numerous significant cumulative impacts (e.g., aesthetics, traffic, air quality, climate change, noise, solid waste, water supply and delivery, agricultural resources, and biological resources), it identifies no additional mitigation measures that could reduce these significant impacts, as required by CEQA. *See* CEQA Guidelines § 15130(b)(5). As in its General-Plan-update-specific analysis, the DEIR assumes unfettered urbanization is inevitable. In doing so, the DEIR overlooks the County's vast potential for guiding the foreseeable development and mitigating its impacts through strong General Plan policies and meaningful land use designations. The resulting DEIR, which jumps straight to the conclusion that the General Plan's impacts will be significant *and* unavoidable, is inadequate.

**2. The General Plan Should Not Result in Re-Designation of Proposed Development Sites So That They Are Prejudicially More Likely to Gain Approval in a Subsequent CEQA Analysis.**

The DEIR does not excuse the County from examining project-specific impacts that are a reasonably foreseeable result of adopting the Update. For example, the Update's Land Use Map re-designates to "Future Specific Plan" designation property in the Copperopolis area that is the site of the proposed Sawmill Lake development project by Castle & Cooke. It does the same for acreage adjacent to Lake Tulloch owned by the Sanguinetti Cattle Company and which is proposed for a destination resort, golf course, and 1,500 homes—all on land that does not currently have a single residence. As we explained in our August 17, 2016 and February 8, 2017 letters (attached as Exhibit 1 and 2), the Sawmill Lake project by itself would have significant negative environmental impacts by, for example, removing thousands of oaks, allowing development close to sensitive riparian habitat, obstructing critical wildlife corridors, and overburdening the public infrastructure in the Copperopolis area. The County may not avoid analyzing these significant impacts or identifying concrete, enforceable mitigation measures to reduce or avoid them.

By failing to address these projects in the Cumulative Impacts analysis, the section is legally inadequate.

**VII. The DEIR's Mitigation for the Impacts of the Proposed Project Are Inadequate.**

The DEIR finds that the implementation of the General Plan would result in nearly two dozen significant and unavoidable environmental impacts. *See* DEIR at 2-5 through 2-52. Contrary to the DEIR's conclusions, these impacts—including the loss of agricultural land, adverse effects on air quality, greenhouse gas emissions, biological resources, traffic, hazards and hazardous materials, and public services—are certainly avoidable or at the least more fully mitigatable. Yet, the County abdicates its responsibility under CEQA to consider and approve specific mitigation measures that could reduce these impacts.

The County cannot approve a project with significant environmental impacts if there are feasible mitigation measures that would substantially *lessen* those effects (even if they are not completely avoided or reduced to a less than significant level). CEQA § 21002. Moreover, the DEIR may not avoid disclosure and analysis of the significant environmental impacts of a project by merely concluding that those impacts are unavoidable. CEQA does not permit a lead agency to "travel the legally



impermissible easy road to CEQA compliance” by “simply labeling [an] effect ‘significant’ without accompanying analysis.” *Berkeley Jets*, 91 Cal.App.4th at 1371.

The numerous significant environmental impacts brought about by the proposed General Plan are not inevitable as the DEIR would imply; to the contrary, if the DEIR had proposed and analyzed adequate mitigating measures—as required under CEQA—some of those impacts could certainly be avoided. This letter identifies numerous feasible mitigation measures and suggestions to improve the current mitigation measures that would certainly help to offset the General Plan’s significant environmental impacts. The revised EIR must evaluate the feasibility of these measures and the County must adopt those measures that are determined to be feasible.

**A. CSERC Suggests the Following Changes to the Mitigation Measures for Agricultural, Forest, and Mineral Resources.**

The DEIR concludes that impacts related to the conversion of farmlands to non-agricultural use, and related to changes in the existing environment, which could individually or cumulatively result in loss of farmland to non-agricultural use, are significant and unavoidable. DEIR at 4.2-17. It states that there is no feasible mitigation for this impact. DEIR at 4.2-17. This is simply not true.

A feasible mitigation measure that could reduce this impact would bar the County from approving new development in areas where the project would result in the conversion of agricultural land to non-agricultural use. The DEIR must consider this measure.

**B. CSERC Suggests the Following Changes to the Mitigation Measures for Air Quality and Greenhouse Gas Emissions.**

**1. CSERC’s Comments on Air Quality Mitigation Measures:**

As an initial matter, CSERC supports the proposed wording of Mitigation Measure 4.3-1(c) to accommodate prescribed burning. DEIR at 4.3-35.

Mitigation Measure 4.3-1(b) is worded differently in the Executive Summary than in the Air Quality and Greenhouse Gas Emissions chapter. In the Executive Summary, Policy COS 4.10 states that when a proposed development is anticipated to result in impacts related to criteria air pollutants, “the County *shall consider* imposing mitigation measures provided in the CCAPCD’s Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.” DEIR at 2.9 to 10 (emphasis added). On the other hand, in the Air Quality and Greenhouse Gas Emissions

chapter, the mitigation measure is worded differently. When the development would cause impacts related to criteria air pollutants, “the County *shall require* the mitigation measures provided in the CCAPCD’s Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects *to the extent feasible.*” DEIR at 4.3-34 to 35 (emphasis added). The wording of both of these mitigation measures is equivocal and will not result in effective mitigation because neither wording results in enforceable mitigation. CSERC suggests removing “to the extent feasible” and instead having that phrase of the measure read “the County *shall require* the mitigation measures provided in the CCAPCD’s Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.”

## 2. CSERC’s Comments on GHG Mitigation Measures:

The mitigation measures meant to reduce the impacts of greenhouse gas emissions are inadequate.

The DEIR proposes that the County develop a GHG Reduction Plan by first undertaking a GHG emissions inventory to establish baseline levels of GHGs. DEIR at 4.3-43. However, it fails to establish a reduction target, to require implementation of the policies and measures identified in the GHG Reduction Plan, and to require monitoring and verification of results. It should also require a new GHG emissions inventory and plan if the reduction target is not met. There are many resources available to the County with model policies directed at the creation of GHG Reduction Plans or Climate Action Plans and mitigation measures.<sup>7</sup> The County must examine these resources and either adopt these suggested policies or explain why adoption is infeasible.

In order to avoid violating the state’s climate change policies and the Regional Welfare Doctrine, the DEIR must make changes to its mitigation measures. The reduction target should be set at “a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not

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<sup>7</sup> Office of Planning and Research, *Climate Change Designing Healthy, Equitable, Resilient, and Economically Vibrant Places*, [www.opr.ca.gov/docs/OPR\\_C8\\_final.pdf](http://www.opr.ca.gov/docs/OPR_C8_final.pdf); *Climate Action Resource Guide For Local Governments*, [https://coolcalifornia.arb.ca.gov/sites/coolcalifornia.org/files/CARG\\_08\\_31\\_17\\_0\\_0.pdf](https://coolcalifornia.arb.ca.gov/sites/coolcalifornia.org/files/CARG_08_31_17_0_0.pdf); California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, [http://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_CAPCOA\\_Model\\_Policies\\_for\\_Greenhouse\\_Gases\\_in\\_General\\_Plans\\_-\\_June\\_2009.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources_CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf); Institute for Local Government, *Sustainability Best Practices Framework*, [https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability\\_best\\_practices\\_framework\\_7.0\\_version\\_june\\_2013\\_final.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability_best_practices_framework_7.0_version_june_2013_final.pdf).

be cumulatively considerable.” CEQA Guidelines § 15183.5(b)(1)(B). The County should also forecast projected emissions for activities covered by the plan with a forecast, which includes emissions from all activities expected to occur absent any policies presented by the GHG Reduction Plan. CEQA Guidelines § 15183.5(b)(1)(C). The reduction measures themselves must be “known to be feasible,” “coupled with specific and mandatory performance standards to ensure that the measures, as implemented, will be effective.” *Communities for a Better Environment*, 184 Cal.App.4th at 94. And the Plan must include “a mechanism to monitor the plan’s progress toward achieving the level and to require amendment if the plan is not achieving specified levels.” CEQA Guidelines § 15183.5(b)(1)(e). Finally, the DEIR should include a mandated time frame for completion of the plan of no more than one year from the publication of the final EIR.

**C. CSERC Suggests the Following Changes to the Mitigation Measures for Biological Resources.**

First, all of the requirements in Mitigation Measure 4.4-1(a) are already mandated under CEQA, so the measure is meaningless. DEIR at 4.4-34. Second, Mitigation Measure 4.4-1(b) would require the hiring of a biologist by developers “[a]t the County’s discretion.” DEIR at 4.4-35. By including “[a]t the County’s discretion,” this measure has no enforceability. Further, whether a biologist is required to be hired by the applicant, CEQA already requires the mitigation of potentially significant impacts to special status species; so the measure to hire a biologist does not add to or improve that already mandated requirement.

There are two issues with Mitigation Measure 4.4-1(c). First, CSERC advocates eliminating the introductory phrase “[t]o the extent practicable.” DEIR at 4.4-35. Next, the second paragraph of that mitigation measure refers to “focused surveys proving absence” of listed species. DEIR at 4.4-35. Surveys do not prove absence except for listed plant species when professional surveys are fully implemented for an entire project site during the appropriate time of year. Otherwise, surveys either prove presence (through detection) or fail to prove presence at the time of the surveys. The measure’s wording must be altered.

For Mitigation Measure 4.4-2(a), CSERC advocates eliminating the introductory phrase “[a]t the County’s discretion.” *See* DEIR at 4.4-39.

The mitigation designed to mitigate adverse effects on oak woodlands must be updated to be consistent with state law. CSERC supports the requirement that the project applicant must hire a professional to survey to count and assess the size of trees to be removed when the project will affect less than 10 acres of oak woodlands. DEIR at

4.4-32. However, the only actual mitigation proposed for properties of less than 10 acres is replacement of the trees at a mitigation ratio determined through the County's discretion. DEIR at 4.4-43. Planting of replacement trees must "not fulfill more than one-half of the mitigation requirement for the project." Pub. Resources Code § 21083.4(b)(2)(C). The County must re-write this mitigation measure to require other permissible mitigation measures including conservation of oak woodlands through conservation easements or contribution to the Oak Woodlands Conservation Fund. Pub. Resources Code § 21083.4(b). CSERC proposes the following specific language regarding oak woodlands mitigation:

**Valley Oaks** - The Calaveras County General Plan requires new development to achieve a "no net loss" of Valley Oaks due to their limited distribution in the County and due to their high biological value for wildlife as well as scenic value. Valley Oak Woodland shall be avoided to the maximum extent feasible through project design and layout. No more than 50% of any Valley Oak Woodland on a project site shall be impacted on sites of 2 acres or larger. In addition to avoidance, for each impacted Valley Oak tree larger than 10" dbh, five replacement trees of the same species shall be planted in a manner and location capable of supporting mature Valley Oak trees without irrigation once established.

**Old Growth Oaks** - Old Growth Oaks shall be avoided in development projects to the maximum extent possible through project design and layout. No more than 50% of the Old Growth Oak trees on a project site may be impacted. Where avoidance is not possible, removal of Old Growth Oak trees shall require additional mitigation, including planting five replacement trees (for each impacted Old Growth Oak) on land conserved through a conservation easement or fee title dedication to a land conservation group approved by the County. Mitigation shall also include payment of a fee by the project applicant into a Calaveras County Oak Woodland Conservation Fund in the amount of \$2,500 for each Old Growth Oak impacted. (Old Growth Oaks shall be defined as oaks 24" dbh and larger for purposes of this mitigation measure.)

**Premature removal of Oak Trees** - Removal of native oak trees from property resulting in a significant direct impact to the oak woodland habitat on the site within five (5) years prior to a submittal for a discretionary entitlement for a land development project is deemed premature removal of oak trees. The County may require a forester or biologist to be hired by the project applicant to conduct an inventory of the prematurely removed oaks. Mitigation measures shall be required for any premature removal of oaks, including fines and the withholding of approval for any discretionary entitlement application for a period of no less than three (3) and no more than to five (5) years.

The incorporation of these three feasible mitigation measures into the General Plan would combine to reduce the overall significant impacts to oak woodland habitat.

The section discussing the potential for interference with movement of native resident or migratory fish or wildlife species is inconsistent. On page 4.4-47, the DEIR concludes that “[b]ased on the analysis below and with the implementation of mitigation, the impact is *less than significant*.” However, on page 4.4-49, the DEIR states that “impact would remain *significant and unavoidable*.” Further, neither mitigation measure imposes measurable performance standards—the wording is weak and nebulous. Mitigation Measure 4.4-5(a) states only that the County will “Encourage development to be compatible with wildlife movement.” DEIR at 4.4-49. And Mitigation Measure 4.4-5(b), states that the County will “work with applicants to encourage preservation or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat.” DEIR at 4.4-49. If relying on these measures to mitigate impacts, the County must remove “encouraging” and “work with” and replace it with “requiring” and “require applicants to preserve or enhance upland habitat.” Finally, CSERC asserts that the following language should be included to allow wildlife to access streams: “The County shall require protection of wildlife movement corridors along seasonal and perennial streams in order to ensure new development projects, including fences, do not prevent wildlife from moving adjacent to streams.”

**D. CSERC Suggests the Following Changes to the Mitigation Measures for Hazards and Hazardous Materials.**

Future CEQA review cannot substitute as adequate mitigation to reduce a potential impact to a less than significant level. Yet the County improperly concludes that all future impacts from mining and reclamation activity related to the Update will be less than significant based on future actions:

Because future mining and reclamation activity would be subject to CEQA, potential environmental impacts, such as impacts related to hazardous materials, would be analyzed and mitigated to the maximum extent possible. By requiring proper permitting and review of mining activity, the County's Code ensures that future mining activity would not result in hazardous conditions during operation of the mining activity and during reclamation of the mine.

DEIR at 4.7-22 to 23. The DEIR also concludes that impacts from the release of hazardous material into the environment are less than significant and no mitigation is required. DEIR at 4.7-19 and 23. Future CEQA review is not an adequate substitute for analysis and mitigation. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 ("Formulation of mitigation measures should not be deferred until some future time.").

Additionally, Mitigation Measure 4.7-7 should be rewritten to require County to reject development applications unless CALFIRE determines that all feasible wildfire mitigation measures and safe ingress/egress criteria is fully met. CSERC suggests the following wording: "The County shall reject applications for new development in areas of high and very high wildfire risk unless the State fire agency (CALFIRE) specifically determines that all feasible wildlife mitigation measures are included in the development application and that safe ingress/egress criteria is fully met."

**E. CSERC Suggests the Following Changes to the Mitigation Measures for Public Services and Utilities.**

Given that continued, adequate supply from wells during drought periods is highly uncertain, CSERC strongly advocates for an additional mitigation measure to address Impact 4.12-5. DEIR at 4.12-106. CSERC suggests the following language: "Due to the uncertainty of wells during drought periods, the County shall not approve new



subdivisions that create parcels 5 acres or smaller in size if the new parcels are served only by wells rather than a public water supply.”

The GP update proposes the following measures: “IM COS-7A Recreational Facilities. Revise Calaveras Code Chapter 16.24 to reflect a minimum standard of 3 acres of park and recreational facilities per 1000 residents. If a higher level of parkland-to-residents ratio exists, a higher standard, not to exceed 5 acres per 1000 residents, will be considered, as provided in Section 66477 of the Government Code.” The county also has a parks and recreation facilities dedication fees for new development according to Chapter 16.24. “Policy COS 6.2 further directs the County to establish recreational facility development standards for new developments. Standards for recreational facilities would ensure that new recreational facilities meet the needs of new County residents in an efficient manner. Policy COS 6.5 would require that future recreational facilities be designed to minimize ongoing maintenance costs, which would help to ensure that population growth and increased use of recreational facilities would not degrade such facilities.”

#### **F. CSERC Suggests the Following Changes to the Mitigation Measures for Transportation and Circulation.**

The DEIR concludes that state roadways will be significantly impacted at General Plan buildout. DEIR at 4.13-27. Specifically, thirteen Caltrans managed roadway segments would operate at a Level of Service (LOS) D, and the only mitigation offered by the County is to revise the Update to state that LOS D on these segments is acceptable to the County. DEIR at 4.13-27 to 28. Mitigation is not lowering standards, but rather implementing measures to improve the LOS on these roads. Under the County’s proposed mitigation, traffic delays would become the standard, normal pattern. It is at odds with public values for the County to adopt a General Plan, which would favor high levels of development and be expected to result in undesirable congestion and traffic delays at major intersections or along many road segments in the County. CSERC will oppose including 4.13-2 in the final version of the General Plan.

#### **VIII. The DEIR Should Be Recirculated.**

CEQA requires recirculation of a DEIR when significant new information is added to the document after notice and opportunity for public review was provided. CEQA § 21092.1; CEQA Guidelines § 15088.5; *Laurel Heights II*, 6 Cal.4th at 1130. “Significant new information” includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact

not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or (4) instances where the DEIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the DEIR was essentially meaningless. CEQA Guidelines § 15088.5(a); *Laurel Heights II*, 6 Cal.4th at 1130.

Given the deficiencies identified in the letter, the County must consider and analyze alternatives that promote conservation and rural values as part of a revised DEIR for the proposed Update. The DEIR requires extensive new information and analysis that will necessitate recirculation. As this letter explains, the DEIR provides incomplete analysis of the broad environmental impacts that may result from the County's proposed adoption of development-promoting policies without critical protections to balance them. The required analysis will likely result in identification of new, substantial environmental impacts, substantial increases in the severity of environmental impacts, and new alternatives. Moreover, the flaws that permeate the entire DEIR, particularly deferred analysis and non-binding mitigation, constitute precisely the sort of pervasive flaws that independently require recirculation under CEQA Guidelines section 15088.5(a)(4). *See Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043, 1052-53. Full evaluation of impacts and alternatives is critical to provide the basis for a comprehensive analysis of environmental impacts and the identification of feasible alternatives.

Barring recirculation, the County must choose the DOF Projections Alternative and must also incorporate the many corrections and changes in mitigation measure language that are identified in these comments, including the adoption of additional mitigation measures that are needed to reduce the significance of impacts. The DOF Alternative "would limit anticipated growth consistent with what is assumed under DOF projections." DEIR at 6-12. The selection of that DOF Projections Alternative would require the Update's Land Use Map to be altered so as to reduce the total area available for development within the rural areas of the County. The basic text of the General Plan would remain the same for this Alternative (other than changes made resulting from public input), but full build-out would be consistent with DOF projections – sparing many rural areas from potential development. This alternative meets the project's objectives and is the environmentally superior alternative and must be selected.

We appreciate the opportunity to provide these comments. These comments including the attachments and websites/documents linked to with specific URLs throughout the letter should be included in the record. Please keep us informed of all



Peter Maurer  
August 10, 2018  
Page 34

notices, hearings, staff reports, briefings, meetings, and other events related to the Update and the EIR.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

#### Attachments

Exhibit 1: August 17, 2016 Letter  
Exhibit 2: February 8, 2017 Letter

1015734.10

# **EXHIBIT 1**

SHUTE, MIHALY  
& WEINBERGER LLP

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ELLISON FOLK  
Attorney  
folk@smwlaw.com

August 17, 2016

Via E-Mail

Mr. Peter Maurer  
Planning Director  
County of Calaveras Department of Planning  
891 Mountain Ranch Road  
San Andreas, California 95249-9709

Re: Comments on the 2014 Draft Calaveras County General Plan

Dear Mr. Maurer:

On behalf of the Central Sierra Environmental Resource Center (“CSERC”), Shute, Mihaly & Weinberger, LLP submits these comments on recommended changes to the Calaveras County Draft General Plan (“Draft General Plan”) Land Use Map. CSERC is particularly concerned about requested changes or proposed changes to land uses for thousands of acres in the Copperopolis area that would facilitate the Sawmill Lake development and other major development proposals by Castle and Cooke. The Planning Commission previously denied the Sawmill Lake project in 2012 for multiple reasons, and nothing has changed since then that justifies including this large redesignation of land in the General Plan. Similar major land use designation changes have been requested for the Ponte ranch, Fairchild properties, Coe property, and other sites in the list of land use requests.

First, the County will be required to prepare an environmental impact report that addresses all of the impacts associated with the land use designations in the plan. As CSERC staff and others have testified at Planning Commission hearings during consideration of the project, the Sawmill Lake project by itself would result in significant negative environmental impacts: (1) the project would wipe out 4,000 to 8,000 oaks without adequate mitigation; (2) the project fails to provide sufficient stream setback buffers and necessary protection for at-risk wildlife and plant species; (3) the project and the Copperopolis Community Plan process have not yet evaluated and selected feasible options for a regional conservation strategy that would provide for wildlife movement corridors and the preservation of federally-listed and state-listed species within the

Copperopolis basin; (4) the current designed and anticipated infrastructure for the Copperopolis area is not capable of serving the already approved development that will occur over time, let alone the cumulative demands resulting from the addition of the Sawmill Lake project; and (5) there are numerous significant issues that have not been fully addressed by the EIR process, including apparent over-commitment of the proven water supply and the challenges of conveying wastewater to the treatment facility. Similar problems or even more significant concerns are tied to many of the other requested land use designation changes now being pushed by proponents.

Undertaking the environmental review of so many issues will require a significant investment of County resources for the economic benefit of a private property owner. As is typically required, this cost should be borne by the developer, not the public.

This is especially true because there is no need for the substantial level of development permitted by the redesignations now being requested. The Draft General Plan's Land Use Element already vastly over-allocates land for residential development. The California State Department of Finance estimates that the population in Calaveras County will grow by 8,908 residents by 2035, increasing the total population from 41,857 to 50,355.<sup>1</sup> The General Plan acknowledges that this population growth will require the addition of only 5,413 residential units.<sup>2</sup> Despite this modest growth projection, previous staff analyses concluded that the Draft General Plan provides "sufficient land in each land use category to accommodate *five times* the expected growth, using conservative build-out scenarios."<sup>3</sup> The original Draft General Plan's land use map distributed for public comment allowed for nearly 21,000 new residential units at build-out, and would accommodate population growth of between 50,000 to 73,000 new residents.<sup>4</sup> These numbers are wildly out of step with the state projections for population growth and residential housing needs in the County and far exceed any plausible or justifiable need for residential development during the planning period.

Adding the redesignation of lands to accommodate the Sawmill Lake project and the numerous other significant land use designation changes will only compound this

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<sup>1</sup> Draft General Plan at INT-2.

<sup>2</sup> *Id.*

<sup>3</sup> Draft General Plan Release Cover Memo (December 18, 2014) at 2 (emphasis added).

<sup>4</sup> *Id.* (Note that the document refers to "21,000 new residents" but from the context, it was apparently intended to mean "21,000 new residential units.").

Mr. Peter Maurer  
August 17, 2016  
Page 3

problem. First, designating an overabundance of land for residential development will discourage smart growth in the County and will instead promote sprawl and low-density development. Moreover, by designating a disproportionate percentage of the County's total land area for residential development that will likely never occur during the planning timeframe, the Draft General Plan underprovides for other land uses, such as resource management, resource production, or working lands, that would advance the County's conservation and preservation goals. This imbalance between the land use map and other elements of the Draft General Plan violates state law. *Neighborhood Action Group for the Fifth District v. County of Calaveras*, 156 Cal.App.3d 1176, 1184-85 (1984) (A General Plan that fails to contain the information required by state law and that fails to properly correlate its various elements cannot serve its purpose as the constitution for future development.)

Therefore, we respectfully request that the Planning Commission deny the request by Castle & Cooke to redesignate the land uses on APN parcels: 52-020-014, 53-021-00, 54-006-030, 031, 032, 037, 54-007-003, 018, 019, 61-003-001, 55-051-010, and that the Commission similarly reject similar requests for significant changes in land use designations for other proposed development sites where such changes might result in pre-entitlement or otherwise lead to legal vulnerability of the General Plan update or result in extensive delay in producing a legally compliant General Plan.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

cc: Calaveras County Counsel

810896.1

## **EXHIBIT 2**

SHUTE, MIHALY  
& WEINBERGER LLP

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PETER J. BRODERICK  
Attorney  
broderick@smwlaw.com

February 8, 2017

*Via E-Mail and U.S. Mail*

Peter N. Maurer  
Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, California 95249  
E-Mail: gpupdate@co.calaveras.ca.us

Re: Notice of Preparation of EIR for Proposed Calaveras County  
General Plan Update

Dear Mr. Maurer:

Shute, Mihaly & Weinberger LLP submits this letter on behalf of the Central Sierra Environmental Resource Center (“CSERC”), to provide comments on the County’s Notice of Preparation (“NOP”) of an Environmental Impact Report (“EIR”) for the Proposed Calaveras County General Plan Update (“GPU”).

CSERC is committed to working constructively with the County to ensure that changes to land use in the County under the GPU do not impair the regional environment, natural resources, and rural quality of life for the County’s residents. The County must undertake careful planning to ensure that the region accommodates growth and development in a manner that does not seriously impair the very resources that draw residents and visitors to County in the first place. To that end, CSERC is concerned that the NOP provides insufficient assurance that the County’s EIR will fully and accurately evaluate the potential impacts associated with the GPU.

We have previously explained that the GPU vastly over-allocates land in the County for residential development. As the NOP acknowledges, the GPU proposes to accommodate well over *six times* the number of residential units as projected to be required by the State. NOP at 7 (Table 3). The County has yet to offer a persuasive justification for an approach that allows far more development growth than is realistic or necessary.

In fact, the State's most recent housing and population projections, which the NOD does not cite, further erode the GPU's approach. For example, the Department of Finance's ("DOF") Baseline 2013 numbers predict a slightly *smaller* increase (to a total population of 54,912 in 2035) than the numbers the County relied on in the NOD, and 6% less than the additional population prediction of 9,963 used in the NOD.<sup>1</sup> This unsurprising, given that DOF's most recent population estimates show that from 2010 to 2016, the County's total population *decreased* from 45,578 to 45,207.<sup>2</sup> What *is* surprising, however, is that despite this data, the County continues to move forward with a GPU that nonetheless proposes to allocate land for development several times the amount necessary to accommodate growth at levels projected by the DOF. This over-allocation will have profound effects on the County's environmental review for the project.

**A. The baseline for environmental analysis is existing conditions in the County.**

Under the California Environmental Quality Act ("CEQA"), a lead agency preparing an EIR must establish an appropriate baseline against which to assess whether a project's environmental effects are likely to be significant. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447. "The key [to determining the proper baseline] is the EIR's role as an informational document." *Id.* at 453. The lead agency must "employ a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts." *Id.* at 459. This baseline normally reflects "the existing physical conditions in the affected area, that is, the real conditions on the ground." *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted). Accordingly, agencies cannot use hypothetically allowable development under an operating permit as the baseline for environmental review, when such development has not been realized. *Id.* at 320-22. However, under certain circumstances, adjustments to the baseline may be "necessary to prevent misinforming or

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<sup>1</sup> California Department of Finance, Demographic Research Unit, State and County Population Projections July 1, 2010-2060 (December 15, 2014), *available at*: [http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P-1\\_Total\\_CAProj\\_2010-2060\\_5-Year.xls](http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P-1_Total_CAProj_2010-2060_5-Year.xls).

<sup>2</sup> California Department of Finance, Demographic Research Unit, Population Estimates for Cities, Counties, and the State, 2011-2016, with 2010 Benchmark (May 1, 2016) *available at*: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-4/2011-20/documents/E-42016InternetVersion.xls>.



misleading the public and decision makers.” *Neighbors for Smart Rail*, 57 Cal.4th at 448, 451.

Accordingly, the County’s EIR for the GPU must use existing conditions in the County as the baseline against which to measure the environmental impacts of the development allowable under the GPU. Yet the NOP appears to suggest that the County is considering using the *allowable development under the existing General Plan* as the project’s baseline. See NOP at 7 (“the proposed General Plan Land Use Map reduces the amount of potential development allowed by the current General Plan”). This approach would impermissibly downplay the project’s impacts by measuring them against the unrealized development allowed under the outdated current General Plan. What’s more, much of the current General Plan’s allowable development actually overlies parcels in rural northeastern areas of the County where there is no realistic possibility of providing necessary infrastructure and where the terrain is generally steep and rugged. The prospect of development in these areas under the current General Plan exists only on paper. Any EIR prepared by the County that were to rely upon such a misleading baseline would be fundamentally flawed.

**B. The County must analyze and mitigate the impacts from full buildout.**

As the County is surely aware, the EIR will be required to analyze the impacts of the GPU’s *full* build-out scenario against baseline conditions. Courts have consistently held that an EIR must examine a project’s potential to affect the environment, even if the development may not ultimately materialize. *Bozung v. Local Agency Formation Comm’n* (1975) 13 Cal.3d 263, 279-82. Because general plans serve as the crucial “first step” toward approving future development projects, a general plan EIR must evaluate the amount of development actually allowed by the plan. *City of Carmel-By-the-Sea v. Bd. of Supervisors of Monterey Cnty* (1986) 183 Cal.App.3d 229, 244; *City of Redlands v. Cnty of San Bernardino* (2002) 96 Cal.App.4th 398, 409. Thus, the County will be committed to considering the full extent of all environmental impacts from development of the more than 27,000 additional residential housing units proposed under the GPU, even if it expects that not all of those housing units will ultimately materialize.

This, in turn, will require the County to develop and implement feasible, enforceable mitigation measures to mitigate the significant environmental impacts from a population increase of well over 100% and the development of over 27,000 new housing units. Under CEQA, public agencies may not approve projects unless feasible mitigation measures are included that mitigate the project’s significant environmental effects. Pub. Res. Code §§ 21002, 21002.1(b); CEQA Guidelines § 15126.4(a)(2); see, e.g., *City of*

*Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341. The mitigation measures must be concrete and enforceable, not vague policy statements. See Pub. Res. Code § 21081.6(b); *Federation of Hillside and Canyon Ass'n v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (agency must take steps to ensure mitigation measures are fully enforceable through permit conditions, agreements, or other measures).

Impacts from the population growth and development anticipated in the GPU, which is several times in excess of the County's state-projected needs, will be far-reaching. They will include, but are not limited to, impacts on air quality, climate change, biological resources, agriculture, traffic, wildfire hazards, and flood risks. The County must be prepared to include concrete, enforceable mitigation measures to mitigate these impacts. The extensive mitigation required for such impacts demands that the County solicit public comment and suggestions for proposed mitigation at the earliest possible stage in the process.

Additionally, the NOP states that the EIR will contain "program-level, or 'first-tier', analysis" for the GPU, and that the County will "review subsequent projects for consistency with the Program EIR and prepare appropriate environmental documentation." NOP at 8. While we agree that the EIR must provide a region-wide analysis that captures the full spectrum of impacts from the project—including cumulative impacts—over a long-term planning horizon, the "program-level" nature of the EIR does not excuse the County from examining project-specific impacts that are a reasonably foreseeable result of adopting the GPU. For example, the GPU's Land Use Map redesignates to "Future Specific Plan" designation property in the Copperopolis area that is the site of the proposed Sawmill Lake development project by Castle & Cooke. It does the same for acreage adjacent to Lake Tulloch owned by the Sanguinetti Cattle Company and which is proposed for a destination resort, golf course, and 1,500 homes—all on land that does not currently have a single residence. As we explained in our August 17, 2016 letter, the Sawmill Lake project by itself would have significant negative environmental impacts by, for example, removing thousands of oaks, allowing development close to sensitive riparian habitat, obstructing critical wildlife corridors, and overburdening the public infrastructure in the Copperopolis area. The County may not avoid analyzing these significant impacts or identifying concrete, enforceable mitigation measures to reduce or avoid them.

**C. The EIR should analyze a “Rural Character – Moderate Growth Alternative.”**

As the NOP correctly acknowledges, an EIR must analyze a range of reasonable alternatives to the project. NOP at 9. These alternatives must feasibly attain most of the basic project objectives while avoiding or substantially lessening the project’s environmental impacts. *See* Public Resources Code § 21100(b)(4); *see also* CEQA Guidelines § 15126.6(a). The analysis of alternatives to a proposed project lies at the “core” of an EIR. *Citizens of Goleta Valley v. County of Santa Barbara* (1990) 52 Cal.3d 553, 564. CEQA prohibits public agencies from approving projects as proposed if a feasible alternative would substantially lessen their significant environmental effects. *Berkeley Keep Jets*, 91 Cal.App.4th at 1354 (quoting § 21002); Guidelines § 15126.6(b). As the Supreme Court has explained, “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404. Thus, the CEQA Guidelines state that the selection and discussion of alternatives should foster informed decision-making and informed public participation. *See* CEQA Guidelines § 15126(d)(5).

There is growing public recognition of the need to change local government approaches to land use development in order to slow climate change and ensure proper management of the region’s economic, social and environmental capital. Future development must be sustainable. There are reasonable and feasible alternatives to the GPU as proposed that would greatly reduce impacts to biological and scenic resources, open space, and the rural character of the County. Given the County’s unique and environmentally sensitive resources, the County should carefully and thoroughly consider an alternative that alters allowable development patterns in order to reduce the environmental impacts of the project and promote sustainability.

To this end, we strongly recommend that the County identify and analyze a “Rural Character - Moderate Growth Alternative” in the EIR. Such an alternative would allow increases in land use intensity and density within the County’s urbanized areas, while discouraging low-density development within rural communities and natural areas. Specifically, the Rural Character – Moderate Growth Alternative would allow a level of development in keeping with more realistic projections of need than the level of development allowed under the proposed GPU. This need not be a rigid number—the Rural Character – Moderate Growth Alternative could still allow for up to two or even three times the amount of development that the DOF’s population and housing need projections warrant—but it would be far less than what would be allowed under the GPU as currently proposed. In addition to being far more realistic about meeting predicted

growth in the planning period, this moderate growth alternative would limit the need to extend new infrastructure into rural areas. Curtailing sprawl and leapfrog development minimizes premature need for expensive water and sewer line extensions, new and wider roads, and the extension of public services. A Rural Character – Moderate Growth Alternative would therefore have the additional benefit of reducing taxpayer and ratepayer costs.

We reiterate CSERC's position, stated in our March 11, 2015 letter, that the proposed GPU itself should avoid over-allocating land for residential development. Barring this change to the proposed project, however, the EIR should include and consider a Rural Character – Moderate Growth Alternative.

**D. The County should adopt thresholds of significance early in the process.**

Finally, the County should prepare and publish proposed thresholds of significance for environmental impacts in advance of publishing the draft EIR for the GPU. Thresholds of significance establish, for each impact area, the level of effect over which a project's impact is likely to be determined significant. Many counties have adopted advance thresholds of significance (including Santa Barbara County, San Diego County, and Ventura County, among others) for general use in their environmental review documents. Even if the County chooses not to formally adopt such thresholds, it should still publish the thresholds of significance it proposes to use for each environmental impact area (e.g., biological resources, hydrology and water quality, population and housing, transportation and circulation) analyzed in the EIR. In light of the County's extensive environmentally sensitive resources and the far-reaching consequences of the GPU, the public should have an opportunity to comment on the completeness and adequacy of proposed thresholds of significance at the earliest possible stage in the environmental review process. Ideally, draft proposed thresholds will be made public early, with opportunities to comment on them as part of the additional scoping sessions or workshops.

**E. Conclusion**

We hope that the above will assist the County in preparing a thorough and legally adequate EIR for the GPU. Given the lack of detailed information in the NOP and the County's decision not to prepare an Initial Study, the public should have an opportunity to participate fully in the County's upcoming scoping process. To this end, we strongly recommend the County make information—such as proposed thresholds of

Peter N. Maurer  
February 8, 2017  
Page 7

significance—available as early as possible and hold public workshops throughout the process.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Peter J. Broderick

862732.3



State of California • Natural Resources Agency  
Department of Conservation  
**Division of Land Resource Protection**  
801 K Street • MS 14-15  
Sacramento, CA 95814  
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., *Governor*  
Clayton Haas, *Acting Director*

August 9, 2018

**VIA EMAIL: PMAURER@CO.CALAVERAS.CA.US**

Mr. Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Dear Mr. Maurer:

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CALAVERAS COUNTY  
DRAFT GENERAL PLAN UPDATE, SCH# 2017012043**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Calaveras County General Plan Update (Project). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

**Project Description**

The proposed project consists of an update of the County's General Plan. The Draft General Plan is intended to reflect the community's expressions of quality of life and community values, satisfy the mandates of State law, and serve as the basis for community decision-making regarding the designations of land uses and the allocation of resources.

**Department Comments**

Although direct conversion of agricultural land is often an unavoidable impact under CEQA analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts.

All mitigation measures that are potentially feasible should be considered. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. The Department suggests that the County consider the adoption of an agricultural land mitigation program that will effectively mitigate the conversion of agricultural land.

### Agricultural Mitigation Program

Agricultural conservation easements are an available mitigation tool that the County should consider. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.

Programs that establish agricultural conservation easements and in-lieu fees for mitigation banking are most effective at conserving comparable quality agricultural land when the easement requirements or fees are determined concurrent with project approval. Should significant time elapse between initial approval and the applicant's receipt of a building or grading permit, conflict may arise over the agricultural quality or value of the land being converted.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

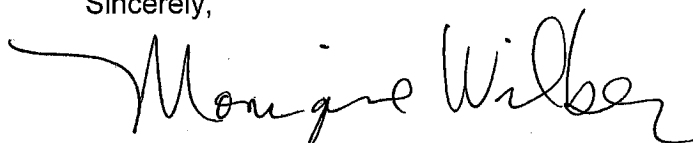
<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California involving many California land trusts. Any other feasible mitigation measures should also be considered.

### Conclusion

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Calaveras County Draft General Plan Update. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,



Monique Wilber  
Conservation Program Support Supervisor

August 13, 2018

RECEIVED

AUG 14 2018

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Calaveras County  
Planning Department

RE: Draft General Plan DEIR

Dear Mr. Maurer:

As you know, the Calaveras County Agriculture Coalition work for several years to develop what is now titled the Agriculture, Forestry and Mineral Resource Element of the Draft General Plan. In spite of the changes made by the Planning Commission, this effort stands out as positive step forward for the future of our county.

Section 4.21 of the DEIR addresses the issue of impacts related to the conversion of agricultural lands to non-agricultural uses. The Mitigation Measure(s) section of this report concludes that feasible mitigation measures do not exist beyond goals and policies and therefore impact would remain significant and unavoidable.

IM RP-1D Significance Criteria for Resource Production Land Conversion - establishes the need to develop consistent methodology for evaluating the impact of resource production land conversion to non-agricultural uses. It goes on to say that the GPU would utilize the Calaveras County Agricultural Coalition's "Resource Production Lands Mitigation Program Guidelines" in the interim.

IM RP-1E Mitigation for Resource Production Land Conversions – Establish mitigation alternative for the conversion of resource production land to nonresource production uses.

The Calaveras County Agricultural Coalition included in the draft Agriculture, Forestry and Mineral Element Appendix A and Appendix B.

The purpose and Intent of **Appendix A "Resource Production Land Conversion Guidelines"**, is to aid in evaluating proposed amendments to the General Plan and/or Community Plans that would allow the conversion of Resource Production Lands to a primary use other than agriculture, forestry or mineral use. These guidelines are to ensure that potentially significant negative effects on resource production lands are quantitatively and consistently considered in the environmental review process for conversions.

The purpose and intent of **Appendix B "Resource Production Lands Mitigation Program"**, is to aid in mitigating the loss of Resource Production Lands in the unincorporated areas of Calaveras County. This program requires the conservation of Resource Production Lands by providing a 2:1 ratio to the amount of Resource Production Lands proposed for conversion. This program is designed to utilize various mitigation methods as a means of mitigating the loss of Resource Production Lands and establish standards for the acquisition and long-term oversight of various mitigation methods.

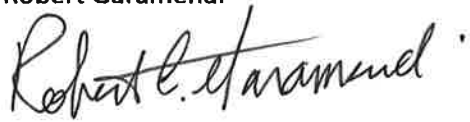


By incorporating both **Appendix A** and **Appendix B** into the General Plan Update, there would be feasible mitigation measures in place that would address the significant and unavoidable impacts of the conversion of Resource Production Lands to nonresource production uses. The implementation of the conversion guidelines and the mitigation program guidelines is critical to the future protection of resource production lands, the county's economic future and our rural landscape.

I have attached a copy of Appendix A and Appendix B for your review.

Thank you.

Robert Garamendi

A handwritten signature in black ink that reads "Robert L. Garamendi". The signature is written in a cursive style with a prominent initial "R" and a long horizontal stroke extending across the middle of the name.

**APPENDIX A**

**AGRICULTURAL, FORSTRY AND MINERAL ELEMENT**

**CALAVERAS COUNTY GENERAL PLAN**

**RESOURCE PRODUCTION LAND CONVERSION  
GUIDELINES**

**Purpose and Intent:**

The purpose of the Resource Production Lands Conversion Guidelines is to aid in evaluating proposed amendments to the General Plan and/or Community Plans that would allow the conversion of Resource Production Lands to a primary use other than agriculture, forestry or mineral use. The Resource Production Lands Conversion Guidelines are to ensure that potentially significant negative effects on Resource Production Lands are quantitatively and consistently considered in the environmental review process for conversions.

**Applicability:**

These conversion guidelines shall apply to any development project requiring a General Plan amendment from Resource Production Lands to a non-agricultural, non-forestry or non-mineral land use designation.

**Conversion Consequences:**

The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of Resource Production Lands shall be fully evaluated and mitigated.

**Conversion Considerations:**

In evaluating the consequences of a proposed amendment, the following factors shall be considered:

1. General Plan designation.
2. Adjoining uses.
3. Proposed method of sewage treatment.
4. Availability of water.
5. Transportation infrastructure.
6. Public utilities.
7. Fire and police protection and other public services.
8. Impacts on air and water quality, wildlife habitat, endangered species and sensitive lands.
9. Other factors that may aid in the evaluation process.

**Conversion Criteria:**

Proposed amendments to the General Plan that would allow the conversion of Resource Production Lands to other land use designations shall be approved only if the Board of Supervisors makes ALL of the following findings:

1. The proposal is consistent with the goals and policies of the General Plan.
2. The conversion is in the public interest and the public benefit substantially outweigh the objectives of the Agriculture, Forestry and Mineral Element.
3. Other feasible alternative sites that are proximate, suitable and available in the area already designated for the proposed uses have been considered.
4. Approval of the conversion proposal shall not result in the discontinuous pattern of residential or non-agricultural, non-forestry or non-mineral development.
5. The conversion is not likely to result in the removal of adjacent lands from resource based uses.

6. The proposed project is designed to minimize conflict and will not interfere with resource based operations on surrounding Resource Production Lands or adversely affect water supplies for resource based uses.
7. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
8. The design of the proposed project has incorporated all reasonable measures as determined during the CEQA review process to mitigate impacts to Resource Production Lands.

**APPENDIX B**

**AGRICULTURE, FORESTRY AND MINERAL ELEMENT  
CALAVERAS COUNTY GENERAL PLAN**

**RESOURCE PRODUCTION LANDS MITIGATION  
PROGRAM GUIDELINES**

**Purpose and Intent:**

The purpose of the Resource Production Lands Mitigation Program (RPLMP) is to aid in mitigating the loss of Resource Production Lands in the unincorporated areas of Calaveras County. The RPLMP requires the conservation of Resource Production Lands by providing a 2:1 ratio to the amount of Resource Production Lands proposed for conversion. The RPLMP is designed to utilize conservation easements, as well as alternative mitigation methods, as a means of mitigating the loss of Resource Production Lands.

The intent of these guidelines is to establish standards for the acquisition and long-term oversight of conservation easements and alternative mitigation methods secured in accordance with the RPLMP.

**Applicability:**

These guidelines shall apply to any development project requiring a General Plan amendment from Resource Production Lands designation to a residential or other non-resource based land use designation of the Calaveras County General Plan. The acreage required for mitigation consideration shall be equal to the entire overall size of the parcel(s) subject to the land use designation amendment. I.E. Mitigation is required for the entire land area to be amended, not just the area proposed for development.

**Definitions:**

**Agricultural Conservation Easement:**

An easement over Resource Production Lands for the purpose of restricting its use to agriculture or forestry consistent with these guidelines and General Plan policies. The interest granted pursuant to an agricultural conservation easement is an interest in land which is less than fee simple. Agricultural conservation easements acquired in accordance with these guidelines shall be established in perpetuity (or shall be permanently protected from future development via enforceable deed restriction), and shall minimize any restrictions on current or future customary agricultural husbandry or forestry practices.

**Building Envelope:**

An area delineated by the agricultural conservation easement within which existing structures and uses may remain or future structures and uses are allowed.

**Conversion:**

A use of land requiring a General Plan Amendment.

**Development Interest:**

The property owner, developer, proponent, and/or sponsor of a discretionary development project subject to these guidelines.

**Land Trust:**

A private not for profit organization whose mission in whole or part is to conserve and protect resource production/agricultural lands through acquisition of land and/or administration of conservation easement agreements. Land trusts such as the Mother Lode Land Trust or other approved land trusts that meet the above definition shall be utilized to hold individual conservation easements under the RPLMP.

**Legal Parcel:**

A portion of land separated from another parcel or portion of land in accordance with the Subdivision Map Act. A separate Assessor's Parcel Number alone shall not constitute a legal parcel.

**Resource Mitigation Land:**

Resource Production Lands encumbered by an agricultural conservation easement or other conservation mechanism acceptable to the County. Resource Production Lands is used synonymously with agricultural, forest or mineral land in these guidelines.

**Resource Production Lands:**

Resource Production Lands include any one of the following:

- A. Lands currently under Williamson Act contract (i.e. agricultural preserve lands).
- B. Lands under cultivation for crop production, as defined in Calaveras County Code Section 17.06.0132-Agricultural Operation.
- C. Lands used for grazing purposes, as defined in Calaveras County Code Section 17.06.0132 – Agricultural Operations.
- D. Lands that are currently designated or zoned for agricultural uses.
- E. Lands that are currently designated or zoned as forestry or timber production.
- F. Lands that are currently designated or zoned as mineral resource or mineral resource extraction.
- G. Lands that have been identified as containing deposits of minerals that are of economic value. (Refer to the “Mines and Mineral Resources of Calaveras County” County Report #2 from the Department of Conservation, Division of Mines and Geology.)
- H. Lands that are currently zoned “Unclassified” and meet the criteria as set forth herein.
- I. Lands that have historically supported agricultural, timber or mineral resource production.
- J. For lands that are fallow or lands that require a more comprehensive assessment, a determination of their potential as Resource Production Lands should be made on a case by case basis utilizing the following criteria:
  - 1) Suitability of soils for different types of crops and/or forage production
  - 2) Slope, drainage and vegetation cover
  - 3) Parcel size

- 4) Water resources availability (district water, well water, spring water, riparian water, dry land production)
  - 5) Surrounding resource production lands
  - 6) Surrounding protected resource lands (Williamson Act contracted lands, public parks, forests, and watersheds, and lands restricted by agricultural, wildlife habitat, open space, or other natural resource easements)
  - 7) Geologic make up and mineral content
- K. A determination by the Board of Supervisors that the lands should be designated as Resource Production Lands rather than another type of land use designation.
- L. Landowners may petition the Board of Supervisors for inclusion of their land into Timber Production Zone (TPZ) pursuant to Government Code 51113.

**Methods of Mitigation:**

Resource Production Lands mitigation at a 2:1 ratio shall be satisfied by using one of the following techniques:

- 1) Resource Production Lands mitigation shall be satisfied by direct acquisition of a conservation easement or an alternative method of mitigation, including but not limited to purchase of banked mitigation credits as set forth in these guidelines. Payment of an in-lieu mitigation fee may be authorized by the Board of Supervisors if the development interest can show a diligent effort to obtain a conservation easement, an alternative method of mitigation or that banked mitigation credits have been made without success. The Board of Supervisors may consider the following facts in making a decision regarding a request for payment of an in-lieu fee including but not limited to; a showing of multiple good faith offers to purchase an easement, alternative mitigation methods or banked mitigation credits having been declined by the seller(s). Refer to description of Mitigation Credit Banking below. It shall be the development interest's sole responsibility to obtain the required easement or provide for an alternative mitigation method.
- 2) Alternative Resource Production Lands Conservation Methods – It is understood that alternative mitigation methods other than agricultural conservation easements may provide a more viable means for mitigating the conversion of resource production land to non-resource based uses. These guidelines recognize that a number of alternative mitigation methods and incentives should be considered when mitigation is required. These alternative mitigation methods include, but are not limited to the transfer of development rights (TDRs), coupled with density bonuses and long-term conservation leases. Alternative methods may be authorized by the Board of Supervisors provided the land will remain in resource production use consistent with these guidelines. Any request for consideration of an alternative Resource Production Land Conservation Method shall be reviewed by the Agricultural Advisory Committee for consistency with these guidelines and recommendations made to the Planning Commission prior to a decision by the Board of Supervisors.



**Direct Acquisition (In-Kind Acquisition):**

- 1) The conservation easements or alternative mitigation methods herein described shall be administered and maintained by a land trust upon which is mutually agreed by the County and land owner.
- 2) The Planning Commission with input from the Agricultural Advisory Committee shall review each resource land conservation mitigation acquisition for consistency with these guidelines. The Planning Commission shall make a formal recommendation to the Board of Supervisors for their consideration.
- 3) The location and characteristics of the resource mitigation land shall comply with the provisions of these guidelines.
- 4) The development interest shall pay an administrative fee equal to cover the costs of administering, monitoring and enforcing the agricultural land conservation mitigation measures. The fee amount shall be determined by the Land Trust and approved by the Board of Supervisors.

**In - Lieu Fees:**

The payment of an in-lieu fee shall be utilized solely for mitigation in Calaveras County and subject to the following provisions:

- 1) The in-lieu fee shall be determined case-by-case in consultation with the land trust approved by the Board of Supervisors. In no case shall the in-lieu fee be less than 60% of the average per acre price for five (5) comparable land sales in Calaveras County.
- 2) The in-lieu fee shall include the costs of managing the easement or lands under alternative mitigation methods, including the cost of administering, monitoring and enforcing the farmland conservation easement, and a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring the easement. The costs shall be approved by the Board of Supervisors based on information relating to the costs provided by the land trust.
- 3) The Planning Commission with input from the Agricultural Advisory Committee shall review the final in-lieu fee proposal for consistency with these guidelines. The Commission shall make a formal recommendation to the Board of Supervisors for final approval.

**Use of In-lieu Fees:**

In-lieu fees shall be administered by the land trust in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing the agricultural conservation easement or other alternative mitigation method designed to conserve the resource production land

for resource land mitigation purposes. The location and characteristics of agricultural mitigation land shall comply with the provisions of these guidelines.

**Mitigation Credit Banking:**

Mitigation credits may be banked and utilized in accordance with the following provisions:

- 1) Purpose - The purpose of establishing a method of banking mitigation credits is to equalize the imbalance between the acreage size of resource production land suitable, and available, for purchase of resource land conservation easements and the amount of acreage required to meet a 2:1 ratio.
- 2) Process - The Board of Supervisors may approve banking of mitigation credits on the acreage in excess of the 2:1 ratio required for mitigation of the original project. The mitigation credits shall be held by the individual or entity purchasing the resource conservation easement.
- 3) Credit Value - Each acre in excess of the required 2:1 ratio for mitigation may be utilized at a 2:1 ratio to satisfy the mitigation requirements of another development.
- 4) Negotiations - Negotiations to purchase mitigation credits shall not involve the County and shall be subject to free market values. The County Planning Department shall make available a contact list of individuals or entities with banked mitigation credits on record. The sale of banked mitigation credits shall not alter the terms of the original resource land conservation easement which generated the mitigation credits.
- 5) Authorization - The Board of Supervisors shall accept purchased mitigation credits upon receipt of a sales agreement.
- 6) Records - The County Planning Department shall maintain a record of banked and purchased mitigation credits to ensure the Resource Production Lands Mitigation Program is maintained whole and reported in the Annual Report of Agriculture.

**Resource Production Mitigation Lands:** Locations and characteristics:

- 1) Location – Resource mitigation land shall be:
  - A) Located in Calaveras County;
  - B) Designated Resource Production Lands by the Calaveras County General Plan;
  - C) Within consistent zoning districts applicable to Resource Production Lands
  - D) Resource Production Lands must be mitigated with equal or higher quality resource land. Alternatives may be considered when equal or higher quality land cannot be reasonably obtained.

- E) Mitigation under these guidelines shall not be required for the conversion of Resource Production Lands that have been identified within a Community Plan, the City of Angels Sphere of Influence or the General Plan for future residential or commercial development. These same lands should not be utilized as mitigation lands to satisfy the requirements under these guidelines without the approval of the Board of Supervisors or the City of Angels City Council, as the case may be. This exception shall apply only to those lands that have been indentified for future residential, commercial or industrial development within the Community Plans, City of Angels Sphere of Influence or the General Plan at the time of the adoption of the new General Plan Update by the Board of Supervisors.
  - F) Located outside the City of Angels adopted Sphere of Influence if the mitigation method is in perpetuity.
- 2) Allowable Uses – Resource Mitigation Land shall be in conformance with the compatible zoning district. Any legal nonconforming use of the property shall be abandoned prior to execution of the conservation easement and shall not be allowed to reestablish except as authorized within a building envelope. The type of resource related activity allowed on mitigation land shall be specified as part of the mitigation document and shall not be less restrictive than the restrictions set forth in the applicable consistent zoning districts.
  - 3) Soil Quality - The resource mitigation land shall be of equal or better soil quality than the resource land whose use is being changed to non-resource uses.
  - 4) Water Supply - The resource mitigation land shall have an adequate water supply to support the resource uses or activities on the land. The water rights on the resource mitigation land shall be protected in the resource land conservation easement.
  - 5) Previous Encumbrances - Land already effectively encumbered by a conservation easement may not be eligible to qualify as resource mitigation land. Lands under a Williamson Act contract or forest lands zoned TPZ are eligible to participate in the Resource Production Lands Mitigation Program.
  - 6) Subsequent Encumbrances- Lands encumbered as resource mitigation land shall not be subject to future encumbrances that limit resource based activities and operations, except as specified in these guidelines under “Stacking of Conservation Easements”.

**Final Approval/General Plan Amendments:**

A General Plan amendment shall not be effective until execution of any of the necessary legal instruments, payment of fees or fulfilling of those conditions/requirements as specified by these guidelines.

**Legal Instruments for Encumbering Resource Mitigation Land:**

Requirement - To qualify as an instrument encumbering the land for resource land mitigation:

- 1) All owners and record of interest of the resource mitigation land shall execute the instrument;
- 2) The instrument shall be in recordable form and contain an accurate legal description of the resource mitigation land;
- 3) The instrument shall prohibit any activity which impairs or diminishes the permitted or historical resource uses of the resource mitigation land;
- 4) The instrument shall protect the existing water rights and retain them with the resource mitigation land;
- 5) The interest in the resource mitigation land shall be held in trust by the land trust;
- 6) The land trust or County shall not sell, lease, or convey any interest in the resource mitigation land except for compatible resource based uses;
- 7) If the land trust ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the County to be retained until a qualified land trust mutually agreed upon between the County and land owner is selected.

**Monitoring, Enforcing, and Reporting:**

- 1) Monitoring and Enforcing - The land trust shall monitor all lands under resource mitigation acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these mitigation areas. It shall also enforce compliance with the terms of the conservation easement or resource mitigation instruments.
- 2) Reporting by the land trust - Annually, beginning one year after the adoption of this chapter, the land trust shall provide to the County Planning Director an annual report delineating the activities undertaken pursuant to the requirements of these guidelines and assessment of these activities. The report(s) shall describe the status of all lands and easements acquired in accordance with these guidelines, including a summary of all enforcement actions.

**Stacking of Conservation Easements:**

Stacking of easements for both habitat conservation and/or species mitigation on top of a resource production land conservation easement granted in accordance with these guidelines may be allowed if approved by the Board of Supervisors provided the habitat needs of the species addressed by the habitat conservation easement or species mitigation can be protected and maintained in combination with the permitted resource based uses and activities of the land.

The Planning Commission, with input from the Agricultural Advisory Committee, shall review all stacking proposals to ensure the stacking will not be incompatible with the maintenance and preservation of resource based activities and operations. The Planning Commission shall make a recommendation to the Board of Supervisors.

Folsom, Calif.  
August 12, 2018

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

RE: County General Plan Draft EIR – June 2018

Dear Mr. Maurer:

Based on my review of the Draft EIR of June 2018, I offer the following comments:

**1. Procedural Deficiency. Review Period.** The review period of 45 days for an EIR document of this extent (several hundred pages) and one which is intended to guide planning and environmental protection in the county for the next 20 years, is much too short. The review periods as set forth in the Guidelines were not intended to apply to EIRS of such large scope and import as this DEIR for the county general plan. I recommend that the review period be extended at least another 15 days or even further.

**2. Substantive Deficiencies.** The deficiencies in the DEIR are too numerous and egregious to elucidate and analyze all of them in detail in one comment letter. The following is only a **brief summary** intended to identify the key elements of the DEIR which are grossly deficient and therefore do not provide either the public or the Planning Commission adequate information upon which they can make sound decisions concerning the environmental effects of the proposed amended general plan.

**a.) Fire.** There is no question in the minds of all prudent residents, business owners and landowners in the county that the continuing increase in the threat of major wildfires and the continued proliferation and spread of the haphazard unplanned development pattern which began after World War II and continues to this day, **constitutes one of the most significant risks for the county.** This wildland fire risk, with or without the proposed amended general plan, is increasing slowly and almost imperceptibly each year for permanent and seasonal residents, business owners and seasonal visitors alike. This fact is never acknowledged anywhere in the DEIR – not in the Executive Summary nor in the body of the text. The DEIR fails to acknowledge that in planning, business as usual cannot continue. **A major change in land use planning policy in the county is absolutely essential.** Change is not an option. Merely stating that the county will continue to enforce existing state and local fire codes does not in any way address this question of fire risk which affects the entire county.

The following important paragraphs pertaining to fire in the DEIR are extracted and copied below. This discussion is buried under the Chapter on Hazards. It is jumbled and poorly written. **From an organizational standpoint, wildland fire risk and planning analysis must be broken out and treated in a separate chapter of the DEIR.** Fire risk presents challenges quite different from hazardous materials and other risks.

*IM S-3G Coordinated Fire Prevention and Response Planning Efforts. Continue to participate in and support coordinated fire prevention and response planning efforts. Improve interdepartmental communications to enhance coordinated fire emergency response and planning between the Calaveras County Sheriff's Office of Emergency Services, the County's multiple fire districts, CalFire, the U.S. Forest Service, Planning, Public Works, the Calaveras Council of Governments and other affected agencies. Keep apprised of recommendations contained in the CalFire, Tuolumne/Calaveras Unit Strategic Fire Plan and Calaveras County Community Wildfire Protection*

*Plan. Coordination efforts should include evaluations of proposed road improvements in the County's Circulation Element and Regional Transportation Plan that may improve emergency evacuation routes. Support may be in the form of hosting a strategic planning session for emergency response personnel and planners. Coordination may also be achieved in the form of sharing GIS database layers and fire modeling data. (Sect. 4.7, p.29)*

***4.7-7 Development associated with the proposed Draft General Plan would expose people or structures to a significant risk or loss, injury or death involving wildland fires [Emphasis added] . Based on the analysis below, even with mitigation, the impact is significant and unavoidable. (Sect. 4.7, p.31)***

*Despite the aforementioned regulations, the Draft General Plan would result in continued development within high and very high fire hazard severity zones. In addition to certain future development areas within the County being within designated high and very high fire hazard severity zones, areas within the County that could be developed under the Draft General Plan may be located in areas with steep slopes or prevailing wind patterns that could result in higher fire risks locally. Steep slopes and local prevailing wind patterns within the County would have the potential to exacerbate risks from wildland fires by allowing for the rapid spread of wildland fires into development areas, or the exposure of future residents to pollutants from wildfires. While active wildfires would pose immediate threats to developments, in the aftermath of such wildfires, developments in areas with steep slopes or variable terrain could further be exposed to risks from flooding or landslides as a result of runoff or post-fire slope instability. Review of development plans by CalFire, the appropriate fire district, and adherence to County regulations regarding to fire safety, would serve to identify site specific concerns regarding slope, prevailing winds, and postfire slope instability; however, development under the Draft General Plan may still occur in such areas. (Sect 4.7, p.35)*

*Mitigation Measure(s) Buildout of the Draft General Plan would involve construction of new developments, which could expose new structures to moderate, high and very high fire hazards. The following mitigation measure would alleviate, but not eliminate the impacts due to such development. Other feasible measures are not available to reduce impacts associated with the construction of new developments in moderate, high and very high fire hazard severity zones to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.*

*4.7-7 Policy S 3.2 of the Draft General Plan shall be revised as follows: Policy S 3.2 Ensure that The County shall review applications for new development, including essential public facilities, to ensure that new development complies with adopted fire codes and standards for fire protection. Application review for new developments which would be located in moderate, high, and very high fire hazard severity zones shall include a consistency check to ensure that the proposed project conforms with the standards of Title 24, Wildland Urban Interface Building Codes, and Title 14 of the California Code of Regulations 1270, as well as assessing potential hazards related to slope, prevailing wind patterns, and the potential for post-fire hazards.(Sect 4.7, p.36)*

The remainder of the text in DEIR which addresses the wildland fire risk is merely a regurgitation of the existing codes, e.g., Public Resources Code on defensible space and miscellaneous fire safety code requirements. Conforming to the codes is not a mitigation at all and is legally required of the county anyway. Conformance to fire codes does not affect the development as set forth in the land use plan. The DEIR just continues to assume that the existing long-established unplanned haphazard development which has occurred in the past is unavoidable and will continue for the next 20 years. It implies that the county is therefore powerless to do anything different to reduce and eliminate this unacceptable risk.

The county cannot weasel out of this by just stating that they will yield to development pressures as they have in the past. That would only serve to continue and continue and increase this unacceptable risk indefinitely.

The DEIR must propose mitigations which will reduce the wildland fire risk to the maximum extent practicable even where such mitigation may involve economic adverse consequences and result in reduced development. Mitigations cannot be limited to vague goals that say the county will study possible code enforcement modifications to minimize this risk. Moreover, the DEIR must explain clearly how they know that the proposed mitigations will, in fact, minimize the increased risk of wildland fire damage. Just saying you hope it works is insufficient. The county cannot continue land use planning with the mitigations proposed. It sounds like the kind of planning which has been prevalent in the state since the 1930's. It satisfies the general code requirement that the county have a general plan, but it doesn't actually accomplish anything as to accomplishing goals of long-range planning.

#### **b.) Rural and Historic Character.**

This is treated in the DEIR in Chapter 4.1 under Aesthetics. The section includes a lengthy, rambling, and esoteric discussion which concludes what even the most casual visitor to the county would easily notice, i.e., that the county, like its many foothill sister counties, contains a wealth of richness in both agricultural, historical, and native American cultural features which give the county a unique rural character.

**The analysis of this element in the DEIR is completely inadequate.** It is far too academic and written in the style of a specialist who has little appreciation or knowledge of the uniqueness of the county's history and rural character. The DEIR analysis in this section fails to recognize how fragile and romantic is the rural character of the county. Nor does the DEIR recognize local economic values of this character and that the preservation of that rural character has slowly been compromised by run-away haphazard development policies which since the end of World War II have mis-guided county planning.

The DEIR includes a list of state and county codes which the DEIR implies that the county must apply in a mechanical manner. It assumes that these legal requirements are the only mitigation measures which the county will ever have at its disposal to preserve the rural character of the county. This conclusion is absolutely false and does not meet the spirit or the fundamental requirement of the California Environmental Quality Act. The DEIR on page 4.1 -19 concludes that significant impacts and downward degradation of the rural character of the area is unavoidable and that the county can do nothing about it. Again, this is unacceptable and is a clear violation of the Act.

The DEIR has an alternative to preserve rural character and places it at the end of the document as an afterthought.. The implication is that the county has no intention to give any part of the alternative serious consideration.

The preservation of the county's rural character is not to be considered a vague alternative. **It must be incorporated into the DEIR as it is an absolutely essential requirement for the county.** The preservation of the county's rural character must guide all of its planning decisions. The county cannot merely state that it has no authority or capability to preserve such an essential quality of the county's environment.

**3. Summary.** The above are only a few outstanding examples of the gross inadequacy of the DEIR. Other elements which are either poorly addressed (or not addressed at all) include: Cannabis culture and its environmental effects; out-county long distance commuting patterns and seasonal tourist travel effects on development and transportation; changing population demographics, including increase in



seasonal vs. year-round occupancy; recent high failure and turn-over especially in tourist-related businesses and its affect on blight such as that which is now occurring in Arnold. These are real problems which the county faces. The DEIR in its present form is not a good faith effort on the part of the county to address the county's development problems and guide rational planning. The DEIR is nothing more than an expensive, slick, glossy report which appears to do little more than appease special interests and confuse the general public and the Planning Commission.

The DEIR is, in fact, about the worst environmental report I have ever seen. If the county adopts the plan and the DEIR in their present form, they will certainly be subject to court challenge. Court proceedings will only serve to exacerbate the county's problems in its long range planning effort. This all reveals to the public that the planning function at the county level is in complete chaos.

Thank you for the opportunity to review the DEIR.

John Gibson

Landowner and member, Love Creek Property Owners Association

(916) 984-2172

Home address: 814 Willow Creek Dr.

Folsom, CA 95630

RECEIVED

AUG 15 2018

Pg 1 of 2

The Calaveras Planning Commission

Peter Maur, Planning Director

Calaveras County  
Planning Department

8/14/2018

Re: The General Plan and the regulations there of

The general plan reflects the rules and regulations that put a burden on those who are here and those who will come here. In a country who fifty years ago could send people to the moon and safely back again . . . we should do better than we have.

Is it intelligent to run machines through the roots of trees dump rocks in the ditches at the tune of how much money? This money say 30 to 40 thousand is added to what they owe on their mortgage and taxes. If the populace is to be healthy and produce able offspring they need as much resources as they can get. Instead they become financial slaves to their sewer lines.

There are as many fees and taxes which are added to such an endeavor. It is really too sad to see county employees realize if they are to get a raise or even keep their jobs they must figure out every angle to seek out enough money in fees and taxes for their job security which is at this point either becoming pot dealers through taxes from marijuana grows or increasing fees that are beyond onerous. This example of sewer lines is relevant to the general plan in that there is the extenuating problem to Calaveras County's potential for growth which funds its governmental operations. Calaveras County is basically a rock. All water runs downhill. It is past time that people look past the stigma of the outhouse and look to science to embrace a renewable resource.

It probably won't happen in my lifetime. We will continue to flush two gallons of water per each elimination wet, dry or both. For some this would use up the 50 plus gallons a day Governor Brown has given us permission to use. What is the definition of insanity?

This fire season has been the absolute worst I can remember. Six people killed-fire moving in 140 mile and hour winds. Now the pendulum will swing back and natural flora and fauna will give way to dessert conditions. It is the forest that generates oxygen and eats up carbon dioxide along with the ecosystem it shares. The more forest whether Rainforest or Ponderosa Fir forests removed the more arid dessert like conditions increase. There is a theory out there that removing trees means you get the water they don't use. This is a very evil fallacy. People in charge think in terms of the careers they have been trained for. It is often hard for them to think of the whole when they are ignorant of some of the pieces. It is the equivalent of being asleep at the wheel.

Meantime forest fires rage summer after summer, and the skies are grey and the air is acrid. In turn a family who manages their trees and vegetation as renewable resources for the critters and to heat their homes is banned from using it because it's a source of pollution.

Just like there were not enough people in Calaveras County to enforce the Marijuana grows there will not be enough people to enforce all these regulations. What will be the result? People will quit trying to better themselves, their surroundings or their communities. In the meantime the formerly permitted growers have done nothing to stem the pot growing of their unpermitted counterparts. They know who they are, where they are growing and the necessary details to abate them yet doing nothing they complain about the situation without sticking their necks out. Nothing is said about taking the risk they

may be taking in turning in unpermitted pot growers in part because they want to keep the negatives that go along with pot growing to a minimum in hopes they can sway public opinion in their favor and persuade the County Board of Supervisors to vote out the ban. If the formerly permitted growers are unwilling to report the pot growing the general public is even less willing to report such activities. I spoke to one person that has 4 formerly permitted and 2 unpermitted grows in close vicinity of where she lives. They have had at least one burglary and she thinks that's why they have huge lights on at night and other problems but no inclination to turn them in. Fear of retributions is real. Anyone who attends Supervisor's meetings should know. The pot folks think nothing of intimidating people who are opposed to their choice of trying to make money from a schedule 1 drug that addicts and drugs up children and young people.

The new laws that make it 'legal' in California by pot proponents spending 33 million dollars versus the 3 million the antipot sector was able to drum up. Citizens who have been publicly opposed to pot are cat called, their cars are sabotaged repeatedly, they are told by a pro potter as they get out or into their cars that they know where they live, roads have been closed by pot growers. Warehouses and commercial type buildings have proliferated up off the beaten track. Gerry rigged airports have sprung up throughout the county so the product does not have to access the roads. Truckloads of it going down the road.

The victims of the Butte Fire are further victimized by their properties being reassessed at 2 to 3 times more than it had been because it is legal to do so. If they try to replace their home that too will be assessed without the protection of Proposition 13. The reason the properties were sold so much higher than formerly assessed is people came here with the idea of growing pot and purchased fire scorched properties at much higher prices. This affected all like properties.

How does this all affect the general plan? . . . How could it not? County employees are asked to abate properties of pot growers because in Calaveras County pot growing for profit is now illegal. The county employees cannot help but become sensitized to infringing on what would otherwise be the sacrosanct Calaveras County private property rights not to mention the inspection of homes formerly sacrosanct. Remember the aforementioned of fees and regulation violations generate revenue.

The General Plan is affected in that Tourism is an important revenue source. The general public in Calaveras County is its best ambassadors. Their well-known warm hearted friendliness increases the value of Calaveras County as a place to visit versus the in your face attitude of brashness and self entitlement by at least some of the pot industry.

Sincerely,



Patricia Gordo

P.O.Box 267

Valley Springs, Ca. 95252

# INTEGRATED DEVELOPMENT STRATEGIES, INC.

650B FREMONT AVE, #311  
LOS ALTOS, CA. 94024

August 10, 2018

## VIA EMAIL & US MAIL

Calaveras Board of Supervisors  
Calaveras County Planning Department  
Peter Maurer, Planning Director  
891 Mountain Ranch Road  
San Andreas, Ca 95249

Dear Supervisors and Director Maurer:

I have been an owner of a large tract of land in Copperopolis since 1998. I have also been active in the development business in the area and I am very familiar with the tens of millions of dollars that have been invested in the immediate area. During that period, I have seen many positive changes to Copperopolis primarily due to the excellent planning and development activity conducted by Castle & Cooke ("C&C"). It is in that regard that I am writing to comment on the County's draft environmental impact report for its General Plan update.

C&C's development of both Saddle Creek and the Copper Town Square have added greatly to the positive character of Copperopolis and have had major impact on the area's image and desirability. Since 1998, I have watched how C&C has attempted to develop other high-end projects, but they have been delayed due to the out of date General Plan.

It is important for Calaveras County to quickly and accurately complete the update process and correctly reflect the proposed development areas in the Copperopolis area. In that regard, the County should revise the land use map and associated build-out estimate tables in the general plan update and draft EIR to include the entire Sawmill Lake project and not just a part of it. I am familiar with the errors made in the map and how it does not accurately reflect all the land associated with the Sawmill Lake project.

Due to the proximity of the Sawmill Lake project to the Copper Town Square shopping center it should be considered in-fill and it will have a positive effect on the area and benefit the retail center and the community with another high-quality development. I have followed C&C's efforts and watched how they attempted to process the Specific Plan for Sawmill Lake only to be denied due to the status of the General Plan after investing millions of dollars in the process in good faith. This has been going on for nearly 10 years and its time to finish the process and correctly and accurately depict the project.

During the same time, C&C has also attempted to process a Specific Plan for the Copper Valley Ranch parcel. As a landowner of property that abuts the Copper Valley Ranch land,

I urge the County to designate this property as future Specific Plan consistent with C&C's plans for the property. I was very surprised to learn that after all the time, effort and dollars C&C invested in processing the property for the proposed development it is now designated as Resource Production area. The County should designate it as requested by C&C and give the residents of Copperopolis the opportunity in the future to decide how they would like to see the property developed during a public process.

In the future if the Copper Valley Ranch project is developed as C&C proposed, the project would provide benefits to the entire community, including a regional roadway from Lake Tulloch all the way to Highway 4. Additionally, it will add and additional access for the already approved Tuscany Hills project. It is my view that the County should include the Copper Valley Ranch as a Future Specific Plan area in the General Plan update.

Thank you for your consideration of my comments. Please include this letter in the Draft EIR comment section.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Hix", written over a large, loopy circular scribble.

Thomas Hix, President  
Integrated Development Strategies, Inc.

County Copy

RECEIVED

JUL 31 2018

Calaveras County  
Planning Department

Testimony on the General Plan Draft EIR, 7-31-18

Tom Infusino, Calaveras Planning Coalition.

The DEIR is flawed in many ways. The CPC will provide more detailed comments on the DEIR in writing by the August 13 deadline.

According to the DEIR, the plan will have 25 significant and unavoidable impacts on traffic, fire safety, water delivery, sewer capacity, agricultural lands, oak woodlands, historic resources, noise, air quality, and wildlife habitat. The plan is expected to make the County worse in 25 different ways. The good news is that you still have time to amend your plan to grasp the opportunity to make Calaveras County a better place.

- About 2500 working-age people in Calaveras County do not have a high school diploma or GED. Is it any wonder why they are having a hard time finding a job? The State of California has money for County library literacy programs to help these men and women to get their GED, and to start to build a pattern of success in their lives. Let's get that money, and use it to build a smarter and more productive workforce.

- Calaveras County's per-capita retail sales revenue is half the California average. The Small Business Administration has technical assistance and low-interest loans to start or expand a small business, and to recover a business damaged in a natural disaster. Let's get that money, and help our businesses thrive.

- The California Department of Housing and Community Development not only has funds to help seniors maintain their homes, it also has funds to help us produce housing affordable to working singles and working families. Let's get that money, so that those who collect their pay checks here, can also live here, spend their money here, and pay their sales tax here.

-The California Department of Water Resources again has state bond funds available for disadvantaged communities to maintain and to improve water and sewer infrastructure. Let's get that money so that our communities have the infrastructure to survive and to grow, without such <sup>Large</sup>~~high~~ rate increases.

-The State of California has grant programs to help us adapt our transportation system to address climate change. Let's get that money and be prepared for a future with cleaner vehicles and greater evacuation needs.

- The State just passed a \$3 billion park bond. Let's get that money to make Calaveras County an even better place for people to come to recreate.

-The State of California has a program to fund habitat acquisition so that vulnerable wildlife populations will survive climate change. Let's get that money so that we can have both economic development and viable ecosystems.

- The USDA has over 30 programs providing loans, grants and technical assistance to rural communities to improve their economic viability, and thereby maintain their agricultural and forest lands in future production. Let's get that money, so farms and ranches can thrive.

If you put these actions into your plan, then we won't have 25 significant impacts from your plan. If you put these actions into your plan, together we will build a future you will be proud to have as your legacy.

The glass has been half full in Calaveras County for too long. The economic glass is only half full. Its time to fill the glass. The public safety glass is only half full. Its time to full the glass. The education glass is only half full. Its time to fill the glass. The environmental glass is only half full. Its time to fill the glass.

Thank you, good night, and God bless.

Catherine Lambie  
PO Box 64  
Wilseyville, CA 95257  
trnscnd@volcano.net

August 12, 2018

Peter Maurer  
Calaveras County Planning Department  
891 Mountain Ranch Rd  
San Andreas, CA 95249  
[pmaurer@co.calaveras.ca.us](mailto:pmaurer@co.calaveras.ca.us)

RE: Comments on the Draft General Plan DEIR.

Thank you for the opportunity to make a comment.

\*The community plans are not included in their entirety. The communities of District 2 worked long and hard and came together to produce cohesive, viable community plans ready for inclusion in a general plan. Unfortunately, it was not so in other parts of the county, like Valley Springs or Copperopolis, where people failed to come to an agreement to create a plan.

I would like to see the community plans of District 2 included in a General Plan, with a provision to adopt other community plans at a later date, when they are ready. We should not be penalized for having worked together well and efficiently.

\*Policies that do not commit to reduce impacts are NOT mitigation measures. CEQUA requires that mitigation measures be ENFORCEABLE commitments to reduce or avoid significant environmental impacts. In lieu of mitigation measures, the County proposes a number of policies that do not affirm any commitment to reducing or avoiding significant environmental impacts. For instance:

IM COS-4I

AT THE COUNTY'S DISCRETION, for development that is subject to a discretionary entitlement and subject to environmental review under CEQUA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on special status species as defined above and DETERMINE WHAT AVOIDANCE MEASURES OR MITIGATION MEASURES ARE WARRANTED to offset or mitigate these impacts to the extent feasible.



Policy COS 3.9

ENCOURAGE development to be compatible with wildlife movement.

IM COS-4L

The County shall work with applicants to ENCOURAGE preservation or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement SHALL BE ENCOURAGED throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants to ENCOURAGE development to be compatible with wildlife movement. MITIGATION MEASURES MAY INCLUDE installing wildlife friendly fencing or lighting to minimize interference with wildlife movement. Creek corridors SHOULD BE preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they SHOULD HAVE connectivity to/with other dedicated or undevelopable open space lands to the extent possible.

These are just a few examples of the weak language used throughout. A General Plan should not be making “suggestions”, it should offer clear, enforceable guidelines. I would like to see strong language that guarantees that, for instance in the cases cited above, the County WILL protect the environment.

One does get the impression that the current Board of Supervisors is attempting to create a document as vague and unbinding as possible; how that would serve well the future development of this County is hard to fathom. Instead, the County should treat the general plan as an opportunity to participate in regional, state and federal programs to improve the County's communities, economy and environment.

Please retain a copy of these comments for the administrative record.

Please put me on the list of people to notify when the final EIR is complete.

Sincerely,

Catherine Lambie

AUGUST 10, 2018

TO: PETER MAURER- CALAVERAS COUNTY PLANNING DIRECTOR  
FROM: GORDON LONG, SAN ANDREAS, CA RESIDENT, EXECUTIVE DIRECTOR OF THE CALFAUNA FOUNDATION

RE: PUBLIC COMMENT ON CALAVERAS GENERAL PLAN UPDATE (GPU)

**The Biological Resources Segment of Section 6 (Conservation & Open Space Element) that uses the Biological Resources Section of the DEIR (section 4.4) as an authoritative source is flawed.** The information in section 4.4 that is being used for foundation purposes of the Calaveras County General Plan Update (GPU) is lacking in consistency, content, and vision. As a Certified Wildlife Biologist (CWB) here are my noted deficiencies, described below:

- 1.** Inconsistent and confusing use of description of Vegetation & Wildlife Habitats. It appears the report uses the California Department of Fish and Wildlife's (CDFW) "California Wildlife Habitat Relationships (CWHR) with their California Natural Diversity Database, yet habitat types throughout the document don't adhere to one particular methodology. According to the CDFW, *"At present, there are 59 wildlife habitats in the CWHR System: 27 tree, 12 shrub, 6 herbaceous, 4 aquatic, 8 agricultural, 1 developed, and 1 non-vegetated."* Yet un-descriptive habitat types such as "drainages", "coniferous forest", "ruderal", "plantation" "Big Tree Forest", "lakes and rivers", "anthropogenic" are present in this official document. Utilizing unprofessional and chaotic descriptions of habitat types in such important documents is inexcusable.
- 2.** There is mention within the noted DEIS Section of CDFW's California Essential Habitat Connectivity Project (2009), or the State Wildlife Action Plan Update (2015, if the 2015 version was unavailable at the time of the DEIS publication, the 2005 version should have been referenced). These are important state documents that needed to be addressed in the DEIR and needs to be incorporated into the GPU.
- 3.** In the discussion of wildlife corridors, there is no mention whatsoever of limiting, or at least managing woven wire fencing of five or taller. These so-called "game -proof" fences are just that—that prevent migratory species from accessing necessary habitat if placed in these corridors. There was also mention of "wildlife-friendly" fence, but no description of what this type of fencing might involve. Fencing that deters wildlife movement has to be addressed in this Section.
- 4.** Section 4.4-3 of the DEIR and COS 3.5 of the GPU involves oak woodlands. Within this section there is a consistent theme that oak removal requires a later mitigation measure, meaning that removing any oak has a deleterious impact on the environment. In many situations, this is the case. On the other hand, there are times when removing oak trees from an overcrowded, unhealthy site can actually improve oak stand conditions, improve water infiltration to in-ground aquifers, and improve wildlife corridors. We need to conserve oak woodlands, not preserve them. Oak woodlands, if left to be managed in a "preservation mode", lends itself to higher fire danger and decadence than if managed in a wise use scenario. If there is one thing we should have learned from the conifer mortality epidemic that has impacted the Sierra Nevadas since 2014 is that having overstocked tree inventory on marginal and drought-stricken landscapes can be devastating to that particular tree community. Having healthy

forests, including oak forests, is more dependent of spacing and having enough resources for the trees to prosper than on promoting unnatural, high densities of tree stems.

On a positive side, I am encouraged by the emphasis of the County's desire to cluster development around existing economic and residential centers within the **GPU Land Use Element**. If we want to maintain natural habitats and preserve the outdoor character of our County, supporting development on the periphery and within existing communities and business centers is applauded. Groups and individuals should be given incentives to adhere to this policy, as in reduced county fees and/or taxes, rather than enforce draconian fines if they don't want to adhere to regulatory edicts. In the long run, the County would be in better financial state if we get vibrant growth with annual lower business costs as compared to collecting one-time fines. We want to encourage growth, not deter it. Increase our tax base through spreading the burden, not by charging large fines that don't last, and which are hard to estimate out for future County budgets.

If our County suddenly became a more "business friendly" County in comparison to other Mother Lode and Sierra counties, we should see prolonged growth while steering this development towards existing infrastructure.

The GPU is an excruciating exercise in balance, leadership, and long-range planning. If we can MANAGE our county appropriately, we are on solid ground.

Thank you for your time and consideration,

Gordon Long  
Resident  
San Andreas, CA 95249

The CalFauna Foundation  
PO Box 1146  
San Andreas, CA 95249  
Executive Director

COMMENT LETTER  
FOR DEIR AND DRAFT GENERAL PLAN LAND USE MAP

August 13, 2018

Calaveras Board of Supervisors  
Calaveras County Planning Department  
Peter Maurer, Planning Director  
891 Mountain Ranch Road  
San Andreas, Ca 95249

Dear Supervisors and Director Maurer:

I have been a full time resident and active member of the Copperopolis community since 1985, and have had many years of experience as a real estate agent in the area. I am writing to you regarding the County's draft environmental impact report for its general plan update.

During my years of experience in the real estate industry I have become well acquainted with the projects that Castle & Cooke has developed in the area, particularly Saddle Creek and the Copper Town Square, which are two of the most, if not the most, high-end developments in Calaveras County. These are the only two new major projects which have been developed in the Copperopolis – Lake Tulloch region over the last twenty years. These are precisely the types of projects that our County should be encouraging.

With these projects, Castle & Cooke has constructed regional roadways, provided needed housing for the community, and has built a first-class retail center which provides shopping opportunities for residents and visitors alike, and which provides substantial tax revenue to the County.

I have also observed Castle & Cooke's diligent efforts to develop new projects which could greatly benefit the Copperopolis / Lake Tulloch region. These include Castle & Cooke's Sawmill Lake, Vineyards and Copper Valley Ranch projects.

Only a small portion of Castle & Cooke's Sawmill Lake project has been designated for development as a Future Specific Plan area in the County's proposed general plan update. In reality, the Sawmill Lake project is substantially larger than that shown on the County's land use map. I believe the County should revise the land use map and associated build-out estimate tables in the general plan update and draft EIR to include the entire Sawmill Lake project and not just a part of it.

The Sawmill Lake project is located adjacent to the Copper Town Square shopping center, and could provide a synergistic effect which could benefit the retail center and perhaps result in additional commercial opportunities for the area's residents. The County would also be fortunate to have the Sawmill Lake residential area developed as another high-end Castle & Cooke community. I know Castle & Cooke has been trying to process a specific plan for its Sawmill Lake

project for many years, so hopefully including it in the general plan as a future specific plan area would advance these commercial and residential opportunities.

Castle & Cooke has also been trying to process a specific plan for its Copper Valley Ranch project for quite some time. Therefore, I was surprised to see that the County had proposed designating this entire 4,350 acre area as a Resource Production area. It seems that the County's general plan, and the project description of the draft EIR should include Copper Valley Ranch as the Future Specific Plan area consistent with Castle & Cooke's proposed plans.

The County seems to have taken the approach that the amount of acreage designated in the general plan update must closely correlate to the County's assumed growth projections. While the general plan update should clearly designate a sufficient amount of land for development to meet assumed growth projections, the reverse is not necessarily true. That is, projected growth should not be used as a limitation on the amount of acreage designated for development in the general plan. This is because not every area designated for development in the general plan will actually be developed. Take for example the Oak Canyon Ranch project which is designated in the general plan update as a Future Specific Plan area, but its owners are now planning to dedicate that area for conservation.

If the Copper Valley Ranch project is developed as Castle & Cooke has proposed, this project would provide many benefits to the community, including a regional roadway from Lake Tulloch all the way to Highway 4 and required secondary access for the already approved Tuscany Hills project. Including the Copper Valley Ranch as a Future Specific Plan area in the general plan update would help to realize the benefits of this desirable project.

Regards,  
Darla Mayer

*COMMENT LETTER*

*For DEIR and Planning Commission recommended draft General Plan Land Use Map*

*August 12, 2018*

Calaveras Board of Supervisors  
Calaveras County Planning Department  
891 Mountain Ranch

Dear Supervisors & Director Maurer:

I am concerned regarding the proposed Planning Commission recommended draft General Plan Land Use Map. I feel it will have a negative impact on economic development, long range planning and water rights in the Copperopolis area. I have specific concerns relating to the downgrading of the future land use designations to Resource Production for APN numbers 53020014, 53021010, 53020013. An application for development entitlements was submitted to the county planning department for lands within these APN numbers as the Copper Valley Ranch project. The project area is adjacent and south of Saddle Creek Resort and the Tuscany Hills project. The community has watched as Castle & Cooke submitted the application for entitlements in July of 2006 and the County deemed the application complete in March of 2007. The County processed the application until 2009 at which time processing was put on hold until the General Plan Update was complete. Castle & Cooke has made it clear they intend to continue processing this project as soon as the County adopts the updated General Plan. I understand that Castle & Cooke has invested over three million dollars in processing and CEQA costs for the Copper Valley Ranch Master Planned development project alone.

Currently under the 1996 Calaveras County General Plan Land Use Designations Map most of the proposed Copper Valley Ranch project area has a Future Single Family Residential designation. The Planning Commission recommended draft General Plan Land Use Map would downgrade the land use designation for the project area to Resource Production. The project area is a combination of lands owned by Castle & Cooke and the Bruncker family ranch. This area is a portion of the long established Bruncker ranch, Rancharia Del Rio Estanislao, and has been targeted for development for many years. The Bruncker family has intentionally kept this portion of the ranch out of the Williamson Act. In the past there has been much interest to acquire and to create a resort orientated development on the North end of the ranch because of the proximity to the infrastructure of the Copperopolis community, the Lake Tulloch shoreline frontage and the natural beauty of the area. Castle & Cooke being a major developer of recreational / resort type properties recognized the desirability of this location along with their overall planning considerations for the Copperopolis area. This property is also intricately tied with the long range planning for the adjacent communities of Tuscany Hills, Copper Cove and Saddle Creek Resort. The County approved Tuscany Hills with the consideration that the roads of the Copper Valley Ranch project would be part of the desired circulation for Tuscany Hills, Saddle Creek and Copper Cove subdivision. The Tuscany Hills approval was conditioned on development of secondary access via roads through Copper Valley Ranch. The most desirable circulation for this area of the Copperopolis community, which has a large share of the Copperopolis population depends on the Copper Valley

Ranch approval. The proposed land use designation of Resource Production would not allow for potential future development or at the very least the language will encumber this future entitlement.

There have been many efforts at long range planning done by the Copperopolis Community. I have served on the original effort for a Copperopolis Community Plan, in 1992 that was not able to complete its work. The Community Plan Committee was reformed in 1998 and I served as a committee member and we submitted a final plan in 2009. This plan had a Copperopolis Community Plan Draft Land Use Map which designated this Copper Valley Ranch area as Specific Plan, see attached. I also served on the Lake Tulloch Taskforce that coordinated efforts between the TriDam FERC relicensing and the Shoreline Management Plan for Lake Tulloch with the Community Planning committee and I was associated with the Copperopolis 20/20 Vision study, which contributed to the 2009 Copperopolis Community Plan. I was not a committee member of the briefly reformed Copperopolis Community Plan Committee in 2012 but did share in the process. All of these groups were concerned with good planning practices as it related to the Castle & Cooke projects, Copper Cove, Tuscany Hills and Oak Canyon Ranch. Currently the Airola Family has acquired the Oak Canyon Ranch project from a bank owned situation and has expressed to the Board of Supervisors their intentions of placing the land in an arrangement where development would not be allowed.

The mixed use resort, residential, large parcel and recreationally focused plan, that was proposed for the Copper Valley Ranch is much in line with the Board's economic development goals and all of the past Copperopolis planning process except for the last briefly reconvened Copperopolis Community Plan Committee. Being that the DEIR is available for comment and staff is asking for direction on moving forward with the Environmental Impact Report and the draft General Plan Land Use Map, I would ask that you carefully consider the impact on economic development in Calaveras County and the Copperopolis area. I believe that staff under the Supervisors' oversight should assign a new future land use designation comparable to existing designations or more appropriately a Future Specific Plan designation to this project area, this should not increase the scope or cost of the process. There should be caution in basing population growth projections totally on projected Department of Finance population numbers, rather than looking at a long term County planning approach that is focused on where growth should or will happen and what is needed for the County's economic vitality. Staff has made assumptions of densities for entitled and zoned projects, which may or may not be developed to reach hypothetical population totals for the Copperopolis basin and used those totals to put some lands that are more desirable for development into the categories of Resource Production or Working Lands. Copper Valley Ranch and also Sawmill Lakes another Castle and Cooke project fall into this situation. Calaveras County Supervisors should not be willing to accept or plan based totally on DOF population growth numbers that are less than 1 percent per year. Without accurate planning for the Copperopolis basin, infrastructure and water rights cannot be addressed properly. Calaveras County Water District has said regarding perfecting and protecting water rights "This is not the kind of thing you can stand on the sidelines for." Without proper planning to base water discussion arguments on, it seems to me that other areas of the state will take advantage of the situation and claim our water.

The Copper Valley Ranch proposed master planned project is a low-density project approximately 4350 acres with a large portion of the project being open space, one 561 acre parcel is designated as non-developable. The concept is for low-density development along with larger 20 acre Ranchette lots that will provide a buffering effect between the more densely populated areas of the center of the Copperopolis community and the open ranch lands that surrounds Copperopolis.

The Calaveras Board of Supervisors has stated that economic development is very important. Calaveras County does not need a short sighted general plan that is not focused on economic development when the County's work force is traveling outside of the county or moving out of the county for work. We need to create jobs so that our children do not have to leave the County for work. The general plan update should put in place appropriate land use designations for viable development parcels so that those properties are included in a workable blueprint for long term future growth and prosperity. Undeveloped projects and lands designated for development may not build out in a predictable manner and may well have revisions and changes over time or not develop at all. Castle & Cooke have made a major commitment in Calaveras County with Saddle Creek Resort, Copperopolis Town Square, Sawmill Lake, Vineyards and Copper Valley Ranch projects. I think it reasonable to consider the value of a stake holder like Castle & Cooke participating in the future of our County and the Copperopolis community. There are very few companies that have the wherewithal or desire to invest its resources in a rural county. Adding projects piece meal over time will not get desirable results and the Copperopolis community will suffer the consequences of missed opportunities because of inadequate planning.

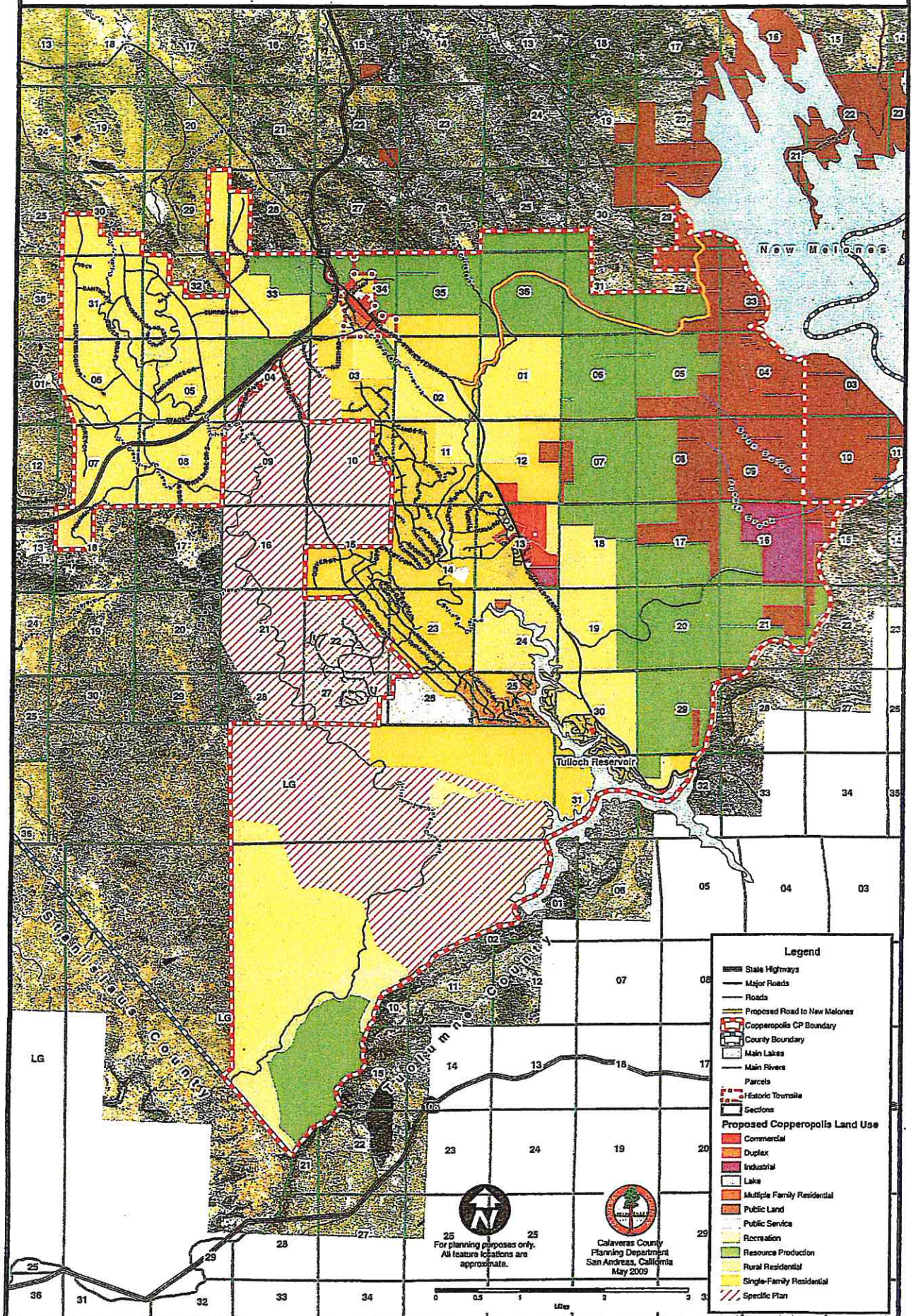
Greg Mayer

1147 Knolls Dr.

Copperopolis, Ca 95228



# Copperopolis Community Plan Draft







EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

August 14, 2018

Peter N. Maurer  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249

Subject: Calaveras County Draft General Plan  
SCH#: 2017012043

Dear Peter N. Maurer:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 13, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**RECEIVED**

**AUG 17 2018**

**Calaveras County  
Planning Department**

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2017012043  
**Project Title** Calaveras County Draft General Plan  
**Lead Agency** Calaveras County

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**Type** EIR Draft EIR  
**Description** The proposed project is a draft general plan for Calaveras County. The proposed project is intended to guide growth and development within the county through the year 2035. The project is consistent with State law requirements and includes eight elements, a general plan land use map, and buildout projections for the county.

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**Lead Agency Contact**

**Name** Peter N. Maurer  
**Agency** Calaveras County  
**Phone** (209) 754-6394 **Fax**  
**email**  
**Address** 891 Mountain Ranch Road  
**City** San Andreas **State** CA **Zip** 95249

---

**Project Location**

**County** Calaveras  
**City**  
**Region**  
**Lat / Long** 38° 12' 38" N / 120° 33' 33.9" W  
**Cross Streets**  
**Parcel No.** multiple  
**Township** 4N **Range** 13E **Section** 9 **Base** MDBM

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**Proximity to:**

**Highways** SR 4, 12, 26, 49  
**Airports** Calaveras county, Eagle Ridge Ra  
**Railways**  
**Waterways** Mokelumne River, Calaveras River, North Fork Stanislaus River, etc.  
**Schools** Multiple  
**Land Use** various

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**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

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**Reviewing Agencies** Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 2; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 10; Regional Water Quality Control Bd., Region 5 (Sacramento); State Water Resources Control Board, Division of Water Quality; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

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**Date Received** 06/28/2018 **Start of Review** 06/29/2018 **End of Review** 08/13/2018

TO CALAVERAS COUNTY PLANNING DEPT  
8:45 AM  
FROM PETER MAURER, DIRECTOR 8-10-2018

FROM: JOEL PITTO  
7450 GWIN MINE RD  
VALLEY SPRINGS, CA. 95252  
joelpitto@gmail.com  
209 584-4635

RECEIVED

AUG 10 2018

Calaveras County  
Planning Department

RE GENERAL PLAN COMMENTS; MINERAL SECTION  
AND ZONING DOWNGRADES

- MESSAGE → YOU HAVE IGNORED WISHES AND EFFORTS OF PALOMA COMMUNITY GROUP
- AS WELL AS FULL CONTRIBUTIONS OF ROCKS, GRASS, AND TREES COMMITTEE.
  - YOU HAVE ELIMINATED WELL THOUGHT OUT LANGUAGE OF CURRENT GENERAL PLAN REGARDING MINERALS
  - YOU HAVE CHANGED MY ZONING FROM 20 ACRES TO 50 ACRES WITHOUT THE NECESSARY COMPENSATION TO ME.
  - YOU HAVE INSURED FURTHER RIGIDULOUS DELAYS AND GUARANTEED MASSIVE LAWSUITS.
  - YOU HAVE BLOCKED (POTENTIALLY) 2 PATENTED MINE PARCELS (NORTH PALOMA MINE AND MESSENGER MINES) GWIN MINE IS 55 ACRES
  - YOU HAVE VIOLATED PUBLIC TRUST

Joel W. Pitto

**RECEIVED**

**AUG 10 2018**

**Calaveras County  
Planning Department**

**To: Director Peter Maurer, Calaveras County Planning Department**

**From: San Andreas Fire Protection District**

**Re: June 2018 Draft Environmental Impact Report**

The Draft Environmental Impact Report released on June 29 correctly states that the growth proposed in the general plan would have a significant impact on fire services. The report specifically cites the need for new fire facilities (4.12-2). However the report notes that goals and policies in the General Plan go beyond the infrastructure issue to also call for adequate services in the future (Goal PF 1) and for county leaders to "Ensure that discretionary actions involving new development will not result in a reduction below established thresholds for levels of service." (Policy PF 1.1 and Policy S 1.3). Policy PF 1.3 goes on to say that "New development shall pay its fair share" to provide adequate services, including fire and emergency response services.

The "fair share" policy above should also apply to governmental facilities.

Because San Andreas is the county government seat, San Andreas Fire Protection District is disproportionately impacted by countywide growth when that growth results in expansion of government facilities. In the recent past, San Andreas has seen the construction of a new jail and sheriff's office complex and a new courthouse. San Andreas Fire Protection District is responsible to provide fire and emergency service to these facilities but does not receive any additional revenue to make the service possible. In addition to the county government seat, San Andreas Fire Protection District also is home to a publicly owned hospital, several schools including a high school, a California Department of Forestry and Fire Protection complex, local offices for the Department of Motor Vehicles and the California Highway Patrol, two water utility headquarters and a sanitary district with its offices and treatment plant. None of these public entities pays tax revenue to support the fire district. The fire district's budgeted revenue for the 2018-19 fiscal year is \$235,000. In effect, the district's taxpayers, whose average income and property values are lower than for residents elsewhere in the county, are subsidizing fire protection service for the government infrastructure that serves the entire county.

The District urges two changes to the Implementation Measures intended to mitigate the impacts on public safety and public facilities:

- 1) IM PF-1B says that leaders will "Review options and adopt methods for maintaining the level of service above minimum thresholds to ensure long-term stability and reduce the potential for degradation of services to existing residents and business in the county." That seems overly vague. The district

recommends that the words "Review options and adopt methods" should be replaced with "Establish revenue streams."

- 2) IM PF-4C refers to "Law Enforcement and Emergency Services" but does not specifically list fire protection. The district recommends amending this to state "Law Enforcement, Fire Protection and Emergency Services."

The reality is that the past growth of government facilities in San Andreas has already degraded service levels in San Andreas Fire Protection District by forcing the district to spread its existing resources among growing demands. The Environmental Impact Report should acknowledge this fact and the need for the county government to provide an appropriate revenue stream to maintain service levels.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Snyder", followed by a long horizontal line extending to the right.

Ken Snyder, Chairman  
San Andreas Fire Protection District Board of Directors



RECEIVED

JUL 31 2018

Calaveras County  
Planning Department

Testimony of Penny Sarvis

Regarding the proposed Calaveras County General Plan and Draft Environmental Impact Report

July 31, 2018

My name is Penny Sarvis.

I live off Darby Lane between Murphys and Angels Camp, and have lived there 20 years.

I am a retired teacher and minister.

The section of the General Plan and Draft Environmental Impact Report that concerns me is the part concerning greenhouse gas emissions.

The requirement to reduce greenhouse gas emissions comes from state legislation, particularly Assembly Bill 32, and does not actually derive from the General Plan. But it is addressed in the General Plan and DEIR.

The goal of meeting state requirements is stated in the General Plan.

*COS-4B Greenhouse gas emissions associated with vehicular travel, electric power generation, and energy use in compliance with applicable state goals and standards.*

The main policy for doing so is:

*COS 4.4 Develop and adopt a comprehensive strategy to assist in achieving emission reduction goals of AB 32.*

The implementation measures presented for achieving these goals do point to an overall strategy but do not provide enough specifics to guide or ensure follow through.

The two main measures provided are:

*IM COS-5B: Undertake a greenhouse gas emissions inventory to establish baseline levels of GHGs generated from all major emissions sources in the County consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006).*

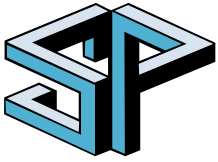
And, IM COS-5C: *Develop a GHG reduction plan outlining the strategies, goals, and actions for contributing to the overall reduction in greenhouse gas (GHG) emissions consistent with AB 32.*

What are missing from these statements are timelines, steps, reporting procedures and methods that would ensure that the General Plan commitments concerning greenhouse gas emissions are actually followed through on in a timely and publically accountable way.

The Draft Environmental Impact Report gives a pass to all this lack of specificity. I am concerned because the General Plan at the implementation level for these policies is inadequate, and because the DEIR allows that inadequacy to go unaddressed and uncorrected.

Thank you.





# Sierra Pacific Industries

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Forestry Division • P.O. Box 496014 • Redding, California 96049-6014  
Phone (530) 378-8000 • FAX (530) 378-8139

August 6, 2018

Peter Maurer, Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Dear Mr. Maurer;

This letter contains Sierra Pacific Industries comments on the Draft Environmental Impact Report (DEIR) for the Calaveras County General Plan update. This letter is to bring to your attention, the Planning Commission and Board of Supervisors several corrections that SPI requests the Planning Department and/or the Planning Commission address. The format of the letter is to list the issue number, list the sections or pages of interest in the DEIR, and then provide suggested edits for the document. The suggested edits are provided using *italics* to indicate additional language and deletions are provided using ~~strikeouts~~.

**Issue #1:** DEIR Sections, Forest Taxation Reform Act of 1976, Timber Productivity Act of 1982, and California Forest Practice Act (CFPA) (DEIR pgs.4.2-13 & 4.2-14)

The sections of the updated Calaveras County General Plan, Forest Taxation Reform Act of 1976, Timber Productivity Act of 1982, and California Forest Practice Act (CFPA) (DEIR pgs.4.2-13 & 4.2-14) are incomplete and erroneous. Below I have copied these sections from the DEIR and have provided the necessary edits in the following manner. I have included additional verbiage using *italics* and deletions are provided using ~~strikeouts~~. The public requires these changes to ensure the disclosures in the DEIR are complete and correct, which in turn should help prevent misinterpretations of these state laws now and in the future.

Forest Taxation Reform Act of 1976

The *purpose of the Z' Berg-Warren-Keene-Collier Forest Taxation Reform Act (FTRA) of 1976* ~~allows~~ *was to correct flaws in the tax code that prevented timberland from being managed in a manner that protected growing timber inventories. The FTRA accomplished this by replacing the method for taxing timber as provided in the State Constitution, Section 3(j) of Article XIII* <http://www.boe.ca.gov/lawguides/property/current/ptlg/ccp/XIII-3.html>.

*Before the implementation of the FTRA the State Constitution, Section 3(j) of Article XIII, allowed a parcel to be removed from the tax rolls for 40 years if 70 percent of all trees over 16 inches in diameter has been removed. Also, trees over 16 inches in diameter were taxed annually as personal property (ad valorem tax).*

*In order to implement a new method of taxation per the State Constitution, Section 3(j) of Article XIII, the FTRA had to provide an alternative system of taxing timber, including a taxation system not based on property valuation. Also, the alternative taxation method must provide an exemption for unharvested immature trees, encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions.*

*The FTRA did this by creating the Yield tax to replace the ad valorem tax method for trees and compelled local governments ~~were compelled to designate~~ create a Timber Preserve Zone into which qualifying private timberland as a ~~Timberland Production Zone (TPZ)~~. The primary purpose of this Act is to reduce property tax assessments on land used for timber production with the ultimate goal of preserving these lands for timber production. Use of land zoned would be enforceably restricted to “growing and harvesting timber and compatible uses”.*

*The Yield tax collected on from timber harvested within the county be returned to the county where the timber was harvested. A Yield tax applies to all trees harvested whether or not the property is TPZ or another zone. Because the Timber Preserve parcels were enforceably restricted to “growing and harvesting timber and compatible uses” county tax assessors are constrained to valuing the remaining land solely on its soil productivity and on “compatible uses” that may be on the property (Cal RTC § 434). A compatible use means any use that does not significantly detract from the growing and harvesting of timber. The restriction on taxing TPZ land to only its soil productivity (Site Class) and not another “higher or better use”, limits the pressure to convert the property to a “higher or better use”. The land area within TPZ that support a “compatible use” is ~~restricted to timber growing and compatible uses, including outdoor recreation or grazing~~. The assessed at a value that corresponds to that use, while the remainder of the parcel will only be taxed on it Site Class.*

*The TPZ designation ~~lasts ten years. Unless~~ is effective for a rolling period of ten years from the effective date of the ordinance unless the land is taken out of the TPZ, ~~the restriction on use will be renewed each year~~. The FTRA allows for both additional land to be placed into TPZ (G.C. 51112, 51113) and for its removal from TPZ (G.C.51120, 51130).*

*These tax reforms provided a mechanism for timber owners to maintain a larger timber inventory, grow their timber inventory for longer periods of time, and permitted land owners to plan their harvests based on maximization of stand growth and yield not to avoid the ad valorem tax. A secondary benefit of owners growing their trees for longer periods after ~~the initial ten years and the landowners continuing to benefit from reduced property taxes~~. The California Department of Forestry and Fire Protection (CalFire) implements the Forest Taxation Reform Act and passes down that responsibility to the local county agricultural commissioner. Approval of conversion of timberland from TPZ to another designation is ~~carried out by CalFire (Shih 2002)~~. they reach merchantable size, is that it allows those forests to provide important ecosystem services relating to watershed functions and wildlife habitats.*

Timber Productivity Act of 1982

~~The California Timberland Productivity Act (TPA) of 1982 (formerly Z'berg-Warren-Keene-Collier Forest Taxation Act of 1976) (Government Code Sections 51100 et seq.) was enacted~~

to help preserve forest resources. Similar to the Williamson Act, the TPA gives landowners tax incentives to keep their land in timber production by creating Timberland Production (TP) zones. Parcels zoned TP are required to be zoned so as to restrict their use to growing and harvesting timber and to compatible uses. As implemented by Chapter 17.14 of the County Code of Ordinances, parcels included in a TP zone are zoned as such for a rolling period of ten years from the effective date of the ordinance. Per Government Code Section 51133, rezoning from a TP zone requires approval by the State Board of Forestry and Fire Protection.

*The Timber Productivity Act (GC § 51100) subsumed the Forest Taxation Reform Act (FTRA), leaving intact the government codes from the FTRA, and adding findings and policy statements relating to California forest resources and timberlands declaring:*

*(a) The forest resources and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state's economy and environment by providing high quality timber, employment opportunities, regional economic vitality, resource protection, and aesthetic enjoyment.*

*(b) The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressures to divert timberland to urban and other uses and through pressures to restrict or prohibit timber operations when viewed as being in conflict with nontimberland uses.*

*(c) A continued and predictable commitment of timberland, and of investment capital, for the growing and harvesting of timber are necessary to ensure the long-term productivity of the forest resource, the long-term economic viability of the forest products industry, and long-term stability of local resource-based economies.*

*The Timberland Productivity Act further declare among other things that "to fully realize the productive potential of the forest resources and timberlands of the state, and to provide a favorable climate for long-term investment in forest resources." The Act goes on to provide protection for responsible forest management uses where it states "timber operations conducted in a manner consistent with forest practice rules adopted by the State Board of Forestry and Fire Protection shall not be or become restricted or prohibited due to any land use in or around the locality of those operations." This legislation then goes on to define many of the terms referred to in the original the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 including compatible uses. This Act also states that with regards to general plans of cities and counties, "timberland preserve zone" means "timberland production zone."*

#### California Forest Practice Act (CFPA)

~~The California Forest Practice Act was enacted in 1973 to ensure that logging is done in a sustainable manner that will preserve and protect our fish, wildlife, forests, and streams. The Z'berg-Nejedly Forest Practice Act of 1973 was enacted in 1973 "to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations." (PRC 4512). The intent of the Act was to "create and maintain an effective and comprehensive system of regulation and use of all timberlands so as to ensure~~

*both of the following: (a) Where feasible, the productivity of timberlands is restored, enhanced, and maintained. (b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to sequestration of carbon dioxide, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment” (PRC 4513).*

The CFPA is applicable to all commercial harvesting activities conducted by landowners of small parcels and large timber companies alike. A Timber Harvesting Plan (THP) is required for all commercial timber harvesting within California. The CFPA outlines all of the requirements and contents of a THP. The THP serves as the environmental review document submitted by landowners that outlines what timber will be harvested, the methods used for harvesting, and the measures taken to prevent impacts to the environment (CDF 2007a).

~~CalFire~~ *CAL FIRE* is responsible for enforcing the laws that regulate logging on privately-owned lands in California. ~~CalFire~~ *CAL FIRE* and the State Board of Forestry and Fire Protection are responsible for approving THPs. THPs are prepared by Registered Professional Foresters (RPFs) who are licensed to ~~prepare these plans~~ *practice forestry in California (14 CCR 1602)*. Once a THP is approved, ~~CalFire~~ *CAL FIRE* inspectors periodically inspect the logging operation to ensure compliance with the approved THP and all laws and regulations. When a THP operation has been completed, the timber owner *or the owner’s agent* is responsible for submitting a completion report to ~~CalFire~~ *CAL FIRE*. *CAL FIRE* then inspects the area to certify that all rules were followed. The landowner is also responsible for restocking (or replanting) the area according to the Forest Practice Rules requirements. ~~Two~~ *There were three* THPs in Calaveras County *that* were submitted to ~~CalFire~~ *CAL FIRE* for public review and approval in November of 2017. ~~The two THPs range in size from approximately 26 acres to 325 acres, respectively.~~ *4, [4-17-010CAL](#), [4-17-011CAL](#), and [4-17-013CAL](#).*

**Issue #2:** Use of the term “Timber Preserve” on pages 4.2-2, 4.2-5 and 4.2-15

The updated Calaveras General Plan erroneously uses the term “Timber Preserve” on pages 4.2-2, and 4.2-5 and 4.2-15. The error is that the DEIR suggests the use of the term “Timber Preserve” and “Timber Production” are interchangeable. The use of the term “Timber Preserve” when referring to “Timber Production” is incorrect and misleads the public regarding the purpose of the Timber Production Zone.

The Forest Taxation Reform Act 1976 was subsumed by the Timber Productivity Act 1982. The Timber Productivity Act makes numerous policy declarations that indicate that the purpose of the Timber Production designation is for the responsible utilization and protection of those timberlands not to “preserve” them. In fact, the Timber Productivity Act 51104(g) specifically states, “With respect to the general plans of cities and counties, “timberland preserve zone” means “timberland production zone.”

Please change the references to “Timber Preserve” to “Timber Production” in all the sections listed below to correct the misuse of “Timber Preserve”. I have included the suggested edits by using *italics* to indicate additional language and deletions are provided using ~~strikeouts~~.

From pg. 4.2-2

**Table 4.2-2**

<b>Agricultural Production Trends from 2008-2015</b>			
<b>Year</b>	<b>All Farmland (acres)</b>	<b>Land in Agricultural Preserves (acres)</b>	<b>Land in Timber Preserves Production (acres)</b>
2012	201,026	143,000	77,500
2013	201,026	143,000	77,500
2014	212,140	143,000	77,500
2015	212,140	143,000	77,500

*s County Department of Agriculture, 2012-2015.*

From pg. 4.2-5

**Timber Resources**

As of 2015, the County contained approximately 77,500 acres of land zoned as Timberland Production (TP).<sup>3</sup> ~~Per Section 17.14.010 of the County Code Section 17.14.010 of Ordinances implements, lands in is the TP zone designation. are commonly known as timber preserves. A discussion of the Legislation rules and regulations applying to that caused the County to adopt the TP zone s designation is provided in the Regulatory Context section of this chapter.~~

From pg. 4.2-15

**Chapter 17.14 – Timber Production (TP) Zone**

The purpose of Chapter 17.14 is to implement the ~~Forest Taxation Reform~~ *Timber Productivity Act*. Lands designated as within the TP zone are subject to all the requirements of the *Timber Productivity Forest Taxation Reform Act* discussed previously. Lands within the TP zone ~~may also be~~ *are* referred to as timber preserves production. Development deemed incompatible with the purposes of *growing and harvesting timber production* is not be permitted within the TP zone.

Thank you for your time reviewing these comments and suggested edits to the Draft DEIR for the updated Calaveras County General Plan. I look forward to seeing these revisions to the Draft DEIR as they correct the mis-representations in the current text.

Sincerely,



Cedric Twight, RPF #2469  
Sierra Pacific Industries

Cc Planning Commission  
Calaveras County Board of Supervisors

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JUL 31 2018

Calaveras County  
Planning Department

Testimony of Joyce Techel

Regarding the Proposed Calaveras County General Plan and DEIR

July 31, 2018

- 1) My Name is Joyce Techel
- 2) I live at 2216 Evans Road. I have lived in Calaveras County since 1974.
- 3) I am Owner/Operator of Jay Tee Kennels and I am a member of MyValleySprings.com and CPC.
- 4) I am concerned about the proposed general plan and the FEIR and how impacts on traffic, roads and safety will, or won't, be addressed.

According to Draft 2017 Regional Transportation Plan (RTP), the CCOG expects to fund the first \$337 million in road projects, but not the other \$363 million in projects. (Draft 2017 RTP, p.68.) The numbers get worse when you look at local capital improvement projects needed to serve additional growth. The CCOG expects to fund only the first \$35 million of local capital projects, and not the last \$196 million of such projects. In addition, the Draft Calaveras County General Plan's Circulation Element keeps roadway level of service standards in place, and only allows very limited exceptions. (Draft Circulation Element, Policy 2.2) Thus, it is reasonable to conclude that these severe limits to transportation infrastructure funding will also limit local development and population growth. We strongly encourage the Draft Calaveras County General Plan to prominently include this information in the information in the introductory section in the circulation element.

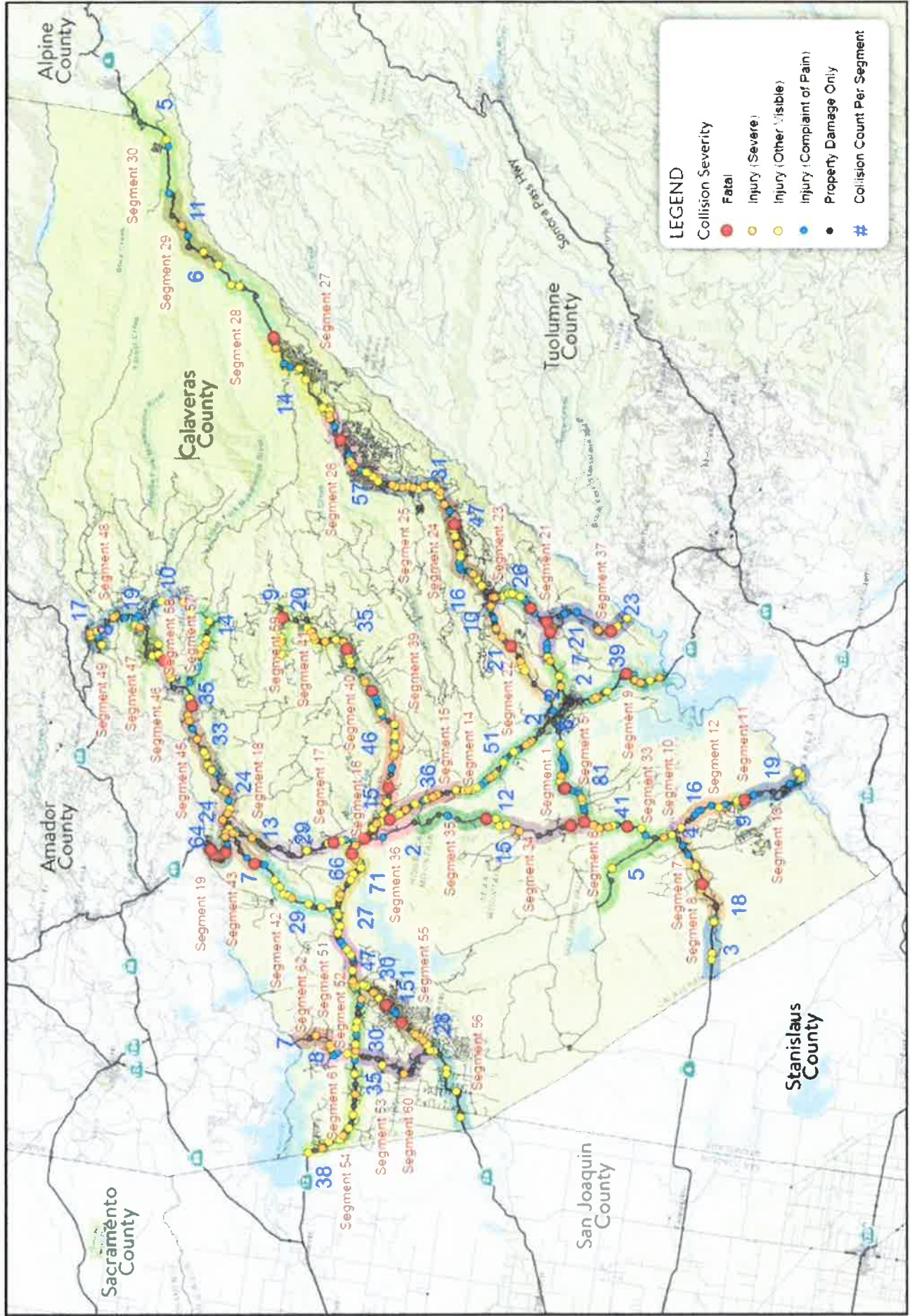
Existing County roads, with no shoulders or drainage, are very unforgiving. Attached is a map of the accidents on Calaveras roads from 2011 to 2016. **A total of 1,537 accidents are noted ranging from fatalities, severe injury, visible injury, injury with complaint of pain, to property damage only.** Accident rates are a measure of the level of safety on county roads. We can no longer accept the failure to fund our roads.

**We don't want to pave the Sierras, but we do need safe roads for residents, tourists, commercial pursuits, pedestrians, and alternative travelers, and also, hopefully, be able to avoid becoming Sonora!**

Safer Tri-County Roads Map covers 2011 to 2016

[http://www.safertricountyroads.com/uploads/8/7/7/8/87781356/calaveras\\_orig.jpg](http://www.safertricountyroads.com/uploads/8/7/7/8/87781356/calaveras_orig.jpg)





Calaveras County Collisions

RECEIVED

JUL 17 2018

To: The County of Calaveras Department of Planning

From: Robert Vera

Calaveras County  
Planning Department

Date: July 6, 2018

Subject: General Plan (DEIR) Update for Calaveras County needs to incorporate the California Government Codes Section 51175-51189 that mandates the STATE OF CALIFORNIA FIRE PREVENTION FEE under 51181 the director shall periodically review the areas in the state identified as very high fire hazard severity zones pursuant to this chapter and as necessary, shall make recommendations relative to very high hazard severity zones. This review shall coincide with the review of state responsibility area lands every five years and, when possible, fall within the time frames for each county's general plan update. Any revision of areas included in a very high fire hazard severity zone shall be made in accordance with sections 51178 and 51179.

Hello Peter Maurer & Planning Staff,

As a homeowner and tax payer in Calaveras County I have seen my homeowners insurance go up from around \$ 700.00 dollars a year to over \$ 1,200.00 a year over the last 5 years with no claims. My neighbors are complaining that their insurance keeps rising also. I have no evidence that the insurance companies are using the fact that our homes are located in the CA. State fire hazard severity zone but it makes me suspicious. As you know the State of California created the fire prevention fee that we all paid from 2011 through 2016. Our State when creating the fire prevention fee in Calaveras basically took a paint roller to a map and declared our whole County to be a severity fire zone. I live in the La Contenta Subdivision and I know it to be green belts that fire fighter depend on when fires occur in some of the undeveloped areas around Valley Springs. I know that there are other golf course subdivisions that should also be carved out of any State of California fire prevention fee area. The voters of California will soon be voting on stopping the gas tax that the state started collecting when it temporary stopped collecting the fire prevention fee. The Director of Forestry and Fire Protection should be contacted and directed to complete an update of the areas of our County that were never meant to be included as fire hazard severity zones. Our fire safe subdivisions that have fire hydrants every three of four houses and CC&R's that require all areas to be cleanly moved to prevent fire danger should be excluded from the States of California very high fire hazard severity zones that are still considered to be fire danger areas. Only the fire prevention fee collection has been placed on hold for now so this is the perfect time to correct the maps of very high fire hazard severity zones in our County. I believe the voters of California will vote to end the gas tax in November by a large margin leaving our State with a large hole in its current budget. Because the CA. Fire Prevention Fee was suspended based on the approval of the new gas tax I fear that the State Politicians will quickly vote to return the Fire Prevention Fee to help replace some of those lost funds. The Staff of Calaveras County can easily identify all of the green belt subdivisions and eliminate them from the CA. State very high fire hazard severity zone. Code 51179 (D) clearly states (Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director).

Thank You,

  
Robert Vera

2612 Silverado Drive Valley Springs, CA. 95252

CC. Gary Tofaneli, Jack Garamendi, Michael Oliveira, Dennis Mills and Clyde Clapp



CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 51175-51189

51175. The Legislature hereby finds and declares as follows:

- (a) Fires are extremely costly, not only to property owners and residents, but also to local agencies. Fires pose a serious threat to the preservation of the public peace, health, or safety. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public peace, health, or safety.
- (b) The prevention of fires is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead, a matter of statewide concern. It is the intent of the Legislature that this chapter apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties. This subdivision shall not limit the authority of a local agency to impose more restrictive fire and panic safety requirements, as otherwise authorized by law.
- (c) It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and panic safety requirements, as otherwise authorized by law.


→ 51176.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

51177. As used in this chapter:

- (a) "Director" means the Director of Forestry and Fire Protection.
- (b) "Very high fire hazard severity zone" means an area designated by the director pursuant to Section 51178 that is not a state responsibility area.
- (c) "Local agency" means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone.
- (d) "Single specimen tree" means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the native growth to any occupied dwelling or structure.
- (e) "State responsibility areas" means those areas identified pursuant to Section 4102 of the Public Resources Code.



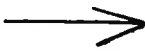
51178.

- 
- (a) The director shall identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors.
  - (b) On or before January 1, 1995, the director shall identify areas as very high fire hazard severity zones in the Counties of Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura. This information shall be transmitted to all local agencies with identified very high fire hazard severity zones within 30 days.
  - (c) On or before January 1, 1996, the director shall identify areas as very high fire hazard severity zones in all other counties. This information shall be transmitted to all local agencies with identified high fire hazard severity zones within 30 days.

51178.5.

Within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, a local agency shall make the information available for public review. The information shall be presented in a format that is understandable and accessible to the general public, including, but not limited to, maps.

51179.

- 
- (a) A local agency shall designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to subdivisions (b) and (c) of Section 51178. A local agency shall be exempt from this requirement if ordinances of the local agency, adopted on or before December 31, 1992, impose standards that are equivalent to, or more restrictive than, the standards imposed by this chapter.
- 
- (b) A local agency may, at its discretion, exclude from the requirements of Section 51182 an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a finding supported by substantial evidence in the record that the requirements of Section 51182 are not necessary for effective fire protection within the area.
  - (c) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.
- 
- (d) Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.

- (e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.
- (f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.
- (g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the director pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

51180.

For the purposes of Division 3.6 (commencing with Section 810) of Title 1, vegetation removal or management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property. This section shall apply only to natural conditions of public property and shall not limit any liability or immunity that may otherwise exist pursuant to this chapter.

51181.

The director shall periodically review the areas in the state identified as very high fire hazard severity zones pursuant to this chapter, and as necessary, shall make recommendations relative to very high fire hazard severity zones. This review shall coincide with the review of state responsibility area lands every five years and, when possible, fall within the time frames for each county's general plan update. Any revision of areas included in a very high fire hazard severity zone shall be made in accordance with Sections 51178 and 51179.

51182.

- (a) A person who owns, leases, controls, operates, or maintains any occupied dwelling or occupied structure in, upon, or adjoining any mountainous area, forest-covered land, brush-covered land, grass-covered land, or any land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, shall at all times do all of the following:
  - (1) Maintain around and adjacent to the occupied dwelling or occupied structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This paragraph does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure.

Trevor Wittke  
Po Box 422  
San Andreas Ca  
95249  
trevor@calaverascannabis.org

August 13, 2018  
Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249  
pmaurer@co.calaveras.ca.us

RE: Comments on the Draft General Plan DEIR.

Dear Mr. Maurer:

As you know, the General Plan DEIR identifies over two dozen significant impacts associated with development under the General Plan through 2035.

My main concerns are the impacts to our future as a rural County. I grew up on Hawver Road, and lived on Hawver Ranch for many years. I care deeply about our community and the bioregion we inhabit. While I have many concerns and aspirations for how we can envision and build a more sustainable and balanced footprint through our general plan, i am limiting my comments to chapter 4.10 Noise and Vibration.

In particular, I have the following recommendations. I recommend that before the publication of the Final Environmental Impact Review (FEIR) that the County release the Mintier and Harnish draft General Plan Update, the the community plans be incorporated into the GPU and are included in the FEIR. I also recommend the County conduct further fixed noise source monitoring, consider alternative growth projects, and adopt the proposed mitigation measures while developing additional mitigation measures to address noise impacts on sensitive receptors. I would also encourage the County to consider the impacts of noise pollution on our wildlife and consider the preservation of quiet and serene spaces one of the valuable assets of our community.

**4.10.1 Introduction**

**P. 4.10.1** “The method by which the potential impacts are analyzed is discussed, followed by the identification of potential impacts and the recommended mitigation measures designed to *reduce significant impacts to levels that are less than significant.*”

The characterization of the “recommended mitigation measures” of the potential noise impacts of the proposed project to “reduce significant impacts to levels that are less than significant” is inaccurate. As

the DEIR acknowledges the noise impacts of the proposed project are “significant and unavoidable” even with mitigation measures (see: Table 4.10-10, Table 4.10-11, P. 4.10-17, P. 4.10-26, P. 4.10-29, P. 4.10-30). The noise impacts associated with the two growth scenarios, Market-Level Year 2035 and General Plan Buildout (Growth Beyond 2035), of the proposed project analyzed by in the DEIR are projected in large part to be significant and unavoidable.

The introduction to “4.10 Noise and Vibration” in the FEIR should more accurately reflect the fact that the environmental noise impacts associated with the proposed project are projected to be significant and unavoidable despite the mitigation measure proposed in the DEIR.

#### **4.10.2 Existing Environmental Setting**

##### **P. 4.10 - 3 Existing Sensitive Receptors**

“Some land uses are considered more sensitive to ambient noise levels than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. Sensitivity is a function of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities involved.”

It is unclear where existing sensitive receptors are located. It is also unclear where existing fixed noise sources are located in relation to existing and proposed sensitive land uses.

A map of existing and proposed sensitive receptor land uses as well as their relation to existing and proposed fixed noise sources should be included in the FEIR so that policy makers and the public better understand how and where existing and potential noise impacts will affect sensitive receptors in specific locations in the County.

##### **P. 4.10 – 6 The existing fixed noise source monitoring results at five location in the county are described in **Table 4.10-3,****

The analysis of existing fixed noise sources is inadequate. First, there is the problem of the limited sample size of only five locations. Second, there is the limited number of analyses of the noise levels under different environmental conditions affecting noise contours. Third, there is a problem of redundancy in the small sample size which only analyzed the stationary noise levels associated with quarry/mine activities and landfill/transfer station activities. This analysis fails to measure the noise levels associated with other stationary noise sources identified within the DEIR (P .4.10-5, and 4.10-14). The deficiencies in the stationary noise source monitoring analysis conducted by J.C. Brennan & Associates, Inc., 2017 and relied upon for the DEIR fails to accurately describe and disclose the full range of noise impacts associated with existing stationary noise sources in the County.

The FEIR should include further analysis of existing fixed noise source to better understand the impacts these noise sources have on sensitive receptors and better inform the public and policy makers regarding the baselines environmental noise impacts associated with fixed noise sources.

#### **4.10.3 Regulatory Context**

##### **P. 4.10-11 Local Regulations**

“Intermittent and occasional noise from vehicles and outdoor recreational activities is addressed through Chapter 9.02 of the County Code of Ordinances, which establishes exterior noise level standards for various land use types within the County (see Table 4.10-5). The standards apply to private properties, as well as all public spaces and public right-of-way. It should be noted that compliance with all provisions of Subsection 9.02.060D of the Code of Ordinances exempts construction activities from the noise level standards.”

The existing noise ordinance is not properly understood by the public, nor is it enforced by local officials. Reliance the local noise ordinance is insufficient for purposes of mitigating noise impacts because of the lack of awareness and enforcement. In addition to the noted exemption contained within the noise ordinance, it also typically applied to activities that differ significantly from fixed source, traffic, and ambient noise created by the proposed project and thus the local noise ordinance largely ineffective for addressing the impacts created by the project.

P. 4.10-16 As noted in the Project Description chapter of this EIR, in addition to the analysis of full buildout, the Noise and Transportation and Circulation chapters of this EIR provide for an analysis of impacts associated with a Market-Level Year 2035 growth scenario. As defined in Chapter 4.13, Transportation and Circulation, of this EIR, the Market-Level Year 2035 growth scenario assumes the addition of 6,374 new dwelling units to the County’s housing stock and addition of 1,560 new employees to the County’s workforce, which is more intensive than the Department of Finance housing growth projections. The Market-Level Year 2035 growth scenario relies on land use allocation created with UPLAN, a simple rule-based growth model developed by UC Davis.

The Market-Level Year 2035 growth scenario as well as the General Plan Buildout (Growth Beyond 2035) growth scenario project growth scenarios that are incongruent with current trends and other projections such the Department of Finance housing growth projections cited above as well as Department of Transportation data that indicate population decline in the coming years.

The General Plan Update as well as the FEIR should include analysis of a no growth scenario and the noise impacts under this no growth scenario. This analysis will help the public and policy-makers better understand the range of possible scenarios and how to best utilize our resources and preserve value within our community given the numerous potential growth scenarios projected for the area.

#### **6.4 Impacts and Mitigation Measures**

4.10-1 Exposure of persons to or generation of transportation noise levels in excess of standards established in the Draft General Plan or the County's Noise Ordinance, or applicable standards of other agencies. Based on the analysis below and the lack of feasible mitigation, the impact is *significant and unavoidable*.

p. 4.10 - 17 As discussed in Chapter 4.13, Transportation and Circulation, of this EIR, the Transportation Impact Analysis (TIA) prepared for the proposed project includes two growth scenarios, both of which include more growth than forecast for the County by the California Department of Finance (DOF):

- Market-Level Year 2035 – Assumes addition of 6,374 new dwelling units to the County's housing stock and addition of 1,560 new employees to the County's workforce.
- General Plan Buildout (Growth Beyond 2035) – Assumes addition of 19,979 dwelling units to the County's housing stock and addition of 4,889 employees to the County's workforce. The General Plan Buildout (Growth Beyond 2035) scenario is consistent with the General Plan buildout assumptions described in Chapter 3, Project Description, of this EIR.

Noise levels associated with Market-Level Year 2035 traffic and General Plan Buildout (Growth Beyond 2035) traffic on the local roadway network within the County is summarized in Table 4.10-10 and Table 4.10-11, respectively, along with existing noise levels.

4.10-2 Exposure of persons to or generation of non-transportation noise levels in excess of standards established in the Draft General Plan or the County's Noise Ordinance, or applicable standards of other agencies. Based on the analysis below and the lack of feasible mitigation, the impact is *significant and unavoidable*. 4.10-26

4.10-4 A substantial permanent increase in ambient noise levels in the County above levels existing without implementation of the Draft General Plan. Based on the analysis below and the lack of feasible mitigation, the impact is *significant and unavoidable*. 4.10-29

4.10-5 A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without project. Based on the analysis below, and the lack of feasible mitigation, the impact is *significant and unavoidable*. 4.10 - 30

I am concerned these projections that the population growth projections that the DEIR relies upon overestimate population growth in the County. The projected impacts associated with the project growth shapes public perception and the policy discussion in a way that does not conform to the actual data that indicates population decline in the County over the same projected time period.

The FEIR should include an analysis of a third growth scenario based on the Department of Finance's housing growth projections. The inclusion of this alternative growth scenario would better inform the public of the range of potential outcomes. It will also provide the public and policy-makers better tools for crafting land uses decision to the particular needs of the community given the different projected growth scenarios to maximize the resilience and wellbeing of our community.



I am also concerned that there is a lack of mitigation measures to address the noise impacts identified in the DEIR. I am concerned by the burden these mitigation measures place on homeowners and sensitive receptors to mitigate the impacts associated with noise levels created by traffic, fixed noise sources, construction related activities as opposed to the producers of the noise.

A wider range of mitigation measures should be considered in the FEIR to allow the public and policy makers to better understand these impacts and who they can be addressed through the land use planning and the General Plan Update process.

I am concerned that the DEIR has failed to assess the impacts of noise on human health,

“There is sufficient evidence from large-scale epidemiological studies linking the population’s exposure to environmental noise with adverse health effects. Therefore, environmental noise should be considered not only as a cause of nuisance but also a concern for public health and environmental health.” ~ World Health Organization 2011 “Burden of disease from environmental noise Quantification of healthy life years lost in Europe” (Executive Summary p.viii)

“In recent years, evidence has accumulated regarding the health effects of environmental noise. For example, well-designed, powerful epidemiological studies have found cardiovascular diseases to be consistently associated with exposure to environmental noise. In order to inform policy and to develop management strategies and action plans for noise control, national and local governments need to understand and consider this new evidence on the health impacts of environmental noise.” ~ World Health Organization 2011 “Burden of disease from environmental noise Quantification of healthy life years lost in Europe” (Introduction p.1)

“Epidemiological studies on the relationship between transportation noise (particularly road traffic and aircraft noise) and cardiovascular effects have been carried out on adults and on children, focusing on mean blood pressure, hypertension and ischaemic heart diseases as cardiovascular end-points. The evidence, in general, of a positive association has increased during recent years (18–20). While there is evidence that road traffic noise increases the risk of ischaemic heart disease, including myocardial infarction, there is less evidence for such an association with aircraft noise because of a lack of studies. However, there is increasing evidence that both road traffic noise and aircraft noise increase the risk of hypertension.” ~ World Health Organization 2011 “Burden of disease from environmental noise Quantification of healthy life years lost in Europe” (Environmental Noise And Cardiovascular Disease: p.16)

A complete good faith disclosure and consideration of the human health the significant and unavoidable impacts of noise on sensitive receptors should be included in the FEIR.

These are my concerns regarding chapter 4.10 Noise and Vibration of the DEIR. Thank you for the opportunity to comment on the General Plan DEIR.



Sincerely,

Trevor Wittke