

**ELDORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: March 26, 2009
Item No.: 8
Staff: Jonathan Fong

REZONE/TENTATIVE SUBDIVISION MAP

FILE NUMBER: Z07-0043/TM07-1458/Miginella

PROPERTY OWNER: Shan Nejatian & Marie Mitchell

AGENT/ ENGINEER: Gene E. Thorne and Associates, Inc.

REQUEST: The project request includes a Rezone and Tentative Subdivision Map:

Rezone to amend the zoning from Estate Residential Ten-Acre (RE-10) to Three-Acre Residential (R3A).

The Tentative Subdivision Map to create eight residential parcels, ranging in size from 3 to 3.5 acres (Exhibit B).

Two Design Waivers have been proposed to allow the following:

- 1) To allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way; and
- 2) To allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way.

LOCATION: The project is located on the West side of Kaila Way, approximately 600 feet north of the intersection with Salmon Falls Road in the El Dorado Hills area, Supervisorial District I (Exhibit A).

APN: 110-020-30 & 110-020-32 (Exhibit B)

ACREAGE: 25.04-acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit C)

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Planning Services recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1;
3. Approve Rezone Z07-0043 based on the findings in Attachment 2;
4. Approve Tentative Subdivision Map Application TM07-1458, subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
5. Approve the following design waivers since appropriate findings have been made as noted in Attachment 2:
 - 1) To allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way;
 - 2) To allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way.

BACKGROUND: The project site is comprised of two parcels identified as Parcel 1 on Parcel Map PM-44-91. The Parcel Map application PM44-97 was approved on July 15, 1993. As a condition of approval, the subdivider was required to record a Vehicular Access Restriction (VAR) restricting access to Lakehills Court to the north and Wolf Creek Road to the south.

The VARs recorded as part of PM44-91 were required as part of Design Waivers that were requested for the Parcel Map to allow the parcel map to be approved with road improvement requirements on Lakehills Court and Wolf Creek Road. In-lieu of performing road improvements on Lakehills Court and Wolf Creek Road, the Parcel Map was required to construct Kaila Way which currently provides access to the project site.

In accordance with the Fire Safe Regulations and the County Design and Improvement Standards Manual, the project would be required to construct a secondary point of access. As shown on the Tentative Map, the project would obtain access through Wolf Creek Road to provide through secondary access for the project. Due to the VAR that was recorded as part of the previous Parcel

Map, the proposed Tentative Map includes a note that would remove this restriction to allow for the required access.

PROJECT DESCRIPTION: The project request includes a Rezone and Tentative Subdivision Map.

Rezone: The Rezone would change the zone district on the subject parcels from Estate Residential Ten-Acre (RE-10) to Three-Acre Residential (R3A).

Tentative Subdivision Map: The Tentative Map would create eight (8) residential parcels ranging in size from 3.0-acres to 3.45-acres. An account of gross and net acreages for each proposed lot is included in the table below:

Lot Number	Gross Area (acres)	Net Area (acres)
1	3.00	2.86
2	3.50	2.95
3	3.04	2.85
4	3.00	2.80
5	3.45	2.96
6	3.05	2.64
7	3.00	2.14
8	3.00	1.94

Road Improvements: The project would be required to construct two new cul-de-sacs extending for the existing Kaila Court. Due to the length of the proposed dead-end road, the project would be required to provide secondary access to the south from Wolf Creek Road to the project site. Two Design Waivers have been submitted to reduce the required road improvement widths from a 28 foot travel lane to 20 feet.

Utilities/ Infrastructure: The project would be required to connect to EID public water and construct private septic systems for wastewater disposal. The Facilities Improvement Letter included in the project submittal has determined that adequate services would be available for the project. A septic test report has been submitted and has been approved by Environmental Management.

The required road improvements would result in additional runoff in the project area. The Drainage Study prepared for the project recommended that a detention basin be constructed in the southeast corner of the project site to minimize the additional runoff that would result from the project.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	MDR	Existing single-family residential
North	RE-10	MDR	Single Family Residential
South	RE-5	MDR	Single Family Residential
East	RF	OS	Folsom Lake State Recreational Area
West	R1/ R1A	HDR	Existing single-family residential

The project is bounded to the north, south, and west by existing single family residential development. The project would create eight (8) residential parcels consistent with the density of existing parcels in the area. The project would not result in land uses that would alter the residential character of the area.

Site Description: The project site is comprised of two partially developed parcels within the El Dorado Hills Community Region. The site is currently accessed via Kaila Way which is a cul-de-sac providing access from Salmon Falls Road. The 25-acre site abuts Lakehills Court to the north and abuts the terminus of Wolf Creek Road to the west.

Improvements on the site include an existing residence and vineyards. Vegetation on-site is comprised of native grasslands and oak canopy. Slopes on-site are generally mild with the majority of slope falling within a 0%-15% range. Slope is steeper to the east of the project site abutting Kaila Way.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit requests and issues for Planning Commission consideration are provided in the following sections.

General Plan: The General Plan designates the subject site as Medium Density Residential (MDR) which permits a parcel size range of one to five acres. The project would create 8 residential parcels ranging in from 3-acres to 3.5-acres. The project would result in a density range consistent within the MDR land use designation.

Pursuant to **General Plan Policy 2.2.5.3** future rezoning shall be evaluated based on the General Plan's direction as to minimum parcel size or maximum density and to assess whether changes in conditions would support a higher density. Specific Criteria to be considered include, but are not limited to, the following:

- 1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;**

The project is located within the El Dorado Irrigation District boundaries. The project parcels were part of a LAFCO annexation Project #05-06 which annexed a total of 18.59-acres in the project area into the EID Boundaries. The application submittal included a Facilities Improvement Letter (FIL) from EID stating that adequate water service would be available to serve the project.

2. Availability and capacity of public treated water system;

See #1 above.

3. Availability and capacity of public waste water treatment system;

The project would construct private septic systems and would have no impact

4. Distance to and capacity of the serving elementary and high schools;

The project is located within the Rescue Union School District. School impact fees would be collected at the time of building permit issuance.

5. Response time from nearest fire station handling structure fires;

The project site is located within the El Dorado Hills Fire Department boundaries. The Fire Department has determined upon completion of the recommended conditions of approval, adequate fire protection would be available to serve the project.

6. Distance to nearest Community Region or Rural Center;

The project site is located within the El Dorado Hills Community Region.

7. Erosion hazard;

General Plan Policy 2.3.2.1 prohibits development on slopes exceeding 30 percent. The Slope Study prepared for the project identified 5 percent of the site contains slopes which exceed 30 percent. Each of the proposed lots included conceptual driveway and building envelopes and septic repair areas which are located outside of 30 percent slope areas. The conceptual development areas demonstrate consistency with this General Plan Policy.

All grading activities are subject to the provisions of the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce potential erosion hazards to a less than significant level.

8. Septic and leach field capability;

The project would construct individual septic systems for each of the proposed lots. The initial project submittal included septic reports which determined that existing soil types would be capable of providing adequate wastewater disposal for the project.

The project site is located within the El Dorado Hills Community Region which pursuant to **General Plan Policy 5.3.1.7** would require connection to EID waste water services. The project has been designed with private septic systems based on the financial burden of extension of sewer services Lakehills Court to the project site. The project would be required to construct an approximately 2,000 foot sewer line from Lakehills Court to the southern boundary of the project site. The proposed septic systems have been reviewed and approved by Environmental Management and include adequate repair and replacement areas.

Based on the limited scope of the project and the length of required sewer line necessary to serve the proposed lots, Planning Services recommends approval of the project as designed. General Plan findings of approval have been included in Attachment 2 of the Staff Report.

9. Groundwater capability to support wells;

The residential development would be served by EID public water facilities. No well systems are proposed.

10. Critical flora and fauna habitat areas;

The Biological Resources Evaluation performed by Sycamore Environmental Consultants dated August 2007 for the project site determined that no special status species would be located onsite. The project site is located within Mitigation Area 2 which would require payment of Mitigation In-Lieu fees at the time of building permit issuance.

The Evaluation determined that the biological environment would be suitably habitat for animal species protected by State and Federal Regulations. The project would be conditioned with Mitigation Measures requiring pre-construction surveys to determine the presence of protected animal species prior to project construction.

11. Important timber production areas;

The project parcel is not located in or near important timber production areas, agricultural areas, or important mineral resource areas.

12. Important agricultural areas;

See #11 above.

13. Important mineral resource areas;

See #11 above.

14. Capacity of the transportation system serving the area;

The project would create eight residential lots within the El Dorado Hills Community Region. The project would not 'worsen' traffic in the County as by **General Plan Policy TC-Xe** and therefore a Traffic Study was not required.

The project would be required to perform road improvements including a new access road which would provide through access from Kaila Way to Wolf Creek Road.

The applicant has requested a Design Waiver to reduce on the road width improvement requirement from 28 to 20 feet. As discussed in the Design Waiver section below, the DOT and the Fire Department have determined that the reduced road width would provide for adequate access. Design Waiver Findings have been included in Attachment 2 of the staff report.

15. Existing land use pattern;

The project would allow residential development consistent with the Medium Density Residential Land Use Designation and Zoning in the project vicinity.

16. Proximity to perennial water course;

The Wetlands Delineation prepared for the project by Sycamore Environmental Consultants dated August 2007 determined that no jurisdictional wetlands or other riparian areas exist on the project site.

The proposed through access road to Wolf Creek Road would cross an ephemeral drainage off-site. The Wetlands Delineation prepared for the project determined that the drainage channel is not a jurisdictional riparian area subject to regulation by the US Army Corps of Engineers. DOT standard conditions of approval would require adherence to the El Dorado County Grading Ordinance which would require protected measures to limit discharge into the channel. Adherence to the protective measures would reduce potential impacts during project construction.

17. Important historical/ archeological sites;

The cultural resource study performed for the project site determined that no cultural or archeological features exist on the site.

18. Seismic hazards and present active faults.

The project site is not located in an area known to be exposed to seismic hazards or located near active faults.

19. Consistency with existing Conditions, Covenants, and Restrictions.

Any new CC&Rs prepared for the project would be subject to review and approval by the El Dorado Hills CSD.

The project site contains oak canopy which pursuant to **General Plan Policy 7.4.4.4** would require retention and replacement provisions consistent with Option A of the policy. The applicant has provided an oak canopy analyses which determined the oak canopy impacts for the on-site and off-site road improvements and future residential development of the project site.

Tables of the overall oak canopy impacts and on per lot basis have been included below. The existing residence would be located on the proposed Lot 2 and would not have any anticipated oak canopy impacts as shown in the provided table.

Project Site (ac)	Oak Canopy (ac)	Percentage Oak Coverage	Required Retention	Proposed Oak Removal	Proposed Retention
25.04	15.39	60.3%	70%	3.78	75.4%

Proposed Feature	Building Footprint (ac)	Driveway (ac)	Defensible Space (ac)	Total (ac)
Lot 1	0.12	0.01	0.20	0.33
Lot 2	--	0.02	--	0.02
Lot 3	0.07	0.04	0.10	0.21
Lot 4	0.11	0.01	0.11	0.23
Lot 5	0.13	0.03	0.18	0.34
Lot 6	0.22	0.00	0.14	0.36
Lot 7	0.18	0.02	0.13	0.33
Lot 8	0.14	--	0.14	0.28
Road Improvements	--	--	--	1.44
Detention Basin	0.23	--	--	0.23
Total	1.20	0.14	1.00	3.78

Based on the estimated oak impacts included in the table above, the project would comply with the retention requirements of **Policy 7.4.4.4** and would be required to pay the Oak Canopy Mitigation In-

Lieu fee at a 1:1 fee rate as established by the Oak Woodland Management Plan. The conditions of approval include a table which demonstrates the maximum allowable removal of oak canopy as a result of future residential development of the proposed lots. Any oak canopy removal in excess of the maximum allowed would be required to pay the mitigation in-lieu fee at a 2:1 ratio consistent with the Oak Woodland Management Plan.

As discussed above, the project would be consistent with the applicable General Plan Policies.

Zoning: The project request includes a Rezone request which would amend the Zone district from RE-10 to R3A. The proposed lots would range in size from 3.00 to 3.5 acres which would meet the minimum lot size requirements of the R3A Zone District. No development is proposed in conjunction with the Tentative Map. All future residential development would be reviewed during the building permit submittal process to ensure compliance with the Development Standards of the R3A Zone District.

Design Waivers: Two Design Waivers have been submitted to allow the following:

- 1) To allow the on-site roads to be improved to a modified 101B Standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way.
- 2) To allow the off-site improvements to Wolf Creek Road to be improved to a modified 101B Standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way.

The Department of Transportation and the El Dorado Hills Fire Department reviewed the requested Design Waiver to reduce the road width for the on-site and off-site access roads. The project site is located within the El Dorado Hill Community Region, which pursuant to the El Dorado County Design and Improvement Standards Manual (DISM) would require all roads to be improved to a 101B Standard. Standard Plan 101B would require a 28-foot wide road. The project would create eight (8) parcels which would not substantially increase the traffic in the project area. The additional road width would be unnecessary as further subdivision in the project area is unlikely. The reduced road width would allow for residential and emergency access in the project site. The reduced road widths would provide adequate access while limiting the potential environmental impacts as a result of additional grading. DOT and the Fire Department have recommended approval and Design Waiver findings of approval have been included in Attachment 2 of the Staff Report.

Agency Comments: The following agencies have provided comments for the project. The comments have been incorporated into conditions of approval listed in Attachment 1 of the project.

El Dorado Hills Area Planning Advisory Committee (APAC): APAC reviewed the project and made the following recommendations: 1) Lakehills Court should be allowed to remain at its present width, 2) the septic systems of Lots 6 and 7 should be reviewed for potential impacts to the down slope residents to the south.

Department of Transportation: The Department has reviewed the traffic study prepared for the project and has determined that the on-site and off-site access roads would be requiring widening to

provide for a 24-foot wide roadway pursuant to Standard Plan 101B. The project would be required to conform to Standard Plan 101B because the project is located within the El Dorado Hills Community Region.

El Dorado Hills Fire Department: The Fire Department would require additional fire hydrants and would require the applicant demonstrate that adequate fire flow would be available to serve the project.

El Dorado Hills Community Services District (CSD): The CSD would collect park in-lieu fees at the time of filing the final map. The CSD provides advisory items regarding review of any new CC&Rs, solid waste collection and additional design criteria applicable to the project.

El Dorado Irrigation District: The project would be required to connect to EID services for public water and sewer services. The submitted Facilities Improvement Letter indicated that adequate water and sewer services are available for the project.

Air Quality Management District: The project would be required to obtain an Asbestos Dust Mitigation Plan for all construction activities relating to the project. The project would be required to adhere to all District rules during project construction.

Surveyor's Office: All survey monuments must be set prior to presentation of the final map to the Board of Supervisors. The proposed access road is to be named by filing a completed Road Name Petition with the Surveyor's Office prior to filing the Final Map.

ENVIRONMENTAL REVIEW

Based on the Initial Study prepared by Planning Services, staff finds that the project could have a significant effect on air quality, biological resources, air quality, and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which would reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared (Exhibit H).

NOTE:

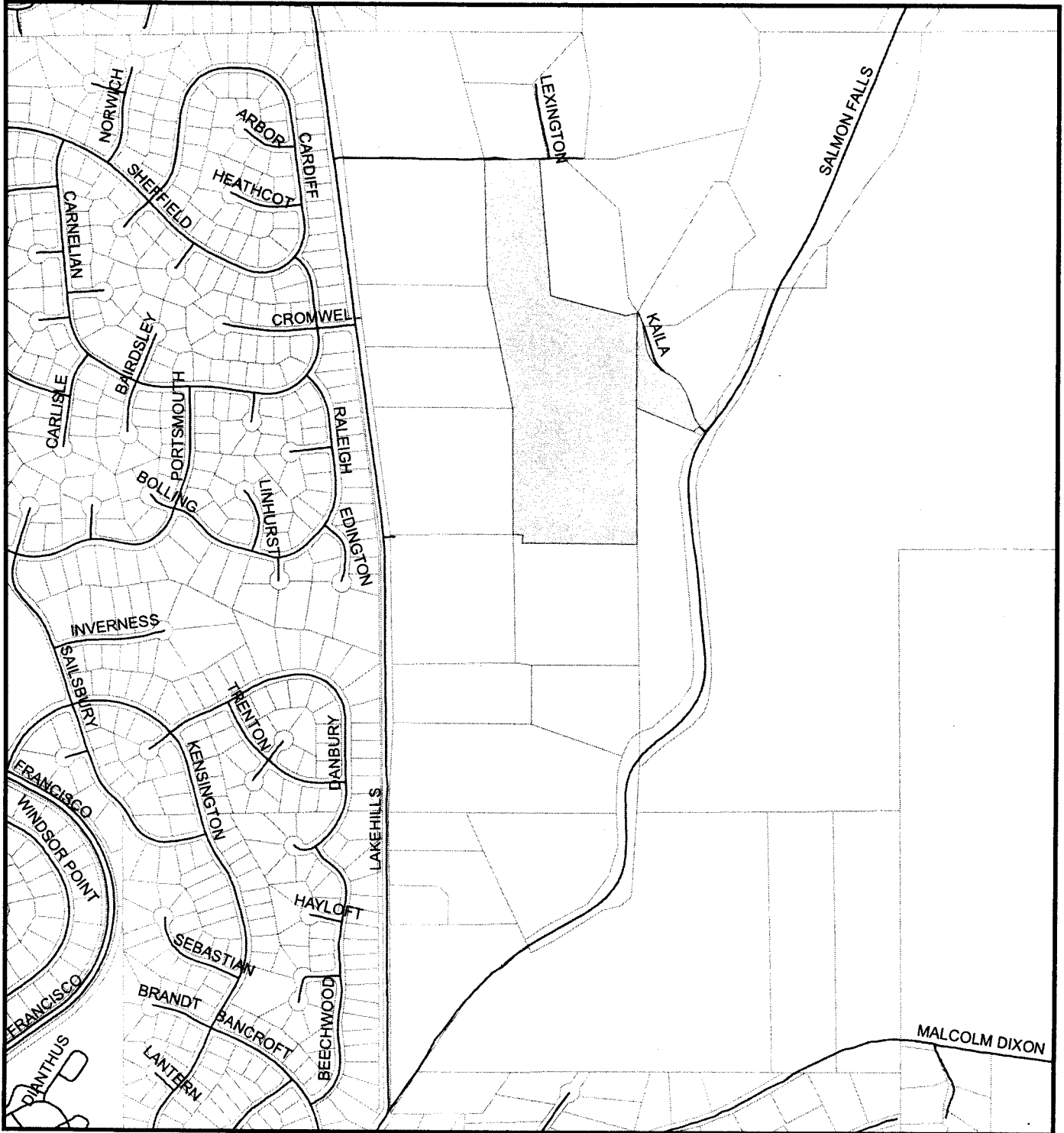
This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993 after approval, but prior to the County filing the Notice of Determination on the project. This fee, and a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

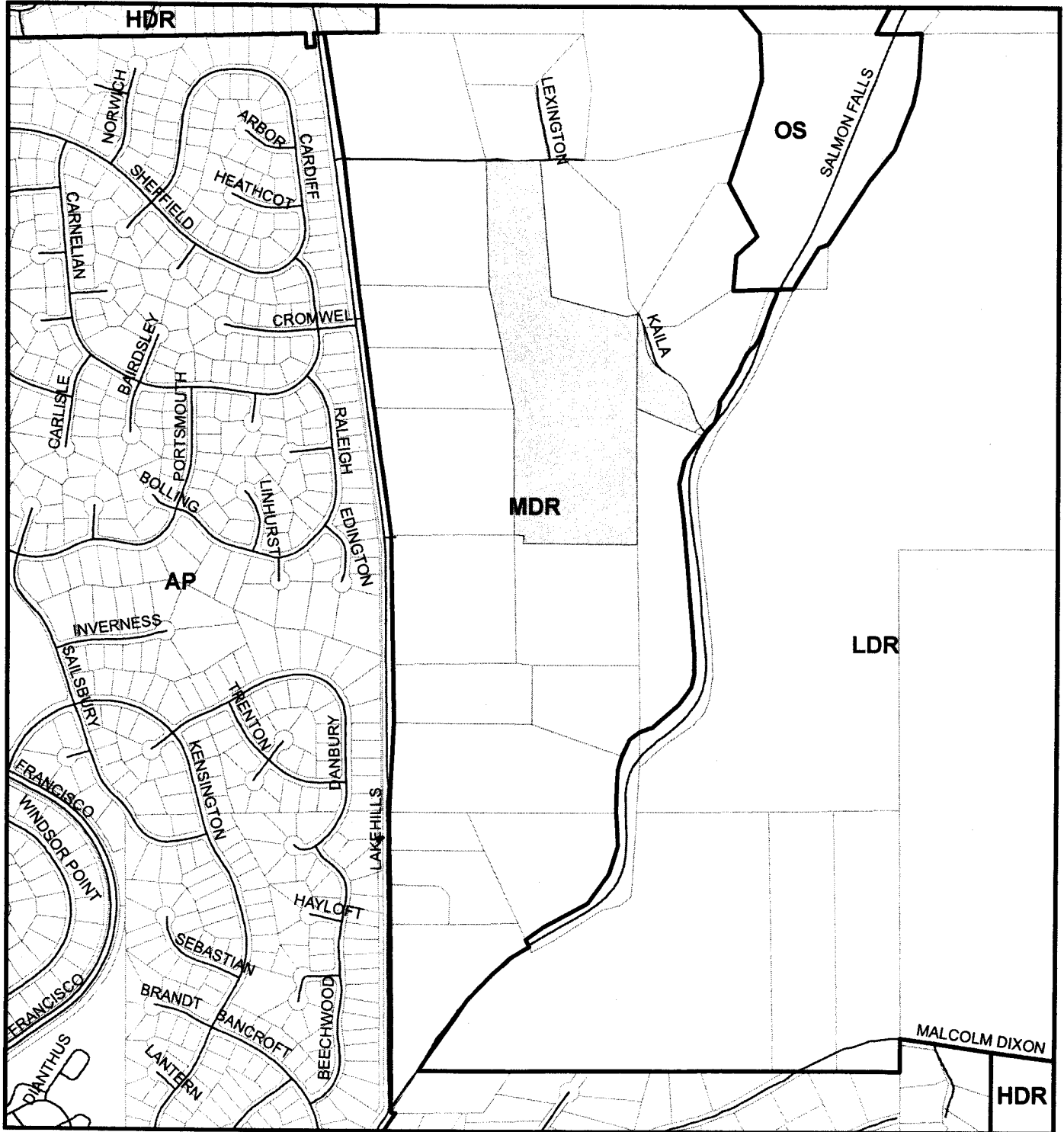
Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Tentative Subdivision Map
Exhibit F	Environmental Checklist and Discussion of Impacts
Exhibit G	Letter from David Trapani

Miginella
Z07-0043/ TM07-1458
Vicinity Map



Miginella
Z07-0043/ TM07-1458
General Plan Land Use Map



Map prepared by
Jonathan Fong
El Dorado County
Development Services

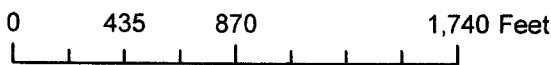
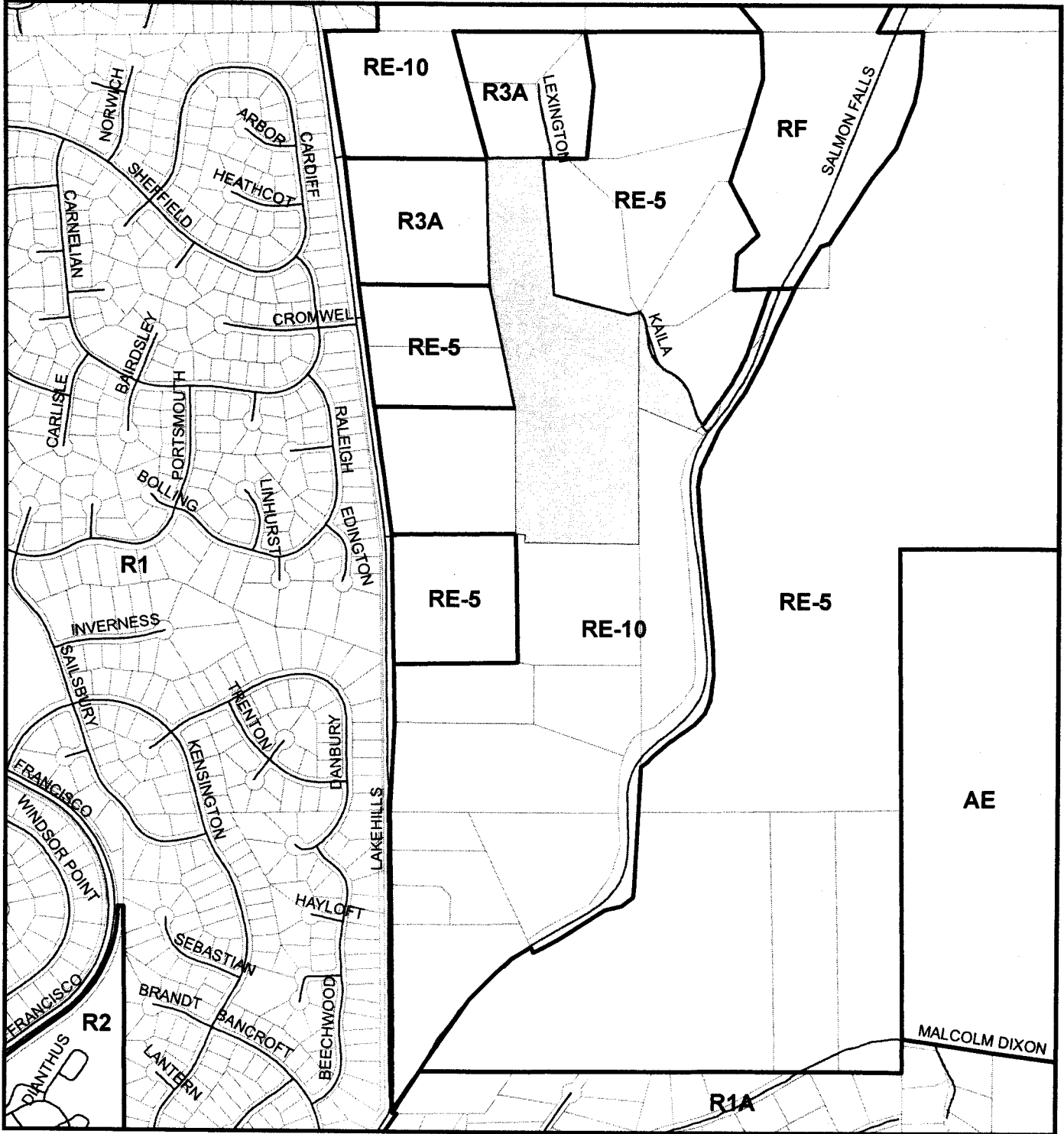


Exhibit C

Miginella
Z07-0043/ TM07-1458
Zoning Map



Map prepared by:
 Jonathan Fong
 El Dorado County
 Development Services

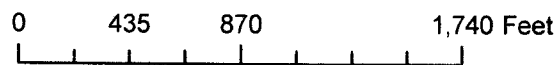


Exhibit D 



**EL DORADO COUNTY PLANNING SERVICES
2850 FAIRLANE COURT
PLACERVILLE, CA 95667**

**ENVIRONMENTAL CHECKLIST FORM
AND DISCUSSION OF IMPACTS**

Project Title: Miginella Subdivision/ Z07-0043/ TM07-1458

Lead Agency Name and Address: El Dorado County, 2850 Fairlane Court, Placerville, CA 95667

Contact Person: Jonathan Fong, Planning Services

Phone Number: (530) 621-5355

Property Owner's Name and Address:

Marie Mitchell. 2020 Kaila Way. El Dorado Hills, CA 95762.
Shan Nejatian. 601 Blue Oak Court. El Dorado Hills, CA 95762.

Project Applicant's Name and Address:

Marie Mitchell. 2020 Kaila Way. El Dorado Hills, CA 95762.
Shan Nejatian. 601 Blue Oak Court. El Dorado Hills, CA 95762.

Project Agent's Name and Address: Gene E. Thorne and Associates, Inc. 4080 Goldorado Circle. Cameron Park CA, 95682

Project Engineer's / Architect's Name and Address: Gene E. Thorne and Associates, Inc. 4080 Goldorado Circle. Cameron Park CA, 95682

Project Location: The project is located on the west side of Kaila Way, 600 feet north of the intersection with Salmon Falls Road in the El Dorado Hills Area.

Assessor's Parcel Number(s): 110-020-30/ 110-020-32

Zoning: Estate Residential Ten-Acre (RE-10)

Section: 14 **T:** 10N **R:** 8E

General Plan Designation: Medium Density Residential (MDR)

Description of Project: The request is for a Rezone and Tentative Subdivision Map. The Rezone would amend the parcels zoning from Estate Residential Ten-Acre (RE-10) to Three-Acre Residential (R3A). The Tentative Subdivision Map would create eight residential parcels ranging in size from 3-acres to 3.5-acres. Two Design Waivers have been proposed to allow the following: 1) Reduction in the on-site road improvement requirements to allow a 20-foot wide road with 2-foot shoulders within a 50-foot Right-Of-Way, 2) Reduction in the off-site road improvements to allow a 20-foot wide road with 2-foot shoulder within a 50-foot Right-of-Way.

Surrounding Land Uses and Setting:

	<u>Zoning</u>	<u>General Plan</u>	<u>Land Use</u> (e.g., Single Family Residences, Grazing, Park, School)
Site:	RE-10	MDR	Existing single-family residential
North:	R3A/ RE-10	MDR	Existing single family residential
East:	RE-5/RE-10	MDR	Existing single family residential/ undeveloped residential
South:	RE-10	MDR	Existing single-family residential
West:	R3A/RE-5 RE-10	MDR MDR	Existing single family residential

Briefly Describe the environmental setting: The project site is a partially development site located within the El Dorado Hills Community Region. The site is situated at approximately 650 feet above sea level with gentle rolling terrain. Vegetation on-site is comprised of oak woodland and native grasslands. Portions of the site have been developed with an existing residence, driveway, and non-native landscaping.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described in 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: _____ Date: _____

Printed Name: Jonathan Fong For: El Dorado County

Signature: _____ Date: _____

Printed Name: Pierre Rivas

For: El Dorado County

PROJECT DESCRIPTION

Introduction

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts resulting from the proposed residential project. The project would allow the creation of fifteen residential parcels.

Project Location and Surrounding Land Uses

The project site is located within the El Dorado Hills Area. The project site is surrounded by existing and undeveloped residential parcels.

Project Characteristics

1. Transportation/Circulation/Parking

Access to the project site would be provided via Kaila Way which is currently a paved cul-de-sac road. The existing Kaila Way would be extended through the project site and would connect to Wolf Creek Road to the project west. The road improvements would be constructed to a modified 101B Standard to allow for a 20-foot wide travel lanes with 2-foot shoulders. All parking would be handled on-site by the individual parcels.

2. Utilities and Infrastructure

The project site is located within the El Dorado Irrigation District (EID) Boundaries. The project would connect to EID for public water services. EID has determined that adequate water is available to serve the project. Each of the proposed lots would be served by private individual septic systems.

3. Population

The project would create 8 residential units and would not add significantly to the population in the vicinity.

4. Construction Considerations

Construction of the project would consist of both on and off-site road improvements including grading for on-site roadways and driveways.

The project applicant would be required to obtain permits for grading from the Development Services and obtain an approved Fugitive Dust Plan from the Air Quality Management District.

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 a fair argument 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.
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 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 significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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ENVIRONMENTAL IMPACTS

I. AESTHETICS. <i>Would the project:</i>				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion:

A substantial adverse effect to Visual Resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

- a. **Scenic Vista.** The project site is located on Kaila Way in the El Dorado Hills Area. The project site and vicinity are not identified by the County as scenic views or resources. There would be no impact.
- b. **Scenic Resources.** The project site is not adjacent or visible from a State Scenic Highway. There are no trees or historic buildings that have been identified by the County as contributing to exceptional aesthetic value at the project site. There would be no impact.
- c. **Visual Character.** The project would not affect the visual character of Kaila Way or the project vicinity. There would be no impact.
- d. **Light and Glare.** The project would create 8 residential parcels. Potential sources of light and glare would result from the residential development. Kaila Court contains parcels which have residential development. Future sources of lighting as a result of the project would be typical of residential development. The project would not result in new sources of light that would significantly impact the neighborhood. Therefore, the impacts of existing light and glare created by the project would be less than significant.

FINDING No impacts to aesthetics are expected with the project either directly or indirectly. For this "Aesthetics" category, the impacts would be less than significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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II. AGRICULTURE RESOURCES. <i>Would the project:</i>				
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				X
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	

Discussion:

A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
- The amount of agricultural land in the County is substantially reduced; or
- Agricultural uses are subjected to impacts from adjacent incompatible land uses.

- a. **Conversion of Prime Farmland.** El Dorado County has established the Agricultural (A) General Plan land use overlay district and included this overlay on the General Plan Land Use Maps. Review of the General Plan land use map for the project area indicates that the project site is not within an Agricultural zone or Agricultural overlay. There would be no impact.
- b. **Williamson Act Contract.** The property is not located within a Williamson Act Contract and the project would not conflict with existing zoning for agricultural use, and would not affect any properties under a Williamson Act Contract. There would be no impact.
- c. **Non-Agricultural Use.** Portions of the project site have been developed with vineyards. No viticulture operations existing currently on-site. Future residential development would require removal of portions of the vineyards for residential development and potential road improvements. The project site is not located within an Agricultural District, contain agriculture zoning or contain soil types identified as being of local or statewide importance. Impacts would be less than significant.

FINDING For this "Agriculture" category, impacts would be less than significant.

III. AIR QUALITY. <i>Would the project:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?		X		
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY. <i>Would the project:</i>			
c. 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X
d. Expose sensitive receptors to substantial pollutant concentrations?			X
e. Create objectionable odors affecting a substantial number of people?			X

Discussion:

A substantial adverse effect on Air Quality would occur if:

- Emissions of ROG and No_x, will result in construction or operation emissions greater than 82lbs/day (See Table 5.2, of the El Dorado County Air Pollution Control District – CEQA Guide);
 - Emissions of PM₁₀, CO, SO₂ and No_x, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
 - Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.
- a. **Air Quality Plan.** El Dorado County has adopted the *Rules and Regulations of the El Dorado County Air Pollution Control District* (February 15, 2000) establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO_x, and O₃). Any activities associated to the grading and construction of this project would pose a less than significant impact on air quality because the El Dorado County Air Quality Management District (AQMD) would require the project implement a Fugitive Dust- Asbestos Mitigation (FDM) plan during grading and construction activities. Such a plan would address grading measures and operation of equipment to minimize and reduce potentially significant impacts to a less than significant level.
- b. **Air Quality Standards.** The project would create air quality impacts which may contribute to an existing or projected air quality violation during construction. Construction activities associated with the project include grading and site improvements, for roadway expansion, utilities, driveway, home, and building pad construction, and associated on-site activities. Construction related activities would generate PM₁₀ dust emissions that would exceed wither the state or federal ambient air quality standards for PM₁₀. This is a temporary but potentially significant effect.

Operational air quality impacts would be minor, and would cause an insignificant contribution to existing or projected air quality violations. Source emissions would be from vehicle trip emissions, natural gas and wood combustion for space and water heating, landscape equipment, and consumer products.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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The El Dorado County Air Quality Management District review of the project determined that the construction activities would result in potentially significant impacts to air quality. The assessment recommended that mitigation measures be applied to reduce impacts during project construction. The Air Quality Management District has reviewed the assessment and determined that standard District conditions of approval would reduce potentially significant impacts to less than significant.

Long term potential impacts to air quality would be related to typical residential development occurring as part of the project. The Air Quality Assessment determined that long-term impacts would not exceed established thresholds of significance. Long term impacts would be less than significant.

- c. **Cumulative Impacts.** The project site is located within the Mountain Counties Air Basin which is designated as non-attainment for ozone and PM₁₀. The Air Quality Analysis prepared for the project has recommended conditions of approval listed in (b) above that would reduce impacts related to PM₁₀ to a less than significant level. The Air Quality Analysis determined that the project would not generate a potentially significant level of ozone emissions. Impacts would be less than significant.
- d. **Sensitive Receptors.** The project would create 8 residential units within the El Dorado Hills Area. The proposed residential use would not be considered a use which would expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.
- e. **Objectionable Odors.** Table 3-1 of the *El Dorado County APCD CEQA Guide* (February, 2002) does not list the proposed residential use as a use known to create objectionable odors. Impacts would be less than significant.

FINDING The proposed project would not affect the implementation of regional air quality regulations or management plans. The project would result in increased emissions due to construction and operation, however existing regulations would reduce these potentially significant impacts to a less-than-significant level. Additional long-term impacts to air quality would be less than significant. The proposed project would not cause substantial adverse effects to air quality, nor exceed established significance thresholds for air quality impacts.

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife			X	

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
corridors, or impede the use of native wildlife nursery sites?				
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X

Discussion:

A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;
- Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

a. **Special Status Species.** The project site is located within Rare Plant Mitigation Area 2 which is defined as lands not known to contain special status plant species but within the EID service area. A Biological Resource Assessment was performed for the project site (Foothill Associates, June 2007) which did not identify any special status plant species on the site. The project would be subject to payment of the established rare plant mitigation fee at the time of building permit issuance.

Foothill Associates performed a field study to determine the presence of special status animal species on the project site. The study determined that the onsite woodland habit and existing vegetation would provide a suitable habitat for a number of listed and special-status species. The suitable habitat onsite would be a potentially significant impact unless the following Mitigation Measure is implemented to reduce the impacts to a less than significant level:

MITIGATION MEASURE BIO-1

Prior to any construction activities during the nesting season (February 1- August 31), a pre-construction survey is required to determine if active nests are present on-site. The survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within 500 feet of the active nest until the young have fledged or until a biologist determines that the nest is no longer active. The survey result shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit.

MONITORING: Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure.

Implementation of the mitigation measure identified above would avoid construction-related impacts to nesting birds within the project site area. The mitigation measure would reduce potentially significant impacts to a less than significant level.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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b-c. Riparian habitat and Wetlands. A preliminary Jurisdictional Delineation Report was prepared for the project by Sycamore Environmental Consultants dated August 2007. The report surveyed the project site to identify potential wetlands and other riparian areas subject to regulations of the U.S. Army Corps of Engineers (USACOE). The Report identified two drainage channels and one seep totaling 0.012-acres. The Report determined that none of the features would be jurisdictional waters of the U.S. subject to the USACOE. Channel CH1 is located at the southwestern corner of the project site. No riparian vegetation was identified within CH1. Channel CH2 and the seep are a result of the construction of Kaila Way and the existing driveway.

The project would be required to construct a through access road across CH1 and road widening to Kaila Way. The existing features would not be subject to additional permitting through applicable state and federal agencies. Adherence to Department of Transportation conditions of approval and compliance with the El Dorado County Grading, Erosion and Sedimentation Ordinance would ensure reduced impacts to the riparian features. Impacts would be less than significant.

d. Migration Corridors. The Biological Resource Assessment performed for the project site determined that the habitat onsite would not be suitable for a migration corridor. The ability of wildlife to move across the site would not be unique to the other undeveloped areas in the project area. Impacts would be less than significant.

e. Local Policies. The project site is located within Rare Plant Mitigation Area 2. As required by the El Dorado County Zoning Ordinance, prior to issuance of any building permits, payment of the Mitigation Fee would be required. The project would require the removal of oak canopy which pursuant to El Dorado County General Plan Policy 7.4.4.4 would require retention and payment of mitigation in-lieu fees. As determined by the Biological Resources Study prepared for the project, the project would remove 3.78-acres of oak canopy as a result of road construction and potential residential development of the proposed parcels. The projected oak canopy removal and retention would be consistent with applicable General Plan Policies. The project would be required to pay mitigation fees as part of adopted County programs for the Pine Hill Endemic Plant Species and for mitigation of impacts to oak woodlands. Payment of the fees would be consistent with adopted policies therefore impacts would be less than significant.

FINDING: Potentially significant impacts relating to Biological Resources include impacts to riparian areas, impacts to protected animal species, and removal of oak woodland habitat. Implementation of Mitigation Measure **BIO-1** would require pre-construction surveys to reduce impacts to protected animal species. For this 'Biological Resources' category, the above Mitigation Measure would be required to reduce potentially significant impacts to less than significant

V. CULTURAL RESOURCES. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?			X	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Discussion:

In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on Cultural Resources would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or a property or historic or cultural significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;
- Conflict with established recreational, educational, religious or scientific uses of the area; or
- Conflict with adopted environmental plans and goals of the community where it is located.

- a-b. **Historic or Archeological Resources.** A Cultural Resource Study was performed on the project site (*Historic Resources Associates, May 2006*). No cultural resources were found as part of the study. Standard conditions of approval would be required to protect any resources that may be found during project construction. Impacts would be less than significant.
- c. **Paleontological Resource.** The site does not contain any known paleontological sites or known fossil strata. No such resources were identified in the Cultural Resource Study. Impacts would be less than significant.
- d. **Human Remains.** There is a small likelihood of human remain discovery on the project site. During all grading activities, standard conditions of approval would be required that address accidental discovery of human remains. Impacts would be less than significant.

FINDING: No significant cultural resources were identified on the project site. Standard conditions of approval would be required with requirements for accidental discovery during project construction. This project would have a less than significant impact within the Cultural Resources category.

VI. GEOLOGY AND SOILS. <i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site			X	

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS. <i>Would the project:</i>				
landslide, lateral spreading, subsidence, liquefaction or collapse?				
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Discussion:

A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
- Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
- Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.

a. Seismic Hazards.

i) According to the California Department of Conservation, Division of Mines and Geology, there are no Alquist-Priolo fault zones within El Dorado County. The nearest such faults are located in Alpine and Butte Counties. There would be no impact.

ii) The potential for seismic ground shaking in the project area would be considered less than significant. Any potential impacts due to seismic impacts would be address through compliance with the Uniform Building Code. All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone.

iii) El Dorado County is considered an area with low potential for seismic activity. The potential areas for liquefaction on the project site would be the wetlands which would be filled as part of the project. Impacts would be less than significant.

iv) Slopes exceeding 30% on the project site are limited to the existing drainage channels near the center of the project site. These slopes comprise approximately 3 percent of the site area. All grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Compliance with the Ordinance would reduce potential landslide impacts to less than significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- b. **Soil Erosion.** According to the Soil Survey for El Dorado County, the soil types onsite are classified as Auburn Series which have a moderate erosion hazard. All grading activities onsite would comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Impacts would be less than significant.
- c. **Geologic Hazards.** The onsite soil types have a slow to medium runoff potential with medium to moderate erosion potentials. All grading activities would comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance, impacts would be less than significant.
- d. **Expansive Soils.** All grading activities would comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance, impacts would be less than significant.
- e. **Septic Capability.** The project would construct private on-site septic systems for each of the proposed lots. The project submittal included a preliminary septic test trench report and soil survey which were reviewed by the El Dorado County Environmental Management Department. Prior to issuance of any permits for septic systems, the Department would review the systems for compliance with County Standards. Impacts would be less than significant.

FINDING A review of the soils and geologic conditions on the project site determined that the soil types are suitable for the proposed development. All grading activities would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance which would address potential impacts related to soil erosion, landslides and other geologic impacts. Future development would be required to comply with the Uniform Building Code which would address potential seismic related impacts. For this 'Geology and Soils' impacts would be less than significant.

VII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
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 for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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VII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>			
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X

Discussion:

A substantial adverse effect due to Hazards or Hazardous Materials would occur if implementation of the project would:

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
 - Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
 - Expose people to safety hazards as a result of former on-site mining operations.
- a-b. **Hazardous Materials.** The project may involve transportation, use, and disposal of hazardous materials such as construction materials, paints, fuels, landscaping materials, and household cleaning supplies. The use of these hazardous materials would only occur during construction. Any uses of hazardous materials would be required to comply with all applicable federal, state, and local standards associated with the handling and storage of hazardous materials. Prior to any use of hazardous materials, the project would be required to obtain a Hazardous Materials Business Plan through Environmental Health- Hazardous Waste Division. The impact would be less than significant.
- c. **Hazardous Materials Near Schools.** The project site is located approximately 3/4 of a mile from Marina Village School and the Lake Forest School. As discussed in (a-b) above, the project may utilize hazardous materials during project construction. Adherence to the required Hazardous Materials Business Plan would reduce impacts to less than significant.
- d. **Hazardous Sites.** No parcels within El Dorado County are included on the Cortese List. There would be no impact.
- e-f. **Aircraft Hazards.** The project site is not located in the vicinity of any public or private airstrip. The project would not violate any airport land use plan in the area. There would be no impact.
- g. **Emergency Plan.** As discussed in the Traffic category, the project would impact the existing road systems. The project would be required to make road improvements which would address the additional impacts to the road systems. Impacts would be less than significant.
- h. **Wildfire Hazards.** The El Dorado Hills Fire Department has reviewed the project and determined that the installation of fire hydrants, implementation of a fire safe plan and adherence to the requirements of the Fire Safe Regulations would reduce impacts to a less than significant level.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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FINDING: The proposed project would not expose the area to hazards relating to the use, storage, transport, or disposal of hazardous materials. Any proposed use of hazardous materials would be subject to review and approval of a Hazardous Materials Business Plan issued by the Environmental Management. The El Dorado Hills Fire Department would require conditions of approval to reduce potential hazards relating to wild fires. For this 'Hazards and Hazardous Materials' category, impacts would be less than significant.

VIII. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i>			
a. Violate any water quality standards or waste discharge requirements?			X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X
e. 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?			X
f. Otherwise substantially degrade water quality?			X
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X
j. Inundation by seiche, tsunami, or mudflow?			X

Discussion:

A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
 - Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
 - Substantially interfere with groundwater recharge;
 - Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or
 - Cause degradation of groundwater quality in the vicinity of the project site.
- a. **Water quality standards.** As determined by the Wetlands Delineation prepared for the project, no jurisdictional wetlands or other riparian features would be impacted. The project would require the construction of a new access road that would cross an ephemeral drainage to the west of the project site. The project would be required to incorporate protective measures as required by the El Dorado County Grading, Erosion Control and Sediment Ordinance which would reduce potential impacts and discharge into the riparian area. Adherence to County requirements would reduce potentially significant impacts to less than significant.
- b. **Groundwater Supplies.** The project would connect to public water and would not utilize any groundwater as part of the project. Construction activities may have a short-term impact as a result of groundwater discharge, however, adherence the Grading Ordinance would ensure that impacts would be less than significant.
- c-f. **Drainage Patterns.** The project would be required to prepare a drainage study subject to review by the Department of Transportation. The drainage study would be required to conform to the El Dorado County Grading, Erosion Control and Sediment Ordinance. Impacts would be less than significant.
- g-j. **Flood-related Hazards.** The project site is not located within any mapped 100-year flood areas and would not result in the construction of any structures that would impede or redirect flood flows. No dams are located in the project area which would result in potential hazards related to dam failures. The risk of exposure to seiche, tsunamis, or mudflows would be remote. There would be no impact.

FINDING: No significant impacts to water quality or drainage features would result as part of the project. Adherence to the Grading, Erosion Control and Sediment Ordinance would reduce impacts to less than significant. For this 'Hydrology and Water Quality' category, the project would not exceed the thresholds of significance and related impacts would be less than significant.

IX. LAND USE PLANNING. <i>Would the project:</i>			
a. Physically divide an established community?			X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?			X

Discussion:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
 - Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
 - Result in conversion of undeveloped open space to more intensive land uses;
 - Result in a use substantially incompatible with the existing surrounding land uses; or
 - Conflict with adopted environmental plans, policies, and goals of the community.
- a. **Established Community.** The project is located within the El Dorado Hills Community Region. The project would be consistent within the Medium Density Residential land use designation and would comply with the requirements of the Two-Acre Residential zone district. The project would not conflict with the existing land use pattern in the area. Impacts would be less than significant.
- b. **Land Use Consistency.** The project would comply with applicable General Plan policies and included Mitigation Measures and conditions of approval consistent with adopted policy and ordinances. Impacts would be less than significant.
- c. **Habitat Conservation Plan.** There are currently no adopted HCP's or NCCP's in El Dorado County. There would be no impact.

FINDING: For the 'Land Use Planning' category, the project would have a less than significant impact.

X. MINERAL RESOURCES. <i>Would the project:</i>			
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X

Discussion:

A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.
- a-b. **Mineral Resources.** There are no known mineral resources on the site according to the General Plan. There are no known mineral resources of local importance on or near the project site. There would be no impact.

FINDING: No known mineral resources are located on or within the vicinity of the project. There would be no impact to this 'Mineral Resources' category.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XI. NOISE. <i>Would the project result in:</i>			
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X
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 expose people residing or working in the project area to excessive noise level?			X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X

Discussion:

A substantial adverse effect due to Noise would occur if the implementation of the project would:

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60dBA CNEL;
- Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3dBA, or more; or
- Results in noise levels inconsistent with the performance standards contained in Table 6-1 and Table 6-2 in the El Dorado County General Plan.

a. **Noise Exposures.** The project would be located along Salmon Falls Road and Kaila Court which is located within the El Dorado Hills Community Region. The project would be surrounded by existing residential development and lands within the Folsom Lake State Recreational Area. The project is bordered to the east by Salmon Falls Road which is identified in the El Dorado County General Plan EIR as a potentially significant noise source. The EIR estimates that land uses along Salmon Falls Road in the project area would be subjected to a noise level of 64.4 dB at a distance of 60 feet from the centerline of the road. Table 6-1 of the Noise Element of the El Dorado County General Plan establishes a maximum outdoor noise limit of 60 dB. The nearest lot to Salmon Falls Road would be Lot 7 which would be located over 90 feet from the centerline of Salmon Falls Road. The project would not be subject to significant sources of noise. Impacts would be less than significant.

b. **Ground borne Shaking:** The project may generate ground borne vibration or shaking events during project construction. These potential impacts would be limited to project construction. Adherence to the time limitations of construction activities to 7:00am to 7:00pm Monday through Friday and 8:00am to 5:00pm on weekends and

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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federally recognized holidays would limit the ground shaking effects in the project area. Impacts would be less than significant.

- c. **Short-term Noise Increases.** The project would include construction activities for the grading of the site and construction of the residential units. The short-term noise increases would potentially exceed the thresholds established by the General Plan. This is a potentially significant impact. Standard conditions of approval would be required limited the hours of construction activities to 7:00am to 7:00pm Monday through Friday and 8:00am to 5:00pm on weekends and federally recognized holidays. Adherence to the limitations of construction would reduce potentially significant impacts to a less than significant level.
- d. **Long-term Noise Increases.** The project would result in residential development which would not likely increase the ambient noise levels in the area in excess of the established noise thresholds. Impacts would be less than significant.
- e-f. **Aircraft Noise.** The project is not located within the vicinity of a public or private airstrip. There would be no impact.

FINDING: The project would not be located in an area which would be subjected to noise levels in excess of established thresholds. Application of standard conditions of approval limiting hours of construction would reduce potential noise impacts during project construction to less than significant. No long-term noise sources would result from the project that would exceed established thresholds of significance. For this 'Noise' category, thresholds of significance would not be exceeded and impacts would be less than significant.

XII. POPULATION AND HOUSING. <i>Would the project:</i>				
a. Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure)?			X	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion:

A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- Create substantial growth or concentration in population;
 - Create a more substantial imbalance in the County's current jobs to housing ratio; or
 - Conflict with adopted goals and policies set forth in applicable planning documents.
- a. **Population Growth.** The project would result in the creation of 8 residential lots. No significant population growth would result as a part of the project. No additional public services or roads would be constructed as part of the project that would significantly contribute to growth in the area. Impacts would be less than significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- b. **Displace Housing.** The project would result in the creation of 8 residential lots. No existing or proposed housing would be displaced as part of the project. There would be no impact.
- c. **Displace People.** The project would create 8 residential lots. No people would be displaced as part of the project. There would be no impact.

FINDING: The project would not displace any existing or proposed housing. The project would not directly or indirectly induce growth. For this 'Population and Housing' Section, impacts would be less than significant.

XIII. PUBLIC SERVICES. <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>			
a. Fire protection?			X
b. Police protection?			X
c. Schools?			X
d. Parks?			X
e. Other government services?			X

Discussion:

A substantial adverse effect on Public Services would occur if the implementation of the project would:

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department's/District's goal of 1.5 firefighters per 1,000 residents and 2 firefighters per 1,000 residents, respectively;
- Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff's Department goal of one sworn officer per 1,000 residents;
- Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
- Place a demand for library services in excess of available resources;
- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
- Be inconsistent with County adopted goals, objectives or policies.

- a. **Fire Protection.** The El Dorado Hills Fire Department provided structural fire protection to the project site. The Department would require fire protection measures that would be included as conditions of approval of the project. These measures include maintenance of the 30 foot Fire Safe Setback, preparation of a fire safe plan and other standard requirements of the Fire Safe Regulations. Impacts would be less than significant.
- b. **Police Protection.** Police services would continue to be provided by the El Dorado County Sheriff's Department. Due to the size and scope of the project, the demand for additional police protection would not be required. Impacts would be less than significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- c. **Schools.** School services would be provided by the Rescue Union School District. The proposed residences would be required to pay the impact fees adopted by the District. Impacts would be less than significant.
- d. **Parks.** As discussed in the 'Recreation' category below, the project would be required to pay park in-lieu fees. Impacts would be less than significant.
- e. **Government Services.** There are no services that would be significantly impacted as a result of the project. Impacts would be less than significant.

FINDING: The project would not result in a significant increase of public services to the project. Increased demands to services would be addressed through the payment of established impact fees. For this 'Public Services' category, impacts would be less than significant.

XIV. RECREATION.			
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X

Discussion:

A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
 - Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.
- a. **Parks.** The project would result in an increase the usage of parks and recreational facilities. Payment of in-lieu fees to the El Dorado Hills Community Services District would be sufficient to ensure the impacts from the new development would be mitigated. Impacts would be less than significant.
 - b. **Recreational Services.** The project would not include additional recreation services or sites as part of the project. The increased demand for any services would be mitigated by the payment of the in-lieu fees as discussed above. Impacts would be less than significant.

FINDING: No significant impacts to open space or park facilities would result as part of the project. For this 'Recreation' category, impacts would be less than significant.

Potentially Significant impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XV. TRANSPORTATION/TRAFFIC. <i>Would the project:</i>			
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X
e. Result in inadequate emergency access?			X
f. Result in inadequate parking capacity?			X
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X

Discussion:

A substantial adverse effect on Traffic would occur if the implementation of the project would:

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
 - Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
 - Result in, or worsen, Level of Service “F” traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 10 or more units.
- a. **Traffic Increases.** The project would create 8 residential lots. The projected traffic increases would not exceed the thresholds established by General Plan Policy TC-Xe and therefore no traffic study would be required. The additional traffic increases resulting from development would be offset through the required road improvements and payment of Traffic Impact Mitigation Fees prior to building permit issuance. The project would not significantly increase traffic in the project area therefore impacts would be less than significant.
- b. **Levels of Service Standards.** The proposed subdivision would not exceed the thresholds established by the General Plan and no traffic study would be necessary. The additional traffic resulting from the development would not reduce the level of service on the surrounding roads. The project would include road widening as a condition of approval and payment of Traffic Impact Mitigation Fees prior to building permit issuance. The required road improvements and payment of impact fees would offset the impacts on the roads in the project area. Impacts would be less than significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- c. **Air traffic.** The project is not located adjacent to or within the Safety Zone of a public or private airstrip. There would be no impact.
- d. **Design Hazards.** The project would not create any significant traffic hazards. The proposed encroachments would be designed and constructed to County standards. The traffic analysis did not identify any hazards associated with the design of the project. Impacts would be less than significant.
- e. **Emergency Access.** The project would create an 8 lot residential subdivision. Based on the length of the access road, the project would be required to obtain a secondary vehicular access to the project.
- f. **Parking.** The project would result in the creation of 8 residential units. The Zoning Ordinance requires two parking spaces for each residential unit. The project would provide for a two car garage for each of the proposed units. Impacts would be less than significant.
- g. **Alternative Transportation.** The project would not conflict with adopted plans, polices or programs relating to alternative transportation. There would be no impact.

FINDING: The project would not exceed the threshold of the General Plan for projects that would worsen traffic in the project area. The project would be conditioned to perform road improvements including the construction of a new on-site roadway and the improvement of an off-site road to obtain secondary access. The required road improvements and payment of Traffic Impact Mitigation Fees would offsite potential traffic impacts associated with the project. For this "Transportation/Traffic" category, impacts would be less than significant.

XVI. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Discussion:

A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

- Breach published national, state, or local standards relating to solid waste or litter control;
 - Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
 - Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or
 - Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.
- a. **Wastewater Requirements.** The project would construct individual on-site septic systems. There would be no impact to the wastewater system in the area.
- b. **Construction of New Facilities.** The Facilities Improvement Letter submitted by EID indicated that adequate water lines exist along the eastern portion of the project site and along the northern property line. No expansion to the existing system would be necessary to service the project. Impacts would be less than significant.
- c. **New Stormwater Facilities.** The project would not require the construction of new stormwater facilities. The project would be required to comply with the stormwater requirements of the Design and Improvement Standards Manual. Impacts would be less than significant.
- d. **Sufficient Water Supply.** The project would be served by EID public water. The Facilities Improvement Letter submitted for the project indicated that adequate public water is available to serve the project. No new public water improvements would be required; the existing water lines in the area are capable of providing the required water meters and fire flow. Impacts would be less than significant.
- e. **Adequate Capacity.** EID has indicated that the existing water system in the area would be sufficient to service the project. Impacts would be less than significant.
- f. **Solid Waste Disposal.** In December of 1996, direct public disposal into the Union Mine Disposal Site was discontinued and the Material Recovery Facility/Transfer Station was opened. Only certain inert waste materials (e.g., concrete, asphalt, etc.) may be dumped at the Union Mine Waste Disposal Site. All other materials that cannot be recycled are exported to the Lockwood Regional Landfill near Sparks, Nevada. In 1997, El Dorado County signed a 30-year contract with the Lockwood Landfill Facility for continued waste disposal services. The Lockwood Landfill has a remaining capacity of 43 million tons over the 655-acre site. Approximately six million tons of waste was deposited between 1979 and 1993. This equates to approximately 46,000 tons of waste per year for this period.

After July of 2006, El Dorado Disposal began distributing municipal solid waste to Forward Landfill in Stockton and Kiefer Landfill in Sacramento. Pursuant to El Dorado County Environmental Management Solid Waste Division staff, both facilities have sufficient capacity to serve the County. Recyclable materials are distributed to a facility in Benicia and green wastes are sent to a processing facility in Sacramento. Impacts would be less than significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- g. **Solid Waste Requirements.** County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting and loading of solid waste and recyclables. Onsite solid waste collection would be handled through the local waste management contractor. Adequate space would be available onsite. All containers would be located within the garage area or within fenced enclosure areas. The located would be defined within the recorded Conditions, Covenants, and Restriction (CCR's). Impacts would be less significant.

FINDING: Adequate water and sewer systems are available to serve the project. For this 'Utilities and Service Systems' category, impacts would be less than significant.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X		
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion:

- a. The project would have the potential to significantly impact fish or wildlife species as part of the project. The project would require oak woodland habitat removal and the modifications of onsite riparian features. The project would include Mitigation Measures requiring t surveys to reduce impacts to protected animal species during project construction. Implementation of these Mitigation Measures would reduce potentially significant impacts to less than significant.
- b. The project would not result in significant cumulative impacts. The project would connect to existing public water and sewer services and would not require the extension infrastructure or utilities outside of the Community Region. The project would be consistent with the existing General Plan Land Use Designation and the surrounding land use pattern. Impacts would be less than significant.
- c. Based on the discussion contained in this document, no potentially significant impacts to human beings would occur with respect to Air Quality and Noise. The project would include standard conditions of approval required by the Air Quality Management District which would apply to project construction. Adherence to these standard conditions would reduce potential impacts to less than significant. The project would not be exposed to any noise sources which would exceed established thresholds. Adherence to standard conditions of approval limiting the hours of construction operations would reduce potentially significant short-term noise impacts to a less than significant level.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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SUPPORTING INFORMATION SOURCE LIST

The following documents are available at El Dorado County Planning Services in Placerville.

El Dorado County General Plan Draft Environmental Impact Report
Volume 1 of 3 – EIR Text, Chapter 1 through Section 5.6
Volume 2 of 3 – EIR Text, Section 5.7 through Chapter 9
Appendix A
Volume 3 of 3 – Technical Appendices B through H

El Dorado County General Plan – A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief (Adopted July 19, 2004)

Findings of Fact of the El Dorado County Board of Supervisors for the General Plan

El Dorado County Zoning Ordinance (Title 17 - County Code)

County of El Dorado Drainage Manual (Resolution No. 67-97, Adopted March 14, 1995)

County of El Dorado Grading, Erosion and Sediment Control Ordinance (Ordinance No. 3883, amended Ordinance Nos. 4061, 4167, 4170)

El Dorado County Design and Improvement Standards Manual

El Dorado County Subdivision Ordinances (Title 16 - County Code)

Soil Survey of El Dorado Area, California

California Environmental Quality Act (CEQA) Statutes (Public Resources Code Section 21000, et seq.)

Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (Section 15000, et seq.)

Project Specific Resource Material

Archeological Survey Report of Assessors Parcel No. 110:020:10 & 11. A Parcel Split East of El Dorado Hills, El Dorado County, California. Dana E. Supernowicz. December 1992.

Archeological Investigation Report of the Historic Thomas Ranch Site. APN 110:430:04 & 110:430:03 & 04 Near Salom Falls. El Dorado County, California. Historic Resource Associates. January 2004.

Re: Cultural Resources Study for APN 110-020-32 & 30, El Dorado County, CA. Historic Resources Associates, July 2005.

Facilities Improvement Letter, Nejatian Parcel Split Assessors Parcel No. 110-020-32,30 (El Dorado Hills), El Dorado Irrigation District. May 2006.

Preliminary Jurisdictional Delineation Report for the Miginella Subdivision Project. El Dorado County, CA. Sycamore Environmental Consultants, Inc. August 2007.

Biological Resources Evaluation for the Miginella Subdivision Project. El Dorado County, CA. Sycamore Environmental Consultants, Inc. August 2007.

Biological Resources Update for the Miginella Subdivision Project. El Dorado County, CA. Sycamore Environmental Consultants, July 2008.

Oak Canopy Analysis and Tree Replacement Plan for the Mitchell/ Nejatian Subdivision Project. El Dorado County, CA. Sycamore Environmental Consultants. August 2007.

Preliminary Drainage Report for Miginella Subdivision. Gene E Thorne and Associates. August 2007.

Preliminary Jurisdictional Delineation Report for the Miginella Subdivision Project. El Dorado County, CA. Sycamore Environmental Consultants. August 2007.

**Law Offices of
DAVID M. TRAPANI**

September 15, 2008

PLEASE REPLY TO:
EL DORADO HILLS OFFICE

El Dorado County Planning Commission
2850 Fairlane Court, Building "C"
Placerville, CA 95667

Re: Miginella (Class I Subdivision and Rezone Request)
Parcel Nos. 110-020-30 & 110-020-32

Dear Planning Commissioners:

Linda and Jim Green are neighboring land-owners to the proposed subdivision and rezone in this matter. The Green(s) have asked that I write your commission regarding the proposed alteration of a recorded Vehicle Access Restriction (easement) at or near the location of the proposed subdivision and rezone.

In reviewing title, it appears that the prior owners of the affected parcels, Leon and Ellyn Naef created a Vehicle Access Restriction (easement) ("VAR") by way of deed recorded in the El Dorado County Recorder's Office on November 29, 1993.

This VAR strictly limits the nature and amount of vehicle traffic load permitted to pass in this area.

We understand that the commission is being asked to "rezone" the area so as to substantially or significantly increase the nature and volume of traffic in this area.

It appears from the record (both factually and legally) that the commission lacks the authority to enact such a rezone, when by doing so, it would purport to alter the recorded VAR. For this reason (and as explained in further detail below) we are asking that the commission deny the applicants request to rezone the affected parcels inasmuch as it will unlawfully impact and alter the existing VAR.

An easement can be created by a recorded covenant that becomes a covenant "running with the land", or an equitable servitude between two or more parcels of land upon the conveyance of a parcel that is benefited or burdened by the easement. Bryan v. Grosse (1909) 155 Cal. 132, 135.

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Once the location of an easement has been established, regardless of how it was created, neither the owner of the easement nor the court can make any material change in its location without the consent of the owner of the servient tenement. Edgar v. Pensinger (1946) 73 Cal. App. 2d 405, 414. Change is prohibited even though the proposed new location would be more beneficial to the servient owner and would impose a lesser burden on the servient tenement. White v. Walsh (3rd Dist.), 105 Cal. App. 2d 828, 831.

The owner of an easement cannot change or increase the use of the easement in any manner that imposes a new or greater burden on the servient tenement without the consent of the servient owner. Bartholomew v. Staheli (3rd Dist.) 86 Cal. App. 2d 844, 850.

An unreasonable increase of the burden may ripen into a prescriptive right and is a nuisance that can be enjoined. White v. Walsh (supra at page 832).

In a similar case to the one presented here, an easement was extended to connect to a public road to make it available for use with other property owned by the easement owner and for the public in general. In that case, the court held that the additional use was excessive and imposed a surcharge. Crimmins v. Gould, 149 Cal. App. 2d 383, 390.

Courts have also held that a material increase in the use of an easement as a result of the subdivision of property is a prohibited surcharge. 10 A.L.R. 3d 960; Miller & Starr, Cali. Real Estate Law 3rd, Section 15.60, page 15-207.

The VAR is a private land use restriction. Public and private land use restrictions provide a dual system of use controls and are usually held to operate independently, with the more restrictive limitation on public control of use. Generally, therefore *the interpretation and enforcement of privately created restrictions are not affected by the*

El Dorado County Planning Commission
September 15, 2008
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zoning laws even if they are inconsistent. Barret v. Lipscomb (3rd Dist., 1987) 194 Cal. App. 3d. 1524, 1530.

The right to enforce a covenant, such as the VAR in this case, passes with transfer of the property. Chandler v. Smith (3rd Dist., 1959) 170 Cal. App. 2d 118, 119. Thus, the current owner of property imposed with a covenant may not alter it as it "runs with the land" and is also a right which belongs to future owners, i.e. successors in interest in the property.

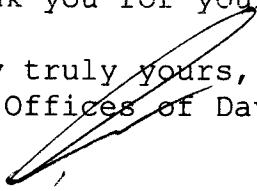
A governmental agency's purported alteration of such a right is a taking and the affected owners are entitled to compensation for damages caused by alteration or construction of an improvement in violation of the restriction. Southern Cal. Edison Co. v. Bourgerie (1973) 9 Cal. 3d 169, 172-173.

It would appear in light of the above authority that the neither the planning commission nor the county have the lawful authority to re-define the VAR. Should you have authority to the contrary, please bring that to my attention for further discussion.

Accordingly, I am respectfully requesting that in light of the foregoing, that the above-referenced application for subdivision and re-zone be denied to the extent that it affects, alters or changes the VAR in any manner.

Thank you for your kind attention in these regards.

Very truly yours,
Law Offices of David M. Trapani

By: 

David M. Trapani

cc: Clients (VIA EMAIL)