ITEM 5  Request for a Zone Change (ZC-20;3-2) from the R1A, Single-family Residential & Agricultural zoning district to the M-X, Manufacturing zoning district with Special Use combining district, for 1,150+/- acres which are congruent with the Industrial General Plan classification (portions of APNs 005-080-022, 005-020-024, 005-030-005, 005-050-010, and 005-060-015).

Applicant: Edwin Lands, LLC (Tom Swett, representative)
Supervisory District: 2
Location: West of the Ione city limits, north of Highway 104, and lying east and west of Michigan Bar Road

A. General Plan Designation: I, Industrial

B. Present Zoning: R1A, Single-family Residential and Agricultural

C. Proposed zoning: M-X Manufacturing with Special Use combining district

D. Acreage Involved: 1,150+/- acres to be rezoned within an approximate 4,000+ acre legal land lot

E. Description: This application is a request for a Zone Change to allow for future commercial and manufacturing uses (no specific uses have been proposed with this application). The application previously included a Zone Change request to the M, Manufacturing district and Parcel Map request for 8 parcels; the request was later reduced to 2 parcels, then both were eventually withdrawn.

The boundary of the proposed 1,150-acre project site is congruent with the boundary of General Plan’s Industrial land use designation for the area. The Manufacturing zoning district is identified as a compatible zone with the Industrial land use designation per the Land Use Element of the General Plan. The zone change is consistent with Government Code Section 65860, which requires that zoning ordinances shall be consistent with the General Plan. Government Code Section 65860(c) requires that, “in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.”

The proposed rezoning does not include a specific project. Generally, the decision to rezone property should not be based on a proposed project as that project may or may not be developed. The decision to rezone should be made with the understanding that any or all of the by-right uses of the proposed zoning district could be developed on the subject property. Absent a specific project, it is not possible to examine project-level impacts. Typically, for a zone change to adequately satisfy CEQA, an analysis of the most intense land uses allowable in the proposed zoning district would be required.

In this case, none of the by-right uses would be allowed without a discretionary Use Permit issued by the County. The X, Special Use combining district, would render all uses as discretionary, and thus subject to a project-level environmental review whenever development is proposed.
F. **TAC Review:** The application was reviewed by the Technical Advisory Committee on June 3rd, 2020, and was found complete. TAC subsequently reviewed the application again on July 22nd, 2020 for environmental review. TAC found no technical objections to the Planning Commission recommending approval to the Board of Supervisors along with the adoption of a Negative Declaration.

G. **Planning Commission Action:** The first action of the Planning Commission should be a decision on the adequacy of the environmental document, proposed to be a Negative Declaration.

Next, the Commission must make a recommendation to approve or deny the requested Zone Change to the Board of Supervisors. Should the Planning Commission recommend approval of the zone change to the Board of Supervisors, the findings below are recommended for inclusion with the motion to approve.

H. **Findings:**

1. A review of the proposal was conducted by staff and the Technical Advisory Committee who, through their own research, found that the Zone Change will not have a significant effect on the environment and a Negative Declaration will be filed with the County Recorder.

2. On the basis of the administrative record presented, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration included in the Staff Report reflects the Commission’s independent judgment and analysis.

3. There are no project-specific significant effects which are peculiar to the project or its site.

4. There is no substantial new information which was not known at the time of the General Plan Environmental Impact Report certification that supports findings of new or more severe impacts than those addressed in the General Plan.

5. There are no identified significant impacts caused by this project, and therefore no corresponding feasible mitigation measures identified in the General Plan Environmental Impact Report.

6. The proposal is consistent with the General Plan. The proposed Zone Change is consistent with the goals, objectives, and policies of the Land Use Element of General Plan and the Industrial land use designation.
PUBLIC REVIEW DRAFT
NEGATIVE DECLARATION
AND INITIAL STUDY

FOR

Zone Change 20;3-2 – Edwin Lands – R1A to MX

July 2020

Prepared by:
Amador County
Planning Department
810 Court Street
Jackson, CA 95642
(209) 223-6380
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Title:</strong></td>
</tr>
</tbody>
</table>
| **Lead Agency Name and Address:** | Amador County Board of Supervisors  
810 Court Street, Jackson, Ca 95642 |
| **Contact Person/Phone Number:** | Ruslan Bratan, Planner I  
209-233-6380 |
| **Project Location:** | West of the Ione City Limits, lying east and west of Michigan Bar Road between  
Highway 104 and the Amador County line (portions of APNs 005-020-019,  
005-030-005, 005-050-008, 005-060-015, and 005-080-022). |
| **Project Sponsor’s Name and Address:** | Edwin Lands LLC  
P O Box 1730  
Ione, CA 95640 |
| **General Plan Designation(s):** | Industrial (I) |
| **Zoning:** | Single Family Residential and Agricultural (R1A) |

**Background and Description of Project:**

This Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines to review the request for a Zone Change for a 1,150+/− acre portion of one legal lot spanning five contiguous assessor parcels totaling approximately 4,076.28+/− acres. The Zone Change Request is to change from “R1A,” Single Family Residential and Agricultural to “MX,” Manufacturing with a Special Use combining district congruent with the Industrial General Plan classification. This environmental review document provides an assessment of the potential impacts caused by the potential changes resulting from the conversion of 1,150+/− to Manufacturing with Special Use combining district.

The applicant is requesting a zone change to MX for the portions of the five assessor parcels with a General Plan designation of “I,” Industrial to establish consistency with the Amador County General Plan. The current zoning is incompatible with the “I,” General Plan designation. The project site is currently vacant while no additional development is currently proposed, the change to the zoning will allow for a change in discretionary uses. The “M,” Manufacturing zone permitted uses include: all uses allowed in C-2 districts, service stations, repair garages, manufacture, assembly, repair, processing, storage and shipping of vegetable and mineral products, not including hydrocarbons, and excepting those uses listed in the discretionary uses section of the “M” district regulations. Discretionary uses in the M, Manufacturing zone include: Mining and quarrying, excavation of earth and minerals, distillation of bones; fat rendering; dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or refuse, Drilling for and removal of oil and natural gas, Junk yards, wrecking yards, Commercial hog raising, Manufacture of acids, explosives, fertilizer, gas, glue, gypsum, inflammable fluids or gases, Refining of petroleum and petroleum products; tank farms, Ore smelting, Stockyards, slaughterhouses, tanneries, Temporary labor camps, Other uses which might be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright light, vibration, radiation, or which involve the handling of explosives or dangerous materials.
The rezone request to "MX" will render all uses in the "M," Manufacturing zone as discretionary. Furthermore, the "X" zone does not add any additional uses not otherwise allowed in the Manufacturing zone.

**Project Components**

1. **Rezone**
   The project consists of the conversion of a 1,150+/- acre portion of Single Family Residential and Agricultural zoning to Manufacturing with a Special Use combining zoning.

**Regional and local Setting**

The project is located in western Amador County, between the Ione city limits and the Sacramento County boundary. Land uses adjacent to the project area are predominantly agricultural (grazing and crop production), scattered dwellings, and various mining and mineral processing operations. Adjoining parcel sizes range from 3 acres to over 5,000 acres with various residential, agricultural, mining, and mineral processing uses. The property area is adjacent to Amador County’s industrial park, the Indian Hill industrial property, SGI’s granule processing facility, and the Edwin Center industrial area. Highway 104 and Ione-Michigan Bar Road traverse the property as does the active Union Pacific mainline track. Other adjacent uses include active mining operations and cattle grazing.

**Existing Site Character**

The project site is dominated by open rangeland with scattered dis-contiguous oak woodlands. The property has historically been, and is currently used for, cattle ranching and mining. There are no structures on the property. The subject property includes the idled Jackson Valley Energy Pit 232 operation, of which Amador County has taken jurisdiction for purposes of reclamation. Up until approximately the 1920s, the project area was mined underground for lignite coal, primarily in and north of the Pit 232 location and near the intersection of Highway 104 and Ione-Michigan Bar Road. There are no known openings to any such tunnels.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
FIGURE 1: PROJECT REGIONAL LOCATION
FIGURE 2: PROJECT VICINITY
FIGURE 6: Project Parcel Detail
Environmental Checklist – Initial Study

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of the initial evaluation:

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

Signature – Name

Date
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance.
Chapter 1. AESTHETICS — Would the Project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

A. Scenic Vistas: For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. Scenic vistas are often designated by a public agency. A substantial adverse impact to a scenic vista would be one that degrades the view from such a designated location. No governmentally designated scenic vista has been identified within the project area. Therefore, there is no impact.

B. Scenic Highways: The project is not located along a scenic highway. Therefore, there is no impact.

C. The project is regulatory in nature, involving a change in the site’s zoning. No physical change to the natural environment is proposed. Although new construction could occur, these actions would be subject to the County of Amador’s review process with adherence to adopted zoning standards.

Since the proposed location is not in a designated scenic vista, and because any proposed construction in the future will be subject to a conditional use permit, there is no impact.

D. Existing sources of light and glare in the project vicinity include the nearby mines and quarries and vehicle headlights from the drivers on State Highway 104. While there is no specific development proposed at this time, it is anticipated that lighting from future development would not generate significant lighting to the project area. It can be assumed that all lighting would be constructed of conventional, shielded, low-glare materials. Any proposed construction in the future will be subject to conditions/mitigations from any uses through a Use Permit. Therefore, there is no impact.

Source: Planning Department.
## Discussion:

A. **Farmland Conversion:** The project will not result in the conversion of Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. The project site is located in an area designated as "Grazing Land" on the Amador County Important Farmland 2016 map, published by the California Department of Conservation, Division of Land Resource Protection. There is **no impact** to farmland.

B. **Parcel Inclusion in Williamson Act Contract:** The parcel is not included in a Williamson Act contract, therefore there is **no impact**.

C. **Conflict with Existing Zoning:** The area is not considered forest land, or zoned as forest land or timberland, therefore **no impacts will occur**.

D. **Conflict with Existing Zoning:** The area is not considered forest land, or zoned as forest land or timberland, therefore **no impacts will occur**.

E. **Project Area Designation:** The project area is within an area designated as grazing land. The proposed rezone project does not include construction but may include construction in the future. Regardless, the project area is not occupied by agricultural uses nor would the proposed zone change preclude agricultural uses in the future, therefore **no impacts will occur**.

**Source:** Amador County Important Farmland Map, 2016; Amador County General Plan; Planning Department; CA Public Resources Code; California Department of Conservation.
### Chapter 3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

A. As stated on its website, Amador Air District (AAD) is a Special District governed by the Amador County Air District Board. The primary goal of the District is to protect public health by managing the county's air quality through educating the public and enforcement of District rules and California Air Resources Control Board - Air Toxic Control Measures that result in the reduction of air pollutants and contaminants. While there are minimal sources that impact air quality within the District, Amador County does experience air quality impacts from the Central Valley through transport pollutants. The most visible impacts to air quality within the District are a result of open burning of vegetation as conducted by individual property owners, industry, and state agencies for purposes of reducing wild land fire hazards. However, future site development and operations may generate air emissions as well.

There would be no construction or increase in emissions as part of this rezone project therefore there would be no introduction of pollution in excess of existing standards established by the County’s air quality guidelines. The conversion of 1,150 +/- acres to manufacturing zoning would allow for more intense uses, albeit all uses would be subject to a conditional use permit which would be subject to environmental review. Therefore there is a **no impact.**

B. The proposed rezone project would not generate a significant increase in operational or long-term emissions nor result in significant population increase in the area as no new residences are proposed. No development is currently proposed with this project; however, future development within the 1,150 +/- acres has the potential to generate direct and indirect emissions. Emissions generated during build-out of the Manufacturing area is not expected to be substantial, and would not significantly violate existing air quality standards, because only a limited area for development would be rezoned. Construction-related emissions are generally created throughout the course of project implementation and parcel development, and would originate from construction equipment exhaust, employee vehicle exhaust, dust from grading the land, exposed soil eroded by wind, and reactive organic gasses (ROGs) from architectural coating and asphalt paving. Construction-related emissions would vary substantially depending on the level of activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content. Due to the relative small-scale (in relation to the lot size) of rezoned area on the project site, it would not violate any air quality standards and or contribute to the net increase of PM10 or ozone in the region. The County performed a general analysis of the environmental impacts in the Environmental Impact Report for the General Plan. A more detailed analysis is premature at this time because there is no specific development proposed. (Friends of the Sierra Railroad (2007) 147 Cal.App.4th 643.) Future development will require a discretionary use permit. The County will be able to perform a more detailed environmental analysis when a development application is submitted, which will then allow for the analysis of reasonably foreseeable environmental impacts. (Id.) At this time, there are **no impacts.**

C. Sensitive receptors are uses that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The nearest sensitive receptors include the nearby mines which have workers on a daily basis, and several rural residences. While construction would take place within the vicinity of sensitive
receptors, construction emissions would be limited with standard best management practices (BMPs). Therefore, the small amount of emissions generated and the short duration of the construction period would not expose sensitive receptors to substantial pollutant concentrations. The County performed a general analysis of the environmental impacts in the Environmental Impact Report for the General Plan. A more detailed analysis is premature at this time because there is no specific development proposed. (Friends of the Sierra Railroad (2007) 147 Cal.App.4th 643.) Future development will require a discretionary use permit. The County will be able to perform a more detailed environmental analysis when a development application is submitted, which will then allow for the analysis of reasonably foreseeable environmental impacts. (id). At this time, there are no impacts to sensitive receptors.

D. Future construction activities could include objectionable odors from tailpipe diesel emissions and from solvents in adhesives, paints, caulking materials, and new asphalt. Since odor impact are unknown at this time, and would be temporary and limited to the area adjacent to the construction operations, odors would not impact a substantial number of people for an extended period of time. At this time there are no impacts.

Source: Amador Air District, Amador Planning Department, Amador County General Plan EIR.
**Chapter 4. BIOLOGICAL RESOURCES** – Would the project:

<table>
<thead>
<tr>
<th>Potential Significantly</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

A Per General Plan Mitigation Measure 4.4-1b: Special-Status Species Protection, when considering discretionary development proposals, the County, through CEQA reviews, will require assessments of potential habitat for special-status species on proposed projects sites, and avoidance or substantial reduction of impacts to that habitat through feasible alternatives or mitigation measures, including compensatory mitigation where unavoidable losses of occupied habitat would occur.

Mitigation measures will be developed consistent with applicable state and federal requirements. For those species for which published mitigation guidance exists (such as valley elderberry longhorn beetle, burrowing owl, and Swainson’s hawk), developed mitigation measures will follow the guidance provided in these publications or provide a similar level of protection. If previous published guidance does not exist, mitigation will be developed in consultation with the appropriate agencies (USFWS for federally listed plant, wildlife and fish species; NMFS for listed anadromous fish species; CCDFW for state listed species, species of special concern and CRPR-ranked species). The County will require project applicants to obtain any required take permits prior to project implementation.

The US Fish & Wildlife Office’s Information for Planning and Conservation (IPaC) database and the California Natural Diversity Database (CNDDB QuickView) were employed to determine if any special status animal species or habitats occur on the project site or in the project area. The IPaC Resource Report identified habitat potential for the following endangered species within the project area:

Though the project site contains candidate, sensitive, or special status species, the project is regulatory in nature, and no development is proposed. Any future development will be subject to a conditional use permit and environmental review at that time will determine necessary mitigation measures. At this time, there are no impacts.

Approximately 73 acres (0.9%) of the project is located within the designated Flood Hazard Areas of Dry Creek and Willow Creek as shown on the effective FEMA Flood Insurance Rate Maps. The proposed zoning is not located within a Flood Hazard Area. Should residential or agricultural structures in the Single-family Residential and Agricultural zoning be proposed within the Flood Hazard Areas, they will be subject to the Floodplain Management Regulations in effect at the time of construction. Floodplain Development Permits for by-right uses on the project are considered ministerial permits and are not subject to additional CEQA review. The project does not propose the disturbance of riparian areas. Therefore, there are no impacts.

General Plan Mitigation Measure 4.4-5 requires project applicants to conduct wetland delineations according to USACE standards and submit the delineations to the USACE for verification. Based on the verified delineation, project applicants will quantify impacts to wetlands and other waters of the United States resulting from their proposed projects. A permit from the USACE will be required for any activity resulting in impacts of “fill” of wetlands and other waters of the United States.

If projects require activities that result in impacts to wetlands and other waters of the United States, the County during discretionary project review will require project applicants to obtain all necessary permits under Section 404 of the CWA, and implement compensatory mitigation consistent with USACE and EPA’s April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230), including preparation of a wetland mitigation plan if required. The wetland mitigation plan will include ecological performance standards, based on the best available science that can be assessed in a practicable manner. Performance standards must be based on attributes that are objective and verifiable. The County will require project applicants to commit to replace, restore, or enhance on a “no-net-loss” basis (in accordance with USACE Section 404 no-net-loss requirements) the acreage of all wetlands and other waters of the United States that would be removed, lost, and/or degraded by discretionary projects. The County will require similar mitigation for loss of non-jurisdictional wetlands and waters that are waters of the state and have value as biological resources.
For Section 404 mitigation, in accordance with the Final Rule, mitigation banks (e.g., Cosumnes Floodplain Mitigation Bank) will be given preference over other types of mitigation because much of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before credits can be sold. The Final Rule also establishes a preference for compensating losses of aquatic resources within the same watershed as the impact site. A combination of mitigation bank credits and permittee-responsible on and off-site mitigation may be used as needed to fully offset project impacts on wetlands and other waters of the United States and waters of the state.

Project applicants that obtain a Section 404 permit will also be required to obtain certification from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the CWA. If the project involves work on the bed or bank of a river, stream or lake, a Streambed Alteration Agreement from CDFW pursuant to Section 1602 of the Fish and Game Code will also be needed, which will include mitigation measures required by CDFW. The County will require project applicants to obtain all needed permits prior to project implementation, and to abide by the conditions of the permits, including all mitigation requirements.

Though the National Wetlands Inventory, indicates the project site has scattered freshwater emergent wetlands, the project is regulatory in nature, and no development is proposed. Any future development will be subject to a conditional use permit and environmental review at that time will determine necessary mitigation measures. At this time, there are no impacts.

D The project site includes approximately 621 acres of oak woodlands. While the tree canopy may provide food sources and shelter for migratory birds, a more detailed analysis is premature at this time because there is no specific development proposed. (Friends of the Sierra Railroad (2007) 147 Cal.App.4th 643.) Future development will require a discretionary use permit. The County will be able to perform a more detailed environmental analysis when a development application is submitted, which will then allow for the analysis of reasonably foreseeable environmental impacts. (Id.). At this time, there are no impacts.

E The proposed rezone project would not conflict with local policies adopted for the protection biological resources. No impact would occur.

F Amador County does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would result.

Source: California Department of Fish and Wildlife BIOS, U.S. Fish and Wildlife Service IPAC, California Department of Fish and Wildlife Habitat Conservation Planning, Migratory Bird Treaty Act, National Wetland Inventory, Vollmar Natural Lands Consulting (oak woodland study), Planning Department
Discussion:

A A review of Exhibit 4.5-2, Cultural Resource Sensitivity, of the Amador County General Plan Final EIR indicates the site is in an area identified as having moderate and high cultural resource sensitivity. Per Mitigation Measure 4.5-1b of the EIR, the County will require applicants for discretionary projects that could have significant adverse impacts to prehistoric or historic-era archaeological resources to assess impacts and provide mitigation as part of the CEQA process, and consistent with the requirements of CEQA Guidelines Section 15126.4(b)(3) and Public Resources Code Section 21083.2, or equivalent County regulation. These regulations generally require consultation with appropriate agencies, the Native American Heritage Commission, knowledgeable and Native American groups and individuals, new and updated record searches conducted by the North Central Information Center and federal and incorporated local agencies within and in the vicinity of the project site, repositories of historic archives including local historical societies, and individuals, significance determinations by qualified professionals, and avoidance of resources if feasible. If avoidance is not feasible, recovery, documentation and recordation of resources is required prior to project implementation, and copies of the documentation are forwarded to the NCIC. Though the project site is located in an area identified as having moderate and high cultural sensitivity, the project is regulatory in nature, and no development is proposed. Any future development will be subject to a conditional use permit and environmental review at that time will determine necessary mitigation measures. At this time, there are no impacts.

B Per General Plan Mitigation Measure 4.6-9, when reviewing discretionary development proposals where a CEQA document is required, the County will require project applicants to conduct a paleontological resources impact assessment for projects proposed within the Modesto, Riverbank, Mehrten, and Ione Formations. Exhibit 4.6-3, Geologic Map, of the EIR verifies that the project site is located in the Ione formation, so it is anticipated that the project could affect paleontological or geological resources. However, impacts to unknown paleontological or geological resources is considered. Though the project site is located in an area identified as being within Ione Formations, the project is regulatory in nature, and no development is proposed. Any future development will be subject to a conditional use permit and environmental review at that time will determine necessary mitigation measures. At this time, there are no impacts.

C This site is not a known burial site or formal cemetery. However, as noted above, the project site in located in an area identified as having a moderate to high cultural resource sensitivity. Therefore, the project has the potential to disturb or damage any as-yet-unknown archaeological resources or human remains if development is proposed. At this time, the project is regulatory in nature, and no development is proposed. Any future development will be subject to a conditional use permit and environmental review at that time will determine necessary mitigation measures. At this time, there are no impacts.

Source: Planning Department; North Central Information Center, California State University, Stanislaus; Amador County General Plan Environmental Impact Report.
Chapter 6. ENERGY – Would the project:

<table>
<thead>
<tr>
<th>A.</th>
<th>Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>a)</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B.</th>
<th>Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>b)</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

A. The project is regulatory only in nature, involving a change in the site’s zoning. No physical change to the natural or built environment is proposed thus no energy consumption is anticipated at this time.

However, the proposed project site could eventually consume energy primarily in two ways: (1) construction activities would consume energy through the operation of heavy off-road equipment, trucks, and worker traffic, and (2) future manufacturing uses would cause long-term energy consumption from electricity, gas consumption, energy used for water conveyance, and vehicle operations to and from the project site. Construction energy consumption would largely occur from fuel consumption by heavy equipment during grading activities associated with road and building site clearance; trucks transporting construction materials to the site during development; and, worker trips to and from the job site. Energy consumption during construction related activities would vary substantially depending on the level of activities, length of the construction period, specific construction operations, types of equipment, and the number of personnel. Despite this variability in the construction activities, the overall scope of the anticipated additional area for construction at the project sites is relatively minor, and therefore would not require a substantial amount of fuel to complete construction. Additionally, increasingly stringent state and federal regulations on engine efficiency combined with local, state, and federal regulations limiting engine idling times and recycling of construction debris, would further reduce the amount of transportation fuel demand during project construction. Long-term energy consumption would occur after build-out of the rezoned parcel. Manufacturing uses would consume electricity and/or gas for space heating and water heating. Whereas, electricity would primarily be used for lighting and other manufacturing operations. The project would also generate the potential of additional vehicle trips by additional manufacturing uses, which would result in the consumption of transportation fuel. State and federal regulatory requirements addressing fuel efficiency are expected to increase fuel efficiency over time as older, less fuel-efficient vehicles are retired, and therefore would reduce vehicle fuel energy consumption rates over time. Therefore, there is no impact.

B. Many of the state and federal regulations regarding energy efficiency are focused on increasing building efficiency and renewable energy generation, as well as reducing water consumption and Vehicles Miles Traveled. Future development will need to comply with Title 24 and CalGreen building code standards at the time of construction. Therefore, the proposed project would implement energy reduction design features and comply with the most recent energy building standards and would not result in wasteful or inefficient use of nonrenewable energy sources, therefore there is no impact.

Sources: Amador County Planning Department, Amador County Energy Action Plan.
### Chapter 7. GEOLOGY AND SOILS – Would the project:

<table>
<thead>
<tr>
<th>a)</th>
<th>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
</tr>
<tr>
<td>ii)</td>
<td>Strong seismic ground shaking?</td>
</tr>
<tr>
<td>iii)</td>
<td>Seismic-related ground failure, including liquefaction?</td>
</tr>
<tr>
<td>iv)</td>
<td>Landslides?</td>
</tr>
<tr>
<td>b)</td>
<td>Result in substantial soil erosion or the loss of topsoil?</td>
</tr>
<tr>
<td>c)</td>
<td>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
</tr>
<tr>
<td>d)</td>
<td>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</td>
</tr>
<tr>
<td>e)</td>
<td>Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
</tr>
<tr>
<td>f)</td>
<td>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

**Discussion:**

A1. The project site is not located within an Alquist-Priolo Earthquake Fault Zone and no active faults are located on or adjacent to the property, as identified by the U.S. Geologic Survey mapping system. Therefore, **no impact** would occur.

A2-4 Property in Amador County located below the 6,000’ elevation is designated as an Earthquake Intensity Damage Zone I, Minor to Moderate, which does not require special considerations in accordance with the Uniform Building Code or the Amador County General Plan, Safety, Seismic Safety Element Pursuant to Section 622 of the Public Resources Code (Chapter 7.5 Earthquake Fault Zoning). The State Geologist has determined there are no sufficiently active or well-defined faults or areas subject to strong ground shaking, liquefaction, landslides, or other ground failure in Amador County as to constitute a potential hazard to structures from surface faulting or fault creep. Standard grading and erosion control techniques during grading activities would minimize the potential for erosion. At this time, **there are no impacts.**

B. Surface soil erosion and loss of topsoil has the potential to occur in any area of the county from disturbances associated with the construction-related activities. Construction activities could also result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at the construction site and staging areas. During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site. The type and number of
measures implemented would be based upon location-specific attributes (i.e., slope, soil type, weather conditions). These control and protection measures, or BMPs, are standard in the construction industry and are commonly used to minimize soil erosion and water quality degradation. Grading Permits are reviewed and approved by the County in accordance with Ordinance 1619 (County Code 15.40), and conditions/requirements are applied to minimize potential erosion. At this time, **there are no impacts**.

C. The issuance of a grading permit, along with implementation of Erosion Control requirements during construction and the stabilized landscaped impervious areas, will minimize potential erosion. At this time, **there are no impacts**.

D. According to the Natural Resources Conservation Service (NRCS, 2017, the project site is located in an area with:

- Inks loam and Rock land (IrE), with 3 to 45 percent slopes, Mokelumne soils and alluvial land (Mt), Pardee cobbly loam (PaD) with 3 to 31 percent slopes, Pentz sandy loam (PnC) with 2 to 15 percent slopes, Placer diggings and Riverwash (Pw), Quarries (QU), Red Bluff-Mokenlumne complex (RbB) with 0 to 5 percent slopes, Red Bluff-Mokelumne complex (RbD), with 5 to 16 percent slopes, Red Bluff-Mokelumne complex (RbE2) with 16 to 36 percent slopes, eroded, Ryer silty clay loam (RyA) with 0 to 3 percent slopes, and Sedimentary rock land (Sa). See Figure 7 below. The project area is well drained with a very high runoff class, but standard grading and erosion control techniques during grading activities would minimize the potential for erosion. At this time, **there are no impacts**.
FIGURE 7: Soil Map
MAP LEGEND

Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines

Special Point Features

- Site
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravity Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot

MAP INFORMATION

This soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: https://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG: 3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-SCS certified data as of the version dated(s) listed below:

Soil Survey Area: Armstrong Area, California
Survey Area Date: Version 1.0, May 29, 2020

Soil map units are labeled (see space below) for map scales 1:50,000 or larger.

Data(s) aerial images photographed: May 3, 2016—Oct 26, 2019

The orthophoto or other basis map on which the soil lines were compiled and depicted probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
### Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Axd</td>
<td>Auburn-Argonaut very rocky silt loams, 3 to 31 percent slopes</td>
<td>0.0</td>
<td>0.0%</td>
</tr>
<tr>
<td>IrE</td>
<td>Inks loam and Rock land, 3 to 45 percent slopes</td>
<td>11.2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Mt</td>
<td>Mokelumne soils and alluvial land</td>
<td>0.6</td>
<td>0.1%</td>
</tr>
<tr>
<td>PdD</td>
<td>Pardoe cobbly loam, 3 to 31 percent slopes</td>
<td>37.6</td>
<td>3.3%</td>
</tr>
<tr>
<td>PnC</td>
<td>Penitz sandy loam, 2 to 15 percent slopes</td>
<td>20.1</td>
<td>1.7%</td>
</tr>
<tr>
<td>Pw</td>
<td>Placer diggings and Riverwash</td>
<td>16.6</td>
<td>1.4%</td>
</tr>
<tr>
<td>QJ</td>
<td>Quarries</td>
<td>5.7</td>
<td>0.5%</td>
</tr>
<tr>
<td>RbB</td>
<td>Red Bluff-Mokelumne complex, 0 to 5 percent slopes</td>
<td>278.7</td>
<td>24.1%</td>
</tr>
<tr>
<td>RbD</td>
<td>Red Bluff-Mokelumne complex, 5 to 10 percent slopes</td>
<td>460.6</td>
<td>39.8%</td>
</tr>
<tr>
<td>RbE2</td>
<td>Red Bluff-Mokelumne complex, 10 to 30 percent slopes, eroded</td>
<td>11.4</td>
<td>1.0%</td>
</tr>
<tr>
<td>RyA</td>
<td>Ryder silty clay loam, 0 to 3 percent slopes</td>
<td>1.9</td>
<td>0.2%</td>
</tr>
<tr>
<td>Sa</td>
<td>Sedimentary rock land</td>
<td>306.4</td>
<td>25.5%</td>
</tr>
<tr>
<td>W</td>
<td>Water</td>
<td>5.5</td>
<td>0.5%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>1,156.5</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
E. MX zoning could result in commercial and industrial projects with the potential for different wastewater characteristics compared to uses allowed in the R1-A district. A number of residential and agricultural uses, and their associated wastewater discharge, are allowed by right in the R1-A district and would be only subject to ministerial permits. All uses in MX zoning, other than agricultural, are subject to a conditional use permit and environmental review. Regardless of district, domestic waste discharges up to 10,000 gallons per day are regulated by the Environmental Health Department. Domestic wastewater discharges in excess of 10,000 gallons per day and all non-domestic wastewater discharges are regulated by the Central Valley Regional Water Quality Control Board. The project does not pose an increased risk of adverse impacts related to construction or operation of onsite wastewater systems. No impact would result.

F. The project is not near a unique geologic feature that could be significantly impacted as a result of this project. No impact would result.

Sources: Soil Survey-Amador County; Planning Department; Environmental Health Department; National Cooperative Soil Survey; Amador County General Plan EIR, California Geologic Survey: Alquist-Priolo Earthquake Fault Zones Maps.
### Chapter 8. GREENHOUSE GAS EMISSIONS –

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

A-B The project is a rezone to change the parcels from the Single Family Residential and Agricultural zone to Manufacturing with a combining Special Use designation that has the potential to contribute greenhouse gas emissions during parcel development, and by the subsequent uses. No development is currently proposed as part of the project. However, future development of manufacturing uses would be possible with a conditional use permit. Therefore, construction-related emissions during parcel development may be generated from construction equipment exhaust, construction employee vehicle trips to and from the work site, architectural coatings and asphalt paving. The project’s construction GHG emissions would occur over a short duration and would consist primarily of emissions from equipment exhaust. The long-term regional emissions associated with the project would primarily occur from the creation of new vehicular trips, commercial uses and indirect source emissions, such as electricity usage for lighting. The project is subject to compliance with AB 32 greenhouse gas emission reduction goals, which are to reduce statewide GHG emissions to 1990 levels by 2020. Additionally, development on the project site would be subject to Title 24, California Building Code, which includes CalGreen standards. These standards include mandatory measures that addresses planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. **No impact would result.**

**Sources:** Amador County General Plan, Amador County Municipal Codes, Assembly Bill 32 Scoping Plan.
<table>
<thead>
<tr>
<th>Chapter 9. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

A-B. MX zoning could result in commercial and industrial projects with increased potential for handling hazardous materials and generating hazardous waste compared to uses allowed in the R1-A district. A number of residential and agricultural uses, and their associated handling of fuels, lubricants and agricultural chemicals, are allowed by right in the R1-A district subject to ministerial approval without environmental review. Uses allowed subject to a conditional use permit in the MX zone district are more likely to create hazards to the public or the environment but are subject to environmental review at the time a project is proposed. At this time, there are no impacts.

C. No schools are located within ¼ mile of the site. Therefore, schools would not be exposed to hazardous materials, substances, or waste due to the project, and there would be no impact.

D. The project site does not appear on any hazardous material site lists compiled pursuant to Government Code Section 65962.5. In July 2020, Amador County staff searched the following databases for known hazardous materials contamination at the project site:
- Superfund Enterprise Management System (SEMS) database
- Department of Toxic Substances Control’s Envirostor database for cleanup sites and hazardous waste permitted facilities
- Geotracker search for leaking underground fuel tanks
The project site does not appear on any of the above lists.

Per General Plan Mitigation Measure 4.8-3a, the County will consult the hazardous sites list to evaluate and condition future development applications and projects, as necessary, to protect environmental and public health. For applications submitted to the County involving construction activities at Cortese-listed sites, project applicant(s) shall comply with requirements of the California Department of Toxic Substance Control, the Central Valley Regional Water Quality Control Board, and/or other applicable agency regulating the investigation and cleanup of the site. Individual future projects will be evaluated for compliance with the General Plan mitigation measures and additional CEQA analysis, as necessary. At this time, there are no impacts.

E. The project is located within two miles of Eagles Nest airport. However, the site is not located in the approach or departure path for aircraft. At this time, there are no impacts.

F. Per General Plan Mitigation Measure 4.8-2b, Evacuation Planning and Routes, when considering development proposals and discretionary actions, the County will ensure that actions will not prevent the implementation of emergency response plans or viability of evacuation routes established by the Office of Emergency Services. The project does not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. At the time of future construction, the applicant would design, construct, and maintain roadways in accordance with applicable standards associated with vehicular access, resulting in the roadways that provide for adequate emergency access and evacuation. Development of the project site would add an additional amount of trips onto the area roadways; however, area roadways and intersections would continue to operate at an acceptable level of service. No road improvements within a County right-of-way is anticipated. At this time, there are no impacts.

G. Per General Plan Mitigation Measure 4.8-7a, Fire-Safe Development, the County will review new development applications in moderate, high, and very high fire hazard severity zones to confirm they meet the standards of the Title 24 Wildland Urban Interface Building Codes and 14 CCR 1270. The County will require new structures and improvements to be built to support effective firefighting. New development applications in very high fire hazard severity zones shall include specific fire protection plans, actions, and/or comply with Wildland Urban Interface codes for fire engineering features.

The County will seek fire district input on development applications to allow any proposed projects to incorporate fire-safe planning and building measures. Such measures may include (but are not limited to) buffering properties, creating defensible space around individual units, using fire-resistant building materials, installing sprinkler systems, and providing adequate on-site water supplies for firefighting. Individual future projects will be evaluated for compliance with the General Plan mitigation measures and additional CEQA analysis, as necessary.

Transportation improvements shall incorporate access for firefighting, within and between existing neighborhoods to provide improved connectivity, but also in areas with no structures. Access standards include minimum width, surface, grade, radius, turnaround, turnout, and bridge standards, as well as limitations on one-way roads, dead-end roads, driveways, and gate entrances. Individual future projects will be evaluated for compliance with the General Plan mitigation measures and additional CEQA analysis, as necessary.

According to the California Department of Forestry and Fire Protection the project is located in the State Responsibility Area for wildland fire protection and is within the Moderate and Very High Fire Hazard Severity Zones. Any future construction is required to comply with the Wildland-Urban Interface Building Codes (adopted by reference by Amador County in Chapter 15.04 of County Codes) and will be evaluated for compliance with the General Plan mitigation measures and additional CEQA analysis, as necessary. At this time, there are no impacts.
### Chapter 10. HYDROLOGY AND WATER QUALITY

**Would the project:**

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation</th>
<th>Impact</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
<td>Less Than Significant Impact with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</td>
<td>☐</td>
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</tr>
<tr>
<td>i) result in a substantial erosion or siltation on- or off-site;</td>
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<tr>
<td>ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</td>
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<tr>
<td>iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv) impede or redirect flood flows?</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</td>
<td>☐</td>
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</tbody>
</table>

**Discussion:**

A Though the potential for erosion is low, future development of the project site would require grading, excavation and general site preparation activities, which could result in erosion of onsite soils and sedimentation during storm or high wind events. Erosion of onsite soils may temporarily impact surface water quality and water quality within nearby waterways. Downstream impacts from erosion may include increased turbidity and suspended sediment concentrations in waterways. Eroded soils also contain nitrogen, phosphorous and other nutrients, that when deposited in water bodies, can trigger algal blooms that reduce water clarity, deplete oxygen, and create odors. During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site by construction personnel. The type and number of measures implemented would be based upon location-specific attributes (i.e., slope, soil type, weather conditions). These control and protection measures, or BMPs, are standard in the construction industry and are commonly used to minimize soil erosion and water quality degradation. Future construction activities may be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program if one acre or more of land is disturbed. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, may also require a permit issued by the California Regional Water Quality Control Board. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. Project operations that are under a NPDES permit would also be subject to the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site. A condition of approval reflecting the requirement of the applicant to
obtain a NPDES permit, prior to grading activities, will be included with project approval. At this time, there are no impacts to water quality or waste discharge.

B The project is unlikely to significantly impact groundwater supplies via extraction or the creation of extensive hard surfaces which pose a barrier to recharge. At this time, there are no impacts to groundwater.

C I. During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site by construction personnel. The type and number of measures implemented would be based upon location-specific attributes (i.e., slope, soil type, weather conditions). These control and protection measures, or BMPs, are standard in the construction industry and are commonly used to minimize soil erosion and water quality degradation. Application of BMPs administered through the construction process would minimize the potential increase of surface runoff from erosion. At this time, there are no impacts.

II. The project does not include any proposed development. However, there exists the potential for one single-family residence and one accessory dwelling unit in the residentially-zoned portion of the project which will not alter the course of surface water drainage patterns of the area, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site. Erosion and siltation impacts from potential development of the proposed Manufacturing zone will be mitigated through existing General Plan mitigation measures.

The minor increase in impervious surface area from the additional area for build-out of the site is not anticipated to be enough to alter existing drainage patterns or cause offsite flooding. While an increase in stormwater runoff may be expected due to the reduced absorption rate created from new impervious surfaces added to the site, such as from structures, future development would be reviewed by the Amador County Public Works Department to ensure any potential drainage concerns are addressed, and to ensure no net increase in stormwater runoff leaves the project site. At this time, there are no impacts.

III. Potential future build-out would generate a minor increase in runoff from the future development of the site. Improvements are relatively small and conveyed through a system of existing roadside ditches and culverts to area waterways. The minor increase runoff would not exceed the capacity of the existing stormwater drainage systems or substantially increase polluted runoff. At this time, there are no impacts.

IV. Approximately 73 acres (0.9%) of the project is located within the designated Flood Hazard Areas of Dry Creek and Willow Creek as shown on the effective FEMA Flood Insurance Rate Maps. The proposed zoning is not located within a Flood Hazard Area. Should residential or agricultural structures in the Single-family Residential and Agricultural zoning be proposed within the Flood Hazard Areas, they will be subject to the Floodplain Management Regulations in effect at the time of construction. At this time, there are no impacts.

D The project site is not located in an area that would be impacted by a seiche, tsunami, or mudflows, nor is it located near a levee or a dam. No impact would result.

E Amador County does not have a water quality control plan or sustainable groundwater management plan. No impact would result.

Sources: Environmental Health Department; Public Works Agency.
Discussion:

A The surrounding parcels range in size from 3 acres to over 5,000 acres with various residential, agricultural, mining, and mineral processing uses. Due to the size of the proposed rezone (1,150 acres within an approximate 4,076.28 acre lot) and the connection to the existing roadways and railways, this project will not result in any physical barriers that will divide the existing community. There is no impact.

B The project site includes the following General Plan land use designations:

- A-G, Agricultural-General, (approximately 658.92 acres); and
- I, Industrial (approximately 1,150 acres); and
- MRZ, Mineral Resource Zone (approximately 2,267.36 acres).

Zoning districts for the project are:

- “R1A,” Single-family Residential and Agricultural (approximately 1,150 acres); and
- “M,” Manufacturing (approximately 4 acres).

The “R1A,” Single-family Residential and Agricultural zoning on the 1,150 acres designated as I, Industrial is inconsistent with the General Plan. The proposed rezoning of this acreage to “MX,” manufacturing with a special use combing designation will provide consistency with the General Plan, as required by Government Code Section 65860(c). Government Code Section 65860(c) requires that, “in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.”

The project does not conflict with any applicable land use plan. There is no impact.

Sources: Amador County General Plan and General Plan EIR, Amador County Municipal Codes, Amador County GIS
A & B  A Review of Exhibit 4.6-4 (Mineral Resource Zones) in the Amador County General Plan EIR indicates that a portion of the project site is located within an identified mineral resource zone for sand clay, and lignite (Zone 2b).

Per General Plan Mitigation Measure 4.6-8a, Mineral Resource Management, in order to ensure extraction and processing of mineral resources and aggregate deposits may continue, the County will regulate land uses in Mineral Resource Zone 2 areas to ensure compatibility between mineral extraction, and surrounding existing and planned uses.

General Plan Mitigation Measure 4.6-8b, Development Project Evaluation, requires the County to evaluate development proposals for compatibility with nearby mineral extraction activities and mapped resources to reduce or avoid the loss of mineral resource availability.

Appropriately, approximately 2,267.36 acres of the project have the General Plan land use designation of Mineral Resource Zone. There is no impact to mineral resources at this time.

Sources: Planning Department, Amador County General Plan and General Plan EIR.
### Discussion:

**A** Surrounding uses include grazing land to the west and south, Eagles Nest Airport and subdivision to the north, mining and agricultural operations to the east, and the City Limits of Ione and the Mule Creek State Prison further east. Existing noise generating sources include the existing mining operations in the vicinity as well as traffic on State Highway 104 and the nearby railroad. Noise levels contributed by the proposed project would include construction noise during future development and future commercial uses on the project site. Future potential construction noises associated with development of the project site would primarily be from the use of heavy equipment, generators, employee vehicle trips and power tools. Construction-related noises would be temporary and intermittent, and would not result in long-term noise impacts. Additionally, the project’s build-out under the proposed zoning and General Plan designations would create noise levels within the expected standards for the area.

Typical noises contributed by manufacturing uses include, vehicle traffic and heating and cooling systems. The noises generated by these activities are not atypical to, or unusual in commercial/manufacturing zoned properties in the project area. In the event noise levels exceed applicable noise standards, the County will review complaints in accordance with the recently adopted Amador County Code Chapter 9.44 regarding nuisance noise. At this time, **there are no impacts**.

**B** The proposed project may involve temporary sources of ground borne vibration and ground borne noise from the operation of heavy equipment during future development and use of the project site. The type of heavy equipment typically used during construction would only generate localized ground borne vibration and ground borne noise that could be perceptible at residences or other sensitive uses in the immediate vicinity of the construction site. However, since the duration of impact would be infrequent and would occur during less sensitive daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.), the impact from construction-related ground borne vibration and ground borne noise may have an impact. However, at this time, **there are no impacts**.

**C** The project is located within two miles of the private Eagle’s Nest airport. However, at this time, the project is regulatory in nature, and no development is proposed. Any future development will be subject to a conditional use permit and environmental review at that time will determine necessary mitigation measures. At this time, **there are no impacts**.

**Source:** Planning Department.
Discussion:

A & B This project would change a portion of the zoning from Single Family Residential and Agricultural to Manufacturing with a Special Use combining district. The proposed zone change would not conflict with the ability to build a single family-residence and accessory dwelling unit elsewhere on the property. Since housing is not planned nor would population generated by the proposed rezone exceed local and regional growth projections described in General Plan 2030, growth generated by the proposed project would not be substantial. The proposed project would not result in the loss of existing housing, or cause a significant increase in the local population that would displace existing residents, necessitating the construction of additional housing. At this time, there are no impacts.
Discussion:

A. Fire protection services in Amador County are provided by CalFire/Amador Fire Protection District. The nearest fire station is the lone fire station located in the City limits of Ione at 22 W. Jackson St. Ione, approximately 5 miles east (driving distance) of the project site. The Fire Department, through agreements with the Amador County Fire Protection District (AFPD) and other entities, provides automatic and mutual aid response to areas outside of the Ione City limits. Additional manufacturing development may incrementally increase the demand for fire protection services. Additionally, Amador County Code requires the payment of fire protection impact fees to help offset the impacts for the new development has on the fire protection services. Such fees would be used to fund capital costs associated with acquiring land for new fire stations, constructing new fire stations, purchasing fire equipment, and providing for additional staff as needed. Fire protection impact fees would be paid at the time of building permit issuance. At this time, there are no impacts.

B. The Amador County Sheriff’s Office provides law enforcement service to the site. Implementation of the proposed project could increase service calls if additional structures are built. It is anticipated that future project implementation would not require any new law enforcement facilities or the alteration of existing facilities to maintain acceptable performance objectives. The project’s increase in demand for law enforcement services would be partially offset through project-related impact fees. At this time, there are no impacts.

C. The project site is located within the Amador County Unified School District. Commercial development at the site would not result in an incremental demand for school facilities in the area. A development impact fee for school facilities will be assessed at the time of additional development on the project site. Impact fees would partially offset any potential impact to area school facilities. At this time, there are no impacts.

D-E. The proposed rezone project would not increase the number of residents in the County, as the project does not include residential units. Because the demand for schools, parks, and other public facilities is driven by population, the proposed project would not increase demand for those services. As such, the proposed project would result in no impacts on these public services.

Source: Amador Fire Protection District, Sheriff’s Office, Amador County Unified School District, Recreation Agency, Planning Department
### Discussion:

A&B  
Increase in the demand for recreational facilities is typically associated with substantial increases in population. As discussed in Chapter 14 - Population and Housing, the proposed project would not generate growth in the local population nor does it require the expansion of existing recreational facilities. Therefore, the project would not increase use of existing parks and recreational facilities in the surrounding area and the parks and recreation district servicing the area. Therefore, the proposed rezone would have **no impact** on recreational facilities.

<table>
<thead>
<tr>
<th>Chapter 16. RECREATION – Would the project</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>
**Discussion/Conclusion/Mitigation:**

### A.
The General Plan Mitigation Measure 4.14.1 requires the County to evaluate discretionary development proposals for their impact on traffic and transportation infrastructure and provision of alternative transportation, and requires applicants/developers to pay into the traffic mitigation fee program(s) to mitigate impacts to roadways. The County will require future projects to conduct traffic studies (following Amador County Transportation Commission guidance). The purpose of these traffic studies will be to identify and mitigate any cumulative or project impacts (roadways below the County’s standard of Level of Service “C”, or LOS C, for rural roadways and LOS D for roadways in urban and developing areas) beyond the limits of the mitigation fee program(s). Projects will be required to pay a “fair share” of those improvements that would be required to mitigate impacts outside the established mitigation fee program(s). The objective of this program(s) is to substantially reduce or avoid traffic impacts, including cumulative impacts, of development which would occur to implement the General Plan. Measurement of Circulation System effectiveness: The effectiveness of the County Circulation Element is measured by a project’s impact to LOS criteria adopted for roadways within Amador County. The project does not conflict with any plan, ordinance, or policy establishing measure of effectiveness for the performance of the circulation system. Level of Service Standards: The LOS Standard criteria as established in the Circulation Element is the established congestion management program in effect for the County. The proposed project would not cause a substantial increase in traffic, reduce the existing level of service, or create any additional congestion at any intersections. As such, level of service standards would not be exceeded and the project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. At this time, there are no impacts.

### B.
The proposed project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b). No impact would result.

### C.
The proposed project does not include any design features that would create a hazard, such as sharp turns in the access road. The proposed project would be consistent with surrounding uses. Therefore, no impact would result.

### D.
There is no development proposed at this time. Future development would be reviewed for consistency with County’s General Plan policies and design guidelines during the planning permit phase. At this time, there are no impacts.

<table>
<thead>
<tr>
<th>Chapter 17. TRANSPORTATION / TRAFFIC – Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?</td>
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</tr>
<tr>
<td>c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<td>☒</td>
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<tr>
<td>d) Result in inadequate emergency access?</td>
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### Discussion:

Tribal cultural resources are defined as (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
- (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

These may include non-unique archaeological resources previously subject to limited review under CEQA. Assembly Bill 52, which became effective in July 2015, requires the lead agency (in this case, Amador County) to begin consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report if:

1. The California Native American tribe requested to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and
2. The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification and requests the consultation (Public Resources Code Section 21080.3.1(b)).

A. As defined by Public Resources Code section 21074 (a) there were no tribal cultural resources identified in the project area therefore the project would not cause a substantial adverse change in any identified tribal cultural resources. Additionally, the Ione Band of Miwok Indians, the Buena Vista Band of Me-Wuk Indians, the Shingle Springs Band of Miwuk Indians, and the Washoe Tribe of Nevada and California were notified of this project proposal and did not submit any materials referencing tribal cultural resources affected by this project.

If during the AB 52 consultation process information is provided that identifies tribal cultural resources, an additional Cultural Resources Study or EIR may be required. At this time, there are no impacts.

**Sources:** Amador County Planning Department, California Public Resources Code; National Park Service National Register of Historic Places.
### Discussion:

A  
If increased water or wastewater capacity is required, applicants must pay their fair share of the necessary improvements. Where septic or connection to an existing wastewater system is not feasible, the County will require new development to demonstrate a means of wastewater collection, treatment, and reuse or disposal will be created that would be operated by an approved entity with adequate technical, financial, and managerial resources to assure safe and effective operation. Any such proposed method shall be consistent with goals and objectives of the General Plan as well as any planning goals of the operating entity.

This project may result in the construction of individual water supply wells and onsite wastewater treatment systems. Such construction is relatively limited in scope. At this time, there are no impacts.

B  
The project is not located in an area of the County recognized as challenging in terms of groundwater yield. The project is unlikely to demand unusually high amounts of water. At this time, there are no impacts.

C  
The project will not be served by a wastewater treatment provider. There is no impact.

D  
Amador County meets its mandated capacity requirements through waste hauler contracts. Provided the project utilizes the Amador County franchise waste hauler, permitted waste disposal capacity is achieved. Kiefer landfill is expected to approach capacity between the years 2035 - 2060. The franchise hauler also contracts with Lockwood Landfill in Nevada to provide backup capacity. At this time, there are no impacts.

E  
Future potential construction will be required to comply with California Building Codes (Cal Green) that mandate construction and demolition recycling requirements and Chapter 7.27 of the Amador County Municipal Code which mandates recycling and diversion of construction and demolition debris. Compliance with these regulations may bring impacts to less than significant levels. However, a more detailed analysis is premature at this time because there is no specific development proposed. (Friends of the Sierra Railroad (2007) 147 CalApp.4th 643.) All future development will require a discretionary use permit. The County will be able to perform a more detailed environmental analysis when a development application is submitted, which will then allow for the analysis of reasonably foreseeable environmental impacts. (Id.) At this time, there are no impacts.

Source: Amador County General Plan and General Plan EIR; Environmental Health Department; Planning Department
### Discussion:

**A** There would be no lane closures involved in the proposed project that would constrict emergency access or interfere with an emergency evacuation plan. Additionally, the project site is not located near a state responsibility area, nor is it located in or near a very high fire hazard severity zone. There is no impact.

**B** The project does not exacerbate wildfire risks through change in slope, prevailing winds, or other factors. In 2017, the state of California adopted an Emergency Plan, which outlines how the state would respond in an event of natural or man-made disaster. The project would not interfere with this plan. All new development under the plan would be required to comply with County standards for the provision and maintenance of emergency access. Additionally, all proposed development would require a discretionary use permit. At this time, there are no impacts.

**C** The project site is located between the County of Sacramento and the City of Ione. No associated infrastructure that may exacerbate wildfire risk is proposed. The project is regulatory in nature, and no development is proposed. Any future development will be subject to a conditional use permit and environmental review at that time will determine necessary mitigation measures. At this time, there are no impacts.

**D** The project will not expose people or structures to any new significant risks regarding flooding, landslides, or wildland fire risk. The project site is not located near a state responsibility area, nor is it located in or near a very high fire hazard severity zone and shall conform to all standard Fire Safety Regulations as determined by Amador County Fire Department and California Building Codes. At this time, there are no impacts.

Source: Amador County Planning, Amador County Office of Emergency Services.
### Discussion:

**A** 
As discussed in the individual sections, there is no development proposed with the proposed rezone; therefore, the project would not degrade the quality of the environment with the implementation of measures in accordance with the County’s General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances. Subsequent project specific environmental review will be required for future discretionary development. The County performed a general analysis of the environmental impacts in the Environmental Impact Report for the General Plan. A more detailed analysis is premature at this time because there is no specific development proposed. ([Friends of the Sierra Railroad](2007) 147 Cal.App.4th 643.) Any and all future development will require a discretionary use permit. The County will be able to perform a more detailed environmental analysis when a development application is submitted, which will then allow for the analysis of reasonably foreseeable environmental impacts. ([Id.](2007) 147 Cal.App.4th 643.) Until then, there are **no identified impacts** from this rezone project.

**B** 
Pursuant to Section 15065(a) (3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant impact on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project 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.”

As discussed in the individual sections, no development is proposed with the rezone; therefore, the project would not generate significant dust and other particulate matter emissions with the implementation of Amador Air District standard measures. Future development, i.e. commercial construction, would be required to identify and mitigate any air quality impacts from Toxic Air Contaminants (TAC) emitted during construction. Implementation of standard measures in accordance with the County’s General Plan and Municipal Code, and other applicable plans, policies, regulation, and ordinances, for future development allowed by the rezone would not result in significant air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use, noise, population & housing, public services impacts, transportation/traffic, tribal cultural resources, or wildfire impacts, and would not contribute to cumulative impacts to these resources. Based
on the analysis in this Initial Study Checklist, the project is consistent with the County’s General Plan land use projections. The land use and density has been considered in the overall County growth. The analysis demonstrated that the project is in compliance with all applicable state and local regulations. In addition, the project would not produce impacts that considered with the effects of other past, present, and probable future projects, would be cumulatively considerable because potential adverse environmental impacts were determined to have no impact. The project would not impact aesthetics, agricultural and forestry resources or biological resources, hydrology and water quality, mineral resources, or recreation and therefore, it would not contribute to a significant cumulative impact on these resources resulting in no impact.

C Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Pursuant to this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effect particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of the standard permit conditions and adherence to the Amador County General Plan, Municipal Code, and state and federal regulations described in these sections of the report, would avoid significant impacts. As discussed in Chapters 1 through 20 of this Initial Study, the project would not expose persons to substantial adverse impacts related to Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards or Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, or Utilities and Service Systems. The effects to these environmental issues were identified to have no impact. No other direct or indirect adverse effects on human beings have been identified resulting in no impact.

SOURCE: Chapters 1 through 20 of this Initial Study.

REFERENCES Amador County General Plan; Amador County General Plan EIR; Amador Air District; Amador County Municipal Codes; Fish & Wildlife’s IPAC and BIOS databases; Migratory Bird Treaty Act; California Air Resources Board; California Department of Conservation; California Department of Forestry and Fire Protection; California Geologic Survey: Alquist-Priolo Earthquake Fault Zones; State Department of Mines & Geology; Amador County GIS; Amador County Zoning Map; Amador County Municipal Codes; Amador County Soil Survey; Amador Fire Protection District; Caltrans District 10 Office of Rural Planning; Commenting Department and Agencies. All sources cited herein are available in the public domain, and are hereby incorporated by reference.
APPLICATION FOR ZONE CHANGE

Application for a zoning change shall include the following:

1. A. Name of Property Owner: EDWIN LANDS, LLC, ATTN: TOM SWETT
   Mailing Address: PO BOX 1730
   IONE, CA 95640
   Phone Number: (209) 214-2777
   tsweet@rogers.com

B. Name of Applicant
   Mailing Address: (SAME AS ABOVE)
   Phone Number:

C. Name of Representative: TOMA & ASSOCIATES
   Mailing Address: 41 SUMMIT STREET
   JACKSON, CA 95642
   Phone Number: (209) 223-0156

2. Assessor Parcel Number(s)

3. Letter of application explaining purpose of request, description of proposed uses, and other pertinent information. Note: It is to your benefit to be as specific as possible with your application information.

4. Letter of authorization if landowner is being represented by another party.

5. Submit a plot plan of parcel showing location of project in relation to property lines and any existing structures/improvements (roads, parking areas, etc.) on the property as well as all proposed structures/improvements (may wish to make separate maps). NOTE: An Assessor Plat Map can be obtained from the Surveying and Engineering Department for the purpose of aiding in drawing of the plot plan.

6. Copy of deed(s) to property.

7. Completed Environmental Information Form and Indemnification Agreement.

8. Filing fee of $1,865 (see attached schedule of fees).

9. Application Form to be signed at the time of project presentation in the Planning Department.
February 28, 2020

Amador County Land Use Agency
Attn: Planning Department
810 Court Street
Jackson, CA 95642

Re: Minor Zone Change Application
   Edwin Lands LLC
   APNs 005-060-015, 005-050-010, 005-020-024 and 005-030-005Wi

The undersigned, being the person(s) owning record title to the abovementioned
land within Amador County, do(es) hereby consent to the preparation and submittal
of this zone change application.

I/We authorize Matthew Toma of Toma and Associates to serve as representative
and applicant for this project.

[Signature]

Edwin Lands, LLC,
a Delaware limited liability company
by William B. Bunce, Managing Partner
ATTACHMENT 2
TO APPLICATION FOR ZONE CHANGE
EDWIN LANDS LLC
ASSESSOR’S PARCEL LIST

AREA PROPOSED FOR REZONE LIES WITHIN THE FOLLOWING APNs:

005-060-015 (PORTION OF)
005-050-010 (PORTION OF)
005-020-024 (PORTION OF)
005-030-005 (PORTION OF)

NOTE: AREA PROPOSED FOR REZONE ALSO LIES WITH EDWIN LANDS LLC “ADJUSTED DUPONT LOT” AS SHOWN ON 65-M-58.

OWNER:

EDWIN LANDS, LLC
4370 TOWN CENTER BLVD, SUITE 100
EL DORADO HILLS, CA 95762
INDEMNIFICATION

Project: Edwin Lands LLC - Minor Zone Change

In consideration of the County’s processing and consideration of the application for the discretionary land use approval identified above (the “Project”) the Owner and Applicant, jointly and severally, agree to defend, indemnify and hold harmless the County of Amador from any claim, action or proceeding against the County to attack, set aside, void or annul the Project approval, or any action relating to the Project approvals as follows:

1. Owner and Applicant shall defend, indemnify and hold harmless the County and its agents, officers or employees from any claim, action or proceeding against the County or its agents, officers or employees (the “County”) to attack, set aside, void or annul the Project approval, or any prior or subsequent determination regarding the Project, including but not limited to determinations related to the California Environmental Quality Act, or Project condition imposed by the County. The Indemnification includes, but is not limited to damages, fees and or costs, including attorneys’ fees, awarded against County. The obligations under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if the County defends the claim, action or proceeding in good faith.

3. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, by their signature below, Owner and Applicant hereby acknowledge that they have read, understand and agree to perform the obligations under this Indemnification.

Applicant:
[Signature]

Owner (if different than Applicant):
[Signature]
ENIRONMENTAL INFORMATION FORM

(To be completed by applicant; use additional sheets as necessary)
Attach plans, diagrams, etc. as appropriate

GENERAL INFORMATION

Project: Proposed Minor Zone Change
Date Filed:

Applicant: Edwin Lands, LLC
Attn: Thomas Swett
PO Box 1730
Ione, CA 95640

Record Owner: Same

APN: 005-060-015 (portion), 005-050-010 (portion), 005-020-024 (portion)
and 005-030-005 (portion)

Zoning: See attachment
Gen. Plan: See attachment

List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

WRITTEN PROJECT DESCRIPTION

Include the following information where applicable, as well as any other pertinent information to describe the proposed project:

1. Site Size
2. Square Footage of Existing/Proposed Structures
3. Number of Floors of Construction
4. Amount of Off-Street Parking Provided (provide accurate detailed parking plan)
5. Source of Water
6. Method of Sewage Disposal
7. Attach Plans
8. Proposed Scheduling of Project Construction
9. If project is to be developed in phases, describe anticipated incremental development.
10. Associated Projects
11. Subdivision/Land Division Projects: Tentative map will be sufficient unless you feel additional information is needed or the County requests further details.
12. Residential Projects: Include the number of units, schedule of unit sizes, range of sale prices/rents and type of household size expected.
13. Commercial Projects: Indicate the type of business, number of employees, whether neighborhood, city or regionally oriented, square footage of sales area, loading facilities.
14. Industrial Projects: Indicate the major function, estimated employment per shift, estimated occupancy, loading facilities and community benefits to be derived/project.
15. Institutional Projects: Indicate the major function, estimated employment per shift, estimated occupancy, loading facilities and community benefits to be derived/project.
16. If the project involves a variance, conditional use permit or rezoning application, state this and indicate clearly why the application is required.
Are the following items applicable to the project or its effects? Discuss below all items checked "yes". Attach additional sheets as necessary.

**YES**  **NO**

17. Change in existing features, lakes, hills, or substantial alteration of ground contours

18. Change in scenic views or vistas from existing residential areas, public lands or roads

19. Change in pattern, scale or character of general area of project

20. Significant amounts of solid waste or litter

21. Change in dust, ash, smoke, fumes or odors in the vicinity

22. Change in lake, stream, ground water quality/quantity, or alteration of existing drainage patterns

23. Substantial change in existing noise or vibration levels in the vicinity

24. Site on filled land or on slope of 10 percent or more

25. Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives

26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)

27. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)

28. Relationship to a larger project or series of projects

**ENVIRONMENTAL SETTING**

29. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site and the use of the structures. Attach photographs of the site.

30. Describe the surrounding properties, including information on plants and animals, and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single family, apartments, shops, department stores, etc.) and scale of development (height, frontage setbacks, etc.) Attach photographs of the vicinity.

31. Describe any known mine shafts, tunnels, air shafts, open hazardous excavations, etc. Attach photos of these known features.

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date: 3/17/2020    Signature: [Signature]
ATTACHMENT TO ENVIRONMENTAL INFORMATION FORM

ENVIRONMENTAL SETTINGS

29. The application proposes to change the zoning to MX on a portion of the applicants' property to conform with the new General Plan. The application does not contemplate or foresee any development project. The existing site conditions are dominated by open rangeland with scatter, dis-contiguous oak woodlands. The property has historically been, and is currently being used for, cattle ranching and mining. There are no structures on the property.

30. The property area is adjacent to Amador County's industrial park, the Indian Hill industrial property, SGI's granule processing facility, and the Edwin Center industrial area. Highway 104 and Ione-Michigan Bar Road border or traverse the property as does the active Union Pacific mainline track. Other adjacent uses include multiple active mining operations and cattle grazing.

31. The subject property includes the idled Jackson Valley Energy Pit 232 operation, of which Amador County has taken jurisdiction for purposes of reclamation. Up until approximately the 1920s, the project area was mined underground for lignite coal, primarily in and north of the Pit 232 location and near the intersection of Highway 104 and Ione-Michigan Bar Road. There are no known openings to any such tunnels.
ATTACHMENT TO
ENVIRONMENTAL INFORMATION FORM

EXISTING ZONING AND GENERAL PLAN DESIGNATIONS

**APN 005-060-015:**

ZONING: "R1-A" Single Family Residential and Agricultural

GENERAL PLAN: Mix of "I" Industrial, "MRZ" Mineral Resource Zone and "AG" Agricultural

**APN 005-050-010:**

ZONING: "R1-A" Single Family Residential and Agricultural

GENERAL PLAN: Mix of "I" Industrial, "MRZ" Mineral Resource Zone and "AG" Agricultural

**APN 005-020-024:**

ZONING: "R1-A" Single Family Residential and Agricultural

GENERAL PLAN: Mix of "I" Industrial and "MRZ" Mineral Resource Zone

**APN 005-030-005:**

ZONING: "R1-A" Single Family Residential and Agricultural

GENERAL PLAN: Mix of "I" Industrial, "MRZ" Mineral Resource Zone and "AG" Agricultural
Comment Letters
June 2, 2020

By e-mail transmittal to Chuck Beatty for distribution to June 3, 2020, Technical Advisory Committee meeting attendees

Re: Proposal to Change Edwin Lands LLC Industrial Land Zoning to M-X

Dear Members of the Technical Advisory Committee:

We believe the TAC is required to reject Edwin Lands LLC application out of hand because it is for a zoning change that is inconsistent with the current Amador County General Plan. As clearly shown on the attached General Plan and Zoning Consistency table from the General Plan Land Use Element, X zone districts are not permitted in areas that are designated for Industrial use. All zoning must be consistent with the county general plan land use classification for a particular parcel.

As the Third District Court of Appeal stated in *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors of El Dorado County* (74 Cal.Rptr.2d 1 (1998) 62 Cal.App.4th 1332),

> Every county and city must adopt a "comprehensive, long-term general plan for the physical development of the county or city...." (Gov.Code, § 65300.) "The general plan has been aptly described as the 'constitution for all future developments' within the city or county. The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements [statutorily-required elements include land use, circulation, housing, conservation, open space and noise]." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570, 276 Cal.Rptr. 410, 801 P.2d 1161 (*Citizens*), citations and some internal quotation marks omitted; Gov.Code, § 65302.) "The consistency doctrine has been described as 'the linchpin of California's land use and development laws; it is the principle which infuse[s] the concept of planned growth with the force of law.'" (*Corona-Norco Unified School Dist. v. City of Corona* (1993) 17 3*3 Cal.App.4th 985, 994, 21 Cal.Rptr.2d 803, *Corona*), citation omitted.) (emphasis added)
When general plans are updated, land use law requires local jurisdictions to bring the zoning map into conformity with the general plan within a reasonable time frame. Ideally, this would be done efficiently, through a single set of proposed zoning changes that would bring all such parcels into conformity with the updated plan at once, rather than addressing individual rezoning projects in a piecemeal fashion. Addressing individual situations one by one makes little sense, especially in the case of this large industrial park property.

Why is there a rush to address this particular zoning change, when the proponent claims to want to continue the current use (grazing) and has no particular industrial development plan in mind? It seems premature to consider this inconsistency on a priority basis, when there are many other designation/zoning issues that need to be corrected eventually. And the proposed solution is not possible without amending the general plan to allow X zoning on I land. That, in turn, would require CEQA review of all potentially affected lands in the I general plan land use designation.

If the county were to move forward with a general plan amendment, it should aim to serve multiple purposes, not simply fix one case of conflict between land use designation and zoning. At the same time, it might make sense to consider a new Low-Intensity Existing-Use Zone that would be compatible with the Industrial land use designation, so that existing low-intensity uses such as grazing or other agricultural uses could continue until such a time as the land is prepared for industrial development and more detail is available regarding a proposed project. This way the County would achieve the required consistency between the zoning and the general plan now, the land owner could keep grazing, and the community would be assured that the land owner could not start prematurely developing the industrial site with inadequate review of environmental impacts.

The County may also need such interim zones in other instances, such as when there are existing residential uses on lands designated commercial in the general plan. These interim zones can be beneficial because: 1) they allow the County to follow land use law, 2) they protect property rights by allowing land owners to continue their current land uses, and 3) they protect neighbors from the impacts of haphazard by right development or inadequate cumulative impact analyses.

While amendments to the general plan are possible, they are time-consuming and costly—and they are not urgent at this time. Another approach would be to develop a Specific Plan to make this large industrial park a very good one, as we suggested in 2018.

If the county does not have the desire (or the resources) to pursue any of these legal options at this time, then the obvious appropriate action would be to simply reject the project application because it is inconsistent with the general plan. Thank you.

Sincerely,

Mara Feeney

Mara Feeney, M.A. Community and Regional Planning
Director, Foothill Conservancy

35 Court St, Suite 1  Jackson, CA 95642  209-223-3508   www.foothillconservancy.org
General Plan and Zoning Consistency

The Land Use Element is primarily implemented by the Amador County Zoning Code, which specifies districts and performance standards for the various types of land uses described in the General Plan. Table LU-3 identifies the current zone district or districts which correspond to each General Plan land use designation. The zone districts specify the permitted uses and applicable development standards for each designation. The Regional Service Center and Town Center land use designations shown in Table LU-3 are new designations. Corresponding zoning districts will be developed as part of a Zoning Code update implementing the General Plan.

<table>
<thead>
<tr>
<th>General Plan Land Use Designation</th>
<th>Compatible Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT Agricultural-Transition</td>
<td>A, AG, RE, R-1, R-1A</td>
</tr>
<tr>
<td>AG Agricultural-General</td>
<td>AG, A, RE, R-1A, MR</td>
</tr>
<tr>
<td>RR Rural Residential</td>
<td>RE, R-2A, R-1, R-1A</td>
</tr>
<tr>
<td>RL Residential-Low Density</td>
<td>R-1, R-1A, PD</td>
</tr>
<tr>
<td>RM Residential-Medium Density</td>
<td>R-2, R-3, PD</td>
</tr>
<tr>
<td>RSC Regional Service Center</td>
<td>M, MM, LM, PD, R-1, R-2, R-3, C-1, C-2</td>
</tr>
<tr>
<td>TC Town Center</td>
<td>R-1, R-2, R-3, C-1, C-2, LM, MM, PD</td>
</tr>
<tr>
<td>SPA Special Planning Area</td>
<td>PD, X, M</td>
</tr>
<tr>
<td>C Commercial</td>
<td>C-1, C-2, H, PD, LM</td>
</tr>
<tr>
<td>I Industrial</td>
<td>M, MM, LM, MR</td>
</tr>
<tr>
<td>PS Public Service</td>
<td>PD</td>
</tr>
<tr>
<td>WP Water Project</td>
<td>A, AG, O-S, R-1A, MR</td>
</tr>
<tr>
<td>OR Open-Recreation</td>
<td>O-S, R-1A, MR, AG, PD</td>
</tr>
<tr>
<td>GF General Forest</td>
<td>AG, A, O-S, R-1A, MR, TPZ</td>
</tr>
<tr>
<td>MRZ Mineral Resources Zone</td>
<td>X, MR, R-1A</td>
</tr>
<tr>
<td>OF Open-Forest</td>
<td>AG, O-S, R-1A, MR</td>
</tr>
<tr>
<td>OW Open-Wilderness</td>
<td>AG, O-S, R-1A, MR</td>
</tr>
</tbody>
</table>

Area Descriptions

The General Plan allows for future development of residential, commercial, and industrial uses throughout the planning area. However, it is the County’s intent to focus new growth toward existing unincorporated communities—the RSC at Martell and TCs, each of which are described in detail below. The RSC and TC areas represent key locations within the County, each of which has unique future development objectives, responding to priorities established in the General Plan Vision Statement, and community input.
June 2, 2020

Ruslan Bratan
Planner
Amador County Planning Department
810 Court Street
Jackson, CA 95642-2132

Dear Mr. Bratan,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the application of Edwin Lands, LLC Minor Zone Change. The proposed project is for a zone change from Single-family Residential & Agricultural District (R1A) to Manufacturing with Special Use Combining District (M-X), for 1,150+/- acres congruent with the Industrial General Plan classification.

The project location is west of the Ione City limits, lying east and west of Michigan Bar Road between State Route (SR) 104 and the Amador County line (portions of APN 005-020-019, 005-030-005, 005-050-008, 005-060-015, and 005-080-019).

Caltrans has the following comments:

Based on the project summary, portions of the following APN’s will be used to create the zone change according to the application package submitted with the project: 005-020-019, 005-030-005, 005-050-008, 005-060-015, 00-080-019 as shown on Table 2. The following APN’s are listed in the written portion of the application but not included in the table or map: 005-050-010 and 005-020-024.

Caltrans notes the Amador County Transportation Commission (ACTC) should be notified of the zone change. The revised land use will need to be reflected in the latest ACTC travel demand model. If the current scope of the project changes, additional environmental review may be required.
Should there be any planned or proposed developments in the future within this or adjacent parcels, Caltrans requests that the projects be submitted through Local Development Internal Government Review (LD-IGR) for additional comments to determine impact and mitigation to adjacent state highways.

Although the project does not propose any development at this time, there are some protected resources within Caltrans Right of Way (ROW) and within the area proposed for re-zoning. These resources include occurrences of Federally threatened lone manzanita (*Arctostaphylos myrtifolia*) and Federally Endangered lone buckwheat (*Erigonum apricum*). Additional protected resources include oak woodlands and Waters of the United States regulated by U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW). Lastly, the Union Pacific Railroad (UPRR) segment that runs through the project area is a recorded historic resource. Any effects, disturbances or potential developments at or near to these resources may need to be analyzed.

If any project activities encroach into the Caltrans ROW (example: trenching, utility connections, staging of equipment), an application for an Encroachment Permit to the Caltrans Permit Office is required. Appropriate environmental studies must be submitted with the application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). Please include California Environmental Quality Act (CEQA) documentation with supporting technical studies when submitting the Encroachment Permit. For more information please visit the Caltrans Website at: https://dot.ca.gov/programs/traffic-operations/ep/applications

If you have any questions or would like to discuss these comments, please contact Lloyd Clark at (209) 941-1982 (Email: Lloyd.Clark@dot.ca.gov) or me at (209) 948-7325 (Email: gregoria.ponce@dot.ca.gov).

Sincerely,

Gregoria Ponce
Chief
Office of Rural Planning

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”
“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”
Amador County Technical Advisory Committee
810 Court St
Jackson, CA 95642

July 20, 2020

By e-mail transmittal to Chuck Beatty for distribution to July 22, 2020, Technical Advisory Committee meeting attendees

Re: Environmental Review for Edwin Lands LLC Industrial Land Rezoning

Dear Members of the Technical Advisory Committee:

We have strongly advised Amador County to reject consideration of the Edwin Lands LLC application for a zoning change to M-X at this time, because 1) the proposed M-X overlay is not legally valid under the current general plan, 2) the proposed zoning change would allow some conflicting residential zones to remain in or adjacent to an industrially-zoned area, and 3) in the absence of a clearly defined development proposal, such rezoning for the purpose of consistency would better be done as part of a countywide correction or accommodation of all zoning conflicts that occurred as a result of adopting a new general plan in 2016. There is no need to rush ahead with a poorly-conceived, incomplete, and problematic zoning change proposal that makes little sense.

The purpose of your July 22 meeting is to review the CEQA checklist prepared by the project proponent. We believe that the project description is too vague for appropriate environmental analysis and the checklist completed by Edwin Lands LLC is completely inadequate as the foundation of an Initial Study.

Inadequate Project Description

State CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. The applicant describes the proposed project as a “Minor Zone Change”—yet it affects 1,150 acres anticipated to be developed in industrial uses over a 30-year period. The applicant states that the purpose of the zoning change is to bring the land into conformity with the current general plan—but if that
is the case, why change the zoning on only portions of four parcels, rather than all of the land within those parcels? Leaving portions of the four parcels in the current R1A zone does not make sense if the project goal is to bring these properties into compliance with the general plan. The zoning inconsistency will remain on the rest of the land owned by the same applicant—only to set up potential conflicts between future industrial development and adjacent residential uses.

If indeed the proponent merely wants to address a zoning conflict and has no plans to change any existing uses, there are alternative ways to accomplish this (as detailed in the e-mail from planner/attorney Tom Infusino to Mike Israel et al dated June 22, 2020 (see attachment). Rather than use a legally questionable overlay that would apply to portions of a few parcels of land, the county could amend the general plan to allow existing, low-intensity land uses (such as grazing) to continue on all land where zoning remains in conflict with the current general plan.

Furthermore, the claim is made that “the application does not contemplate or foresee any development project.” If that is true, what is the motivation for a zoning change at this time? Why not leave it as is or change the zoning to A to reflect current land uses? And if the only purpose of the project is to rectify zoning conflicts with the general plan adopted in 2016, why do it for only part of the property and not all of it?

We argue that it is impossible to complete a defensible CEQA analysis for a project that has a vague or inadequate project description. In this case, the project description is not only unclear, it is essentially absent. There are numerous legal cases to support this position:

City of Antioch v. City Council (1986) 187 Cal.App.3d 1325, 1333-1336 – An EIR was required for a permit for infrastructure development although no specific development was planned. The analysis must embrace future development that will foreseeably occur if the agency approves the project.

Christward Ministry v. Superior Court (1986) 184 Cal.App.3d 180 – Project-level negative declaration overturned because it both mischaracterized information about the project, and ignored substantial evidence in the record that the project may have significant effects.


Georgetown Preservation Society v. County of El Dorado (2018) – “Conformity with a general plan does not insulate a project from EIR review where it can be fairly argued that the project will generate significant environmental effects.” Project-level MND ruled inadequate based upon public testimony regarding aesthetic and traffic impacts.

Protect Niles v. City of Fremont (2018) – Project-level MND overturned based upon based upon traffic impact testimony of City staff, a city councilmember, and public testimony regarding the need for a left-hand turn pocket.

John Lawson Rock and Oil v. State Air Resources Board (2018) Program Level equivalent of a negative declaration overturned because “the Board cannot simply rely on its settled baseline
determination and factors of significance in the face of substantial evidence the project might have a significant on the environment.”

Inadequate Checklist/Initial Study

Because there is insufficient detail about this project, there is no evidence to claim that its impacts will be insignificant. Simply checking boxes indicating there is no impact does not make it so. Conclusions must be supported by evidence or facts and based on reasonably foreseeable development under the new zoning designation. Without any discussion, rationale, data, or explanation, a checked box is meaningless wishful thinking.

The State CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. Piecemealing or segmenting (dividing a project into multiple actions and evaluating each action in a separate environmental document, rather than evaluating the whole of the project in one environmental analysis) is explicitly forbidden by CEQA, because this would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately. While each piece of a project could have a less-than-significant impact on the environment, together they might result in a significant cumulative impact. Segmenting a project may also hinder development of comprehensive mitigation strategies.

Even if the applicant has no specific development to propose at this time, it is obvious that the intent is to eventually develop large-scale industrial uses on this land in the future, or the applicant would not have requested that the land be designated for future industrial development during the general plan update or be requesting the zone change now.

The 2016 Amador County General Plan EIR anticipates that this industrial site will develop about 600,000 sq. ft. by 2030. Obviously, such development on what is predominately grazing land will result in a substantial transformation of the existing environment. One need look no further than Martell, where industrial development has introduced significant impacts to traffic, air quality, biological resources, water supply, wastewater, utilities and services, scenic viewsheds, noise, energy use, storm water runoff, etc.

AWA has data that can be used to estimate water demand from the future industrial uses. Regional air quality agencies, Caltrans, and Amador County Transportation Commission use traffic models and simple air quality screening models to estimate traffic and traffic related emissions (including GHGs) based on the amount of square feet of the type of development allowed. These tools could all be used to provide some indication of the scope and types of environmental impacts that could result from industrial development on this land in the future. Such analyses should be done to back up claims regarding the level of significance of potential environmental impacts.

Using a negative declaration for a rezone project of this magnitude is simply not sufficient. Even though the county would require the landowner to apply for Conditional Use Permits for future proposed projects that could result in significant environmental impacts, this approach could lead to piecemealing that is not allowed under CEQA by postponing review to the use permit stage.
This could result in findings of significant impacts that can’t be mitigated, and it avoids proper cumulative impact analysis.

Without appropriate public scoping and environmental review, the planning commission will not be able to make an informed decision on this rezoning proposal. The commissioners need to understand what this rezoning could mean in terms of road capacity, water supply and wastewater disposal needs, etc. Neighbors have the right to know and weigh in early on how such development could impact their well yields and how changes in air quality, noise, and traffic might affect their homes, schools, and businesses.

A lead agency must adopt measures to mitigate potentially significant impacts to the degree feasible at each level of environmental review. This is a second-tier program level review (The General Plan EIR was the first tier-program EIR). Appropriate future mitigation measures should be identified to meet certain standards at the project level by identifying a range of feasible measures (such as % reduction of future project-related GHGs from operations by % using clean energy, ride sharing, and or LEED mitigation techniques, or install a turn pocket and a merge lane on the road when traffic on the road reaches an average of x trips per day).

Mitigation must be proposed or identified now for the ultimate loss of 1,150 acres of grazing land to industrial development, not improperly deferred.

**Specific Plan or Master Plan Needed**

As we have held for years, the best way to ensure the development of a successful industrial park on the lands in question would be to develop a specific plan or master plan for the entire area. This would lay out infrastructure needs and zone to avoid the potential location of one or two conditional uses that could ruin the industrial park for other potentially interested developers. In Amador County, industrial designation allows commercial uses including business offices, retail outlets, emergency shelters, transitional housing, supportive housing, and housing connected to a commercial use. Some of these uses, if approved, would become sensitive receptors that could discourage or greatly constrain desired future industrial development and set up conflicts with and complaints from neighbors. Thus, the Planned Development zoning overlay would make sense here, but it cannot be imposed by the county. It must be requested by the property owner. (Perhaps when the zoning ordinance is revised to become consistent with the current general plan, the county should eliminate this restriction).

While the county seems to be trying to accommodate the wishes of the land owner at this time, the current owner could subdivide and sell off parcels to other owners in future. New owners could have different and conflicting ideas about the future development of their land. The piecemeal approval of projects using wells, septic systems, and the existing road will likely result in significant impacts to traffic, water, wastewater, and/or emergency services, before the park is built out. The County would not be able change the conditions on the older, approved projects to raise money for subsequent infrastructure needs nor charge newer projects for more than their “fair share” contribution to infrastructure improvements. With insufficient funds, unplanned infrastructure needs will go unmet, significant impacts may be impossible to mitigate, ongoing development of the park will be curtailed, and nearby residents will suffer the impacts.
Conclusion

There is no urgency to approve a poorly conceived and problematic zoning change at this time, in the absence of a clear project description and an adequate environmental checklist. We recommend that action be postponed until such time as the county updates the zoning ordinance to address these and all other zoning conflicts OR the applicant has a clear development project to propose, so that the project can be properly reviewed and conditioned, both to ensure its success and to protect neighboring property owners and the environment.

Sincerely,

Mara Feeney, M.A. Community and Regional Planning Director, Foothill Conservancy

Attachments

Cc: Ione Land, Air, and Water Defense Alliance
    John Gedney, Amador County Transportation Commission
    John Kingsbury, Amador Water Agency
Hi All,

During our meeting last week you asked for examples of allowing lower intensity uses in the interim, pending the suitability of the site for more intensive development. Below are three examples.

1) The 2019 Calaveras County General Plan has a policy allowing lower intensity and lower density uses pending the arrival of infrastructure and the amendment of the zoning map.

On page LU14 of the Land Use Element (attached) there is a zoning consistency chart: Table LU-2. At the very bottom there is a footnote about lower intensity and lower density uses also being allowed. That footnote refers to Policy LU-1.4:

   **LU 1.4** In addition to the consistent zoning districts listed in Table LU-2, in areas designated for future development, existing less intensive residential and agricultural zoning districts shall be deemed compatible with the General Plan’s land use designations as an interim zone until such time as infrastructure and services are available to support intended development. (IM LU-2A)

It is true that the above policy is much broader than what we talked about over the phone. We were talking about allowing existing lower intensity uses, not new uses. New uses could have impacts even if they were lower intensity uses (e.g. multifamily residential uses in an industrial zone), thus an ordinance allowing new uses would need environmental review. An ordinance allowing existing uses would not need environmental review.

2) The previous Amador County General Plan included a provision with a similar effect, for similar reasons. (See Attached, 1974 Land Use Element, p. 5, Item B, 3.)

In addition to the listed zoning categories allowed in a land use designation, “reasonable restrictive holding zones, and carefully developed zoning within ‘Transition’ land classification areas, shall be deemed consistent.” (The current 2016 General Plan has no similar provision.)

The Zoning Code allowed for the liberal use of combining districts to achieve this result. (Zoning Code, sec. 19.016.00.) Thus, if one wanted to allow agricultural uses in an industrial or commercial zone pending a use permit for a commercial or industrial use, one could use the C-X zone or the M-X zone to do it.

3) The current Amador County General Plan has many policies justifying lower intensity zoning categories prior to the arrival of infrastructure.
Thus, while the text of the current General Plan does not include the same express direction to implement “reasonable restrictive holding zones,” it still may be necessary to do so to conform to the many policies in the general plan regarding the need to locate development where infrastructure is available, and the need to protect agricultural land uses.

2016 General Plan, p. LU-28
Policy LU-2.1: Direct development to areas with existing urban services and infrastructure, or to areas where extending of urban services is feasible given distance from developed areas and topography, capacity, or land capability.

2016 General Plan, p. LU-29
Policy LU-4.2: Consider infrastructure availability and expansion in the evaluation of individual projects.

Policy LU-6.1: Ensure that new development is able to meet water supply, wastewater disposal, and public service standards.

2016 General Plan, p. C-24
Policy C-3.1: Guide future development to areas of the county with the ability to obtain adequate wastewater service and treatment capacity.

2016 General Plan, p. C-23
Policy C-1.2: Guide future development to areas of the county where adequate water supplies can be ensured.

2016 General Plan, p. S-18
Policy S-2.2: Guide new development to areas where adequate fire protection, roads, and water service are available to support fire response.

2016 General Plan, p. E-26
Policy E-8.1: Ensure future land uses are appropriately located and scaled to fit in with the county’s rural and agricultural context.

2016 General Plan, p. E-27
Policy E-9.4: Direct future development toward “infill” areas (areas of existing urban development), areas contiguous to cities, and areas with infrastructure and services in order to maintain the viability of existing agricultural land.

Policy E-9.5: Review future development for compatibility with existing adjacent and nearby agricultural uses.

Policy E-10.2: Support the continued availability of water supplies to agricultural users.
Anyway, these give you some examples of what has been done locally, and what can be done under the 2016 General Plan. What we talked about allows land owners to continue existing uses pending update of the zoning map and zoning ordinance, it helps the County maintain consistency between the zoning map and the general plan, and it eases concerns over premature approval of development in areas where infrastructure has not yet arrived.

4) In practice the interim zoning can be achieved in different ways.

A) The Edwin Lands applicant has proposed, and you gentlemen seem strongly wedded to, the M-X zoning category for the Industrial Park.

This provides the advantage of discretionary review of use permits and environmental review prior to the approval of any project on the site. This is certainly a step in the right direction relative to just applying the M zoning category. If the site were only 40 acres, and being developed for one known industrial project, we might be inclined to accept that zoning category.

The County contends that since M is the primary zoning category, the M-X combined zone is consistent with the I land use designation. (Land Use Element, Table LU-3.) To bolster this argument, it would be prudent to amend the general plan with a “reasonable restrictive holding zones” policy similar to that of the prior plan, or to change Table LU-3 to explicitly allow the X zone in the I land use designation.

The problem is that the 1150-acre site is not for one known project, but for an entire diverse industrial park and its support infrastructure, with a projected build out of approximately 600,000 sq. ft. of development by 2030. (See Amador County Land Use element, Table LU-2.) While I respect your desire to accommodate the wishes of the current owner, the County must also realize that owner could sell the industrial park parcels to another owner or owners, with very different and perhaps conflicting ideas about the development of the park.

The piecemeal approval of project after project on wells, septic systems, and the existing road will likely result in significant impacts to traffic, water, wastewater, and/or emergency services, at some point in time, well before full build out of the park. The County will not be able change the conditions on the older projects to raise money for infrastructure. And the County won’t be able to charge the newer projects more than their “fair share” contribution to improvements. With insufficient funds, the unplanned infrastructure needs will go unmet. Development of the park will be curtailed.

Also, the ill-advised location of one or two conditional uses could spoil the industrial park for the remainder of the likely users. I have watched industrial sites in other counties get wasted because incompatible uses moved in nearby. In San Andreas, Calaveras County approved a middle school across from one industrial parcel, and a medical clinic across from another. Those sites are no longer attractive to most industrial developers. The same waste could happen in Amador County, because the I zone allows all C1 and C2 uses including business offices, retail outlets, emergency shelters, transitional housing, supportive housing, and housing connected to a commercial use. (Zoning Code, sec. 19.24.040.) Also, the neighboring R-1A lands could develop with residential uses as well.
B) A Planned Development avoids these problems.

A Planned Development provides “procedures for the consideration and regulation of areas suitable for proposed comprehensive development.” A master plan for the area would lay out land uses to prevent conflicts from spoiling the park for other users, or triggering complaints from neighbors. Like the X district, use permits would be required for project applications. (Zoning Code, sec. 19.24.038)

The Zoning Code liberally allows the combination of zones. (Zoning Code, sec. 19.016.00) Thus the area could be zoned M-PD to provide for an industrial planned development. Using the County’s logic, since M is the primary zoning designation, the M-PD combined zone is consistent with the I land use designation. (Land Use Element, Table LU-3.)

However, the PD zone cannot be imposed by the County, but must be requested by the applicant.

C) The County can resolve the general plan consistency issue, the owners grazing concerns, and the desire for use permits simply by zoning the property A.

The County could instead choose to zone the property A as part of its effort to bring zoning into conformance with the general plan. There is substantial evidence and a rational argument to support this finding. First, the site currently lacks the infrastructure to support 600,000 sq. ft. of M uses: the highest level of industrial development allowed in the County. Second, there is an assortment of industrial development allowed by permit on similar land bereft of infrastructure in the A zone. The Agricultural zoning category allows industrial uses by use permit including “Processing, packaging, selling, shipping of agricultural products”, “slaughterhouses”, “Rendering plants, fertilizer plants”; “ Oil and gas wells, drilling, mining”. (Zoning Code, sec. 19. 24.040.) Of course, the grazing the applicant wishes to continue is an allowed use in the A district.

It would be prudent to amend the general plan with a “reasonable restrictive holding zones” policy similar to that of the prior plan, or to change Table LU-3 to explicitly allow the A zone in the I land use designation. Note, the policy in the prior plan was part of the No Project Alternative evaluated in the 2016 General Plan Update EIR, so there would be no need for further environmental review when returning the policy to the 2016 General Plan.

At a later time, when a major industrial project is proposed for the site, and conditioned to bring in the necessary support infrastructure, the Industrial Park could be rezoned M-X, to provide for conditional use permits and discretionary environmental review, or M-PD to provide for a master planned development.

5) The Industrial Park raises important policy issues for the Planning Commission.

A) The problem with trying to pick one area of the County for rezoning is that it is adjacent to a bunch of other affected lands. Please review the zoning on the parcels surrounding the industrial
park. If the parcels to the north and south of the industrial park are zoned R1-A, Residential Agriculture. Ask yourself if that still makes sense.

An industrial park will have a lot less opposition to individual projects, and a lot fewer adverse impacts, if it is buffered by mineral resource and ranch lands rather than surrounded by residential neighbors. The industrial park should have to mitigate its impact on the loss of 1150 acres of grazing land and oak woodlands. A good place to acquire conservation easements would be in the MRZ designated lands around the boundaries of the industrial park.

B) A second and related challenge is associated placing two different zones on the same parcels of land, rather than subdividing the parcel and placing the separate zones on the separate parcels. Burdening the industrial portion of the parcels with additional MR lands could complicate the sale of parcels and development of the industrial park. Also, the remaining portions of four of the parcels outside the industrial park would remain zoned R1-A, Residential Agriculture. Consider whether this makes sense given their proximity to the industrial park, and the new general plan. If you are going to rezone a piece of a parcel to make sense with the 2016 general plan, wouldn’t it make sense to at least rezone all of the parcel to make sense with the 2016 General Plan?

C) A General Plan designates land for the uses it may become suitable for some time in the 20-year+ life of the plan. Zoning is supposed to say what land is ready for NOW. Does it really makes no sense to zone vacant land with just a road and a rail line as suitable NOW for the most intense industrial development allowed in the County?

D) If the County wants to make the most out of an 1150-acre industrial park, it will plan that park for development like it expects to plan the Town Centers with similar needs. If there will be the need for on-site wastewater treatment someday, then locate that. If there is a need to buffer from neighboring residences, locate that on the map. If there will be a need for merges onto the road and turn lanes, then identify that. If there will be a need for high speed internet capacity, large amounts of electricity, and a potable water supply, spell out those needs, and get started providing them. Then the property will really have the potential for future industrial development.

Gentlemen, thank you for meeting with us. I hope you can see that we are making a concerted effort to find a way to meet the expressed needs of the County, the applicant, and the Foothill Conservancy.

Sincerely,

Tom Infusino
August 28, 2020

Ruslan Bratan Planner  
Amador County Planning Department  
810 Court Street  
Jackson, CA 95642-2132

Dear Mr. Bratan,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Initial Study to adopt a Negative Declaration (IS/ND) for the Edwin Lands, LLC Minor Zone Change. The proposed project is for a zone change from Single-family Residential & Agricultural District (R1A) to Manufacturing with Special Use Combining District (M-X), for 1,150+/- acres congruent with the Industrial General Plan classification. The project location is west of the Ione City limits, lying east and west of Michigan Bar Road between State Route (SR) 104 and the Amador County line (portions of APN 005-020-019, 005-030-005, 005-050-008, 005-060-015, and 005-080-019).

Caltrans reviewed the application for the Zone Change in May 2020 and provided comments on June 2, 2020. This letter supersedes the June 2, 2020 letter. Caltrans has the following comments regarding the IS/ND and the prior letter:

- Caltrans notes the Amador County Transportation Commission (ACTC) should be notified of the zone change. The revised land use will need to be reflected in the latest ACTC travel demand model. If the current scope of the project changes, additional environmental review may be required.

- Although the project does not propose any development at this time, there are some protected resources within Caltrans Right of Way (ROW) and within the area proposed for re-zoning. These resources include occurrences of Federally threatened Ione manzanita (Arctostaphylos myrtifolia) and Federally Endangered Ione buckwheat (Erigonum apricum). Additional protected resources include oak woodlands and Waters of the United States regulated by U.S. Army Corps of Engineers.
(USACE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW). Lastly, the Union Pacific Railroad (UPRR) segment that runs through the project area is a recorded historic resource. Any effects, disturbances or potential developments at or near to these resources may need to be analyzed.

If there are any proposals in the future, to developments on said parcels APN 005-020-019, 005-030-005, 005-050-008, 005-080-019 we would like the opportunity to review those applications and determine if they will have an impact to Caltrans facilities.

If any project activities encroach into the Caltrans ROW (example: trenching, utility connections, staging of equipment), an application for an Encroachment Permit to the Caltrans Permit Office is required. Appropriate environmental studies must be submitted with the application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). Please include California Environmental Quality Act (CEQA) documentation with supporting technical studies when submitting the Encroachment Permit. For more information please visit the Caltrans Website at:

https://dot.ca.gov/programs/traffic-operations/ep/applications

If you have any questions or would like to discuss these comments, please contact Michael Casas at (209) 986-9830 (Email: Michael.Casas@dot.ca.gov) or me at (209) 986-9635 (Email: Kevin.Schroder@dot.ca.gov).

Sincerely,

Kevin Schroder

Kevin Schroder, Acting Branch Office Chief
Office of Rural Planning

Cc: State Clearinghouse
Fwd: No to Edwin Lands LLC MX request

1 message

Mary Ann Manges <mmanges@amadorgov.org>  Thu, Aug 27, 2020 at 3:44 PM
To: Planning Department <planning@amadorgov.org>

Mary Ann Manges
Administrative Secretary II
Amador County Planning Department
(209) 223-6381

---------- Forwarded message ----------
From: Barbara Miller (via Google Docs) <redcows80@gmail.com>
Date: Thu, Aug 27, 2020 at 1:15 PM
Subject: No to Edwin Lands LLC MX request
To: <mmanges@amadorgov.org>

redcows80@gmail.com has attached the following document:

Untitled document

project first then rezone –this zoning with a use permit allows to many options that would hurt our country

Snapshot of the item below:
8-27-2020
Subject: Rezone R1A to MX
To Planning Commission,

We object to this zone change.because this M-X zone with a use permit

ALLOWS
Junk yards, wrecking yards, commercial hog raising,
Ore smelting, stockyards, slaughterhouses, fat rendering,
Dumping, disposal, incineration,or reduction of garbage,
Roffal, dead animals or refuse,mining quarrying, plus more.

It also states other uses which might be objectionable by
Reason of production or emission of noise, offensive odor,
Smoke, dust, bright light, vibration, radiation or which involve the Handling of explosive or dangers material.
The general plan studied this area very carefully and decided Not to change the zoning ----we need a project before a zone change. Not knowing what we might get could impact the whole county.

WHY THE RUSH? The shelter in place is keeping us seniors at home, This was not a well known or clear notice, nothing was mentioned about What could be allowed with a use permit!

The property owner Edwin Lands LLC could make a fortune on the sale of 1150 acres of MX zoned land. Why the rush? You will be giving Away the first step of control to this land. PROJECT FIRST THEN ZONING

Barbara Miller  Ione
August 31, 2020

Amador County Planning Commission
810 Court St
Jackson, CA 95642

[VIA EMAIL TO CBEATTY@AMADORGOV.ORG]

Re: Edwin Lands, LLC Application for Conforming Rezone
Response to July 20, 2020 Foothill Conservancy Comment Letter

Dear Members of the Amador County Planning Commission:

This letter, submitted on behalf of our client Edwin Lands, LLC (“Edwin”), responds to the Foothill Conservancy’s (“Conservancy”) July 20, 2020 letter regarding Edwin’s pending application to rezone certain industrial properties (the “Edwin Property”) in order to be consistent with the current County General Plan (the “Project”).

As Edwin’s Project application and subsequent communications to the County and the Technical Advisory Committee have made clear, the Project entails a simple rezone, with no proposed development. The County’s adoption of the updated General Plan in 2016 changed the designation of the Edwin Property to Industrial, which created a conflict with the Edwin Property’s existing “R1A” zoning. The requested rezone to correct this conflict is mandated by California law (Gov. Code §§ 65860(a), 65860(c)), which requires zoning to be consistent with the underlying General Plan designation. Without this rezone, the current zoning of Edwin’s Property will remain in conflict with the updated General Plan.

The Planning Commission should be aware that, where a local government amends its general plan in a way that creates inconsistency between the amended general plan and existing zoning, California law requires the local government to amend the zoning “within a reasonable time so that it is consistent with the general plan as amended.” (Gov. Code § 65860(c).) Here, however, Edwin has elected to bear the costs of the required rezone in the County’s place in order to ensure that the current zoning inconsistency is corrected in a timely manner.

The Conservancy opposes the requested rezone even though it is required by state law. The Conservancy argues that more detail regarding the rezone, more environmental review, and more governmental process are needed before the Edwin Property can be rezoned consistent with the updated General Plan. The Conservancy’s arguments in this regard appear to be thinly-veiled attempts to re-assert its opposition to the County’s updated General Plan. This letter nonetheless addresses and rebuts each Conservancy argument below.

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**Background Facts**

The County adopted its updated General Plan, and certified an associated Environmental Impact Report (“EIR”) in 2016. Relevant here, the updated General Plan changed the Edwin Property’s designation to “Industrial.” The County adopted this change consistent with its policy to encourage and facilitate economic development. This change, however, rendered the Edwin Property’s existing zoning, “R1A”, incompatible with the new Industrial General Plan designation.

Edwin originally applied to rezone its Property in 2018. Edwin resubmitted its application in March 2020 with additional detail, maps, and a CEQA environmental assessment. Edwin requests a zone change on portions of four parcels (Assessor Parcel Nos. 005-060-015; 005-050-010; 005-020-024 and 005-020-024) from “R1-A” (Single Family Residential and Agricultural) to “M” (Manufacturing). The “M” zone is consistent with the updated General Plan’s “Industrial” designation for the Property. The request before the Planning Commission is for a zone change only. No parcel map, and no development proposal, is included in this request.

**1. The “Project Description” is Adequate.**

Conservancy argues that the County cannot approve the requested rezone because the project description is “vague” and “inadequate.” Fundamentally, Conservancy seems to argue that the “Project” before the Planning Commission is not just a corrective rezone, but includes all the potential future projects that could be applied for on the Edwin Property under the “M” zoning regulations. Conservancy’s argument falls flat for two reasons.

First, the Project is supported by an application that includes a detailed project description, map set, property records, and a detailed environmental analysis. As noted, Edwin originally applied for the rezone in 2018, and then resubmitted a more detailed and comprehensive application earlier this year. The detailed application materials confirm that the Project is simple: rezone 1,150 acres from “R1A” to “M” in order to be consistent with the updated General Plan. The Project does not include any development proposal.

Second, CEQA and interpreting court decisions are clear that a zone change that does not include a physical component (i.e., a specific development component) may be properly analyzed exclusive of future potential projects that could occur under the resulting zoning. (See, e.g., *Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273 (*Wal-Mart Stores*); see also *Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372 (*Muzzy Ranch*); *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911 (*Gilroy Citizens*).) As the Project application makes clear, Edwin requests only a corrective zone change for its property. Edwin is not seeking approval for any specific development project.

None of the cases cited by Conservancy support its arguments that the Project description is inadequate and that the County must treat the Project as entailing not only the corrective zone change but all potential future:
• **City of Antioch v. City Council** (1986) 187 Cal.App.3d 1325, held that a City’s analysis of a proposed road and sewer project must take into account future development that would utilize the improved infrastructure. Here, the Project is a corrective zone change, with no associated physical development, where the allowed uses (industrial) were already analyzed in the EIR for the updated General Plan.

• **Christward Ministry v. Superior Court** (1986) 184 Cal.App.3d 180, held that a City could not analyze a general plan amendment that identified new and existing solid waste disposal sites separate from specific waste disposal projects that the City was also considering. The Project here is a corrective rezone only - no development projects are proposed.

• **City of Redlands v. County of San Bernardino** (2002) 96 Cal.App.4th 398, held that a County’s cursory conclusion that a general plan amendment would have no significant environmental impacts was improper. Here, the Project is consistent with the updated General Plan, for which the County adopted an EIR. The Project application also includes a comprehensive environmental analysis showing that the Project will result in no significant environmental impacts.

• **Georgetown Preservation Society v. County of El Dorado** (2018) 30 Cal.App.5th 358, held that a proposed chain store’s consistency with a general plan did not mean that the store would have no significant environmental impacts. Again, the Project here is for a corrective rezone only – no development is proposed.

• **Protect Niles v. City of Fremont** (2018) 25 Cal.App.5th 1129, held that neighbor testimony regarding aesthetic and traffic impacts from a residential and retail development project could be substantial evidence of a significant impact. The Project, again, involves no physical development proposal, and therefore any claim of potential impacts by Conservancy or any other commenter would be purely speculative.

• **John R. Lawson Rock & Oil, Inc. v. State Air Resources Bd.** (2018) 20 Cal.App.5th 77 for the proposition that a mitigated negative declaration may be overturned if there is evidence in the record that significant impacts may occur. This is an established rule under CEQA and not germane to Conservancy’s specific argument concerning the Project.

The “project” before the Planning Commission is Edwin’s request to rezone its property to correct a zoning inconsistency created by the County’s adoption of the updated General Plan in 2016. Conservancy cites no facts or law to the contrary.

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2. The Project Is Exempt From Further CEQA Review.

Conservancy next argues that the Project “checklist” (i.e., environmental assessment) is inadequate, and that the County is improperly “piecemealing” a larger project. These arguments also miss the mark.

CEQA includes special rules for corrective zone changes like the Project. In particular, CEQA Guidelines Section 15183 expressly exempts from environmental review zone changes that are necessary to achieve consistency with an updated General Plan. (CEQA Guidelines, § 15183(a)(i).) Such a zone change is exempt from CEQA where (1) the zone change was consistent with the underlying General Plan and General Plan EIR, and (2) where the administrative record contained no evidence of any “reasonably foreseeable project-specific changes in the environment that are significant and peculiar to the zoning amendments or their site.” (Wal-Mart Stores, supra, 138 Cal.App.4th at pp. 286-87, 288-89; see also Muzzy Ranch, supra, 41 Cal.4th at pp. 388-389; Gilroy Citizens, supra, 140 Cal.App.4th at p. 935.)

Importantly, “project-specific changes in the environment” must relate to a physical change, either direct or indirect. (Wal-Mart Stores, supra, 138 Cal.App.4th at p. 288.) “When the project is a zoning amendment, few if any direct physical changes will exist. Furthermore, an indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.” (Ibid.) In the case of a zone change, future development is speculative because the physical changes will not occur unless “(1) a specific development project is proposed, (2) [the lead agency] grants its approval to that specific project, (3) the project is completed, and (4) customers visit the project.” (Id. at p. 295.)

Here, the County prepared and certified an EIR in connection with the updated General Plan, which analyzed the updated General Plan’s redesignation of the Edwin Property to the Industrial designation. The requested zone correction is consistent with the updated General Plan, and potential associated environmental effects associated were properly analyzed in the General Plan EIR. The Project application, further, includes an extensive environmental assessment evaluating whether the Project satisfies the CEQA Guidelines Section 15183 exemption standards. The environmental assessment evaluates the Project’s (rezone) potential to result in environmental impacts in every resource area. The environmental assessment shows that the Project will result in no significant impacts.

The Project, as has been noted repeatedly, involves a request to rezone certain property to “M” from “R1A” in order to achieve consistency with the County’s updated General Plan. This change is required by law. (See Gov. Code § 65860(c).) The Project does not propose any specific development. The present request is consistent with the County General Plan for which the County certified an EIR, and does not present project-specific impacts. Accordingly, the Project “shall not require additional environmental review.” (CEQA Guidelines, § 15183(a).) Moreover, the Project has not been “piecemealed”. The Project is the corrective zone change. Any future development will require its own application, environmental review, and County approval. These future development projects are entirely speculative, and need not be analyzed as part of the rezone. (Wal-Mart Stores, supra, 138 Cal.App.4th at p. 295.)
3. A Specific Or Master Plan Is Not Required.

Conservancy’s third and final argument opposing Edwin’s corrective rezone is that the County should deny the rezone (which is required by state law), and instead require Edwin to pursue approval of a specific plan or a master plan.

The law does not require a specific plan or master plan for Edwin’s property. The law does, however, require that “zoning ordinances be consistent with the general plan of the county or city . . .” (Gov. Code, § 65860(a).) The law also requires that, “in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan . . . the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.” (Gov. Code, § 65860(c) [emphasis added].)

As this Commission well knows, specific plans and master plans involve a lengthy and costly planning process that only makes sense for large planned developments. Here, however, Edwin proposes no development. Edwin seeks only to correct the zoning on its Property in order to be consistent with the updated General Plan, as required by state law.

* * *

In light of the foregoing, Edwin respectfully requests that the Planning Commission approve its rezone request.

Should you have any questions concerning the matters discussed herein, please do not hesitate to contact me by telephone at (or by e-mail at bjohnson@hthjlaw.com.

Very truly yours,

HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON

By

Bradley B. Johnson, Esq.

Cc: Tom Swett, Esq., Edwin Lands, LLC
REFERENCE THE REZONING REQUEST FOR THE EDWIN LANDS LLC PROJECT FROM R1A TO MX. THIS NOTICE GIVES NO INFORMATION ON WATER USAGE, SEWAGE DISPOSAL, TRAFFIC, NOISE LEVELS OR HOURS OF OPERATION. I OPPOSE THIS PROJECT, I FEEL IT WOULD BE DETRIMENTAL TO AG AND THE COUNTY.

William E. Bohall
2927 Irish Ridge Rd
Ione, CA 95640