

EXHIBIT Q

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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FOR THE

VINEYARDS AT EL DORADO HILLS PROJECT

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the County of El Dorado (County), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the County, as the lead agency, approached the significant and potentially significant impacts identified in the EIR prepared for the Vineyards at El Dorado Hills Project (project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the project that override any significant environmental impacts that would result from the project.

As required under CEQA, the Final EIR describes the project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the County's independent judgment regarding the potential adverse environmental impacts of the project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR) for the project examined several alternatives to the project that are not chosen as part of the approved project (the No Project (Diamante Estates) Alternative and the Revised Project B Alternative) and examines the alternative that is selected as part of the approved project.

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the County Board of Supervisors (Board) as the County's findings under CEQA (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the project. The Findings provide the written analysis and conclusions of this Board regarding the project's environmental impacts, mitigation measures, alternatives to the project, and the overriding considerations, which in this Board's view, justify approval of the project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Procedural Background

The County of El Dorado circulated a Notice of Preparation (NOP) of an EIR for the proposed project and an Initial Study on October 11, 2017 to trustee agencies, the State Clearinghouse (SCH # 2017102026) and the public. A scoping meeting was held on October 26, 2017 in the County of El Dorado. Those present at the scoping meeting included representatives from the County of El Dorado and De Novo Planning Group. The NOP and comments received during the NOP comment period are presented in Appendix A of the Draft EIR.

The County of El Dorado published a public Notice of Availability (NOA) for the Draft EIR on November 7, 2018 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2017102026) and the County Clerk and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from November 7, 2018 through February 5, 2019, allowing a 90-day public review.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The County received 19 comment letters regarding the Draft EIR from public agencies, organizations and members of the public during the public comment period. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the County's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, NOA, and all other public notices issued by the County in relation to the Vineyards at El Dorado Hills Project Draft EIR.
- The Vineyards at El Dorado Hills Project Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the County of El Dorado and consultants in relation to the EIR.
- Minutes of the discussions regarding the project and/or project components at public hearings held by the County.

- Staff reports associated with Planning Commission and Board meetings on the project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The County Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the El Dorado County Recorder Clerk office at: 360 Fair Lane, Placerville, CA 95667.

Consideration of the Environmental Impact Report

In adopting these Findings, this Board finds that the Final EIR was presented to this Board, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Vineyards at El Dorado Hills Project. By these findings, this Board ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The Board finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the County.

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Vineyards at El Dorado Hills Project, shall continue in full force and effect unless amended or modified by the County.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. AESTHETICS AND VISUAL RESOURCES

1. PROJECT IMPLEMENTATION MAY SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER QUALITY OF THE SITE AND ITS SURROUNDINGS (EIR IMPACT 3.1-2)

- (a) Potential Impact. The potential for the project to substantially degrade the existing visual character quality of the site and its surroundings is discussed on pages 3.1-5 and 3.1-6 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that:
 - (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. While the project would be consistent with and implements General Plan policies intended to reduce visual impacts, the conversion of the existing undeveloped grasslands and oak woodlands on the site

to residential uses will change the visual character of the project area in perpetuity. The project has been designed to reduce visual impacts to the maximum extent feasible, through provision of extensive areas of open space that would provide for views of open space, oak woodlands, and the project's natural features from public vantage points, while accommodating allowed residential units in a clustered fashion designed to minimize impacts to natural aquatic and riparian features, oak woodland canopy, and areas of the site with steeper slopes. Compliance with the County's General Plan policies and compliance with Zoning Ordinance standards, including those addressing density, height, bulk, setbacks, and open space requirements, would reduce visual impacts to the greatest extent feasible; however, the project would permanently convert the current undeveloped uses to urbanized uses. This would represent a significant and unavoidable impact of the project.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to aesthetics and visual resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. THE PROJECT MAY CONTRIBUTE TO THE CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION (EIR IMPACT 4.1)

- (a) Potential Impact. The potential for the project to contribute to the cumulative degradation of the existing visual character of the region is discussed on pages 4.0-3 and 4.0-4 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Development of the proposed project would convert the site from its existing condition of primarily grassland and oak woodland to developed single family residential uses, and will include recreation trail, open space areas, and developed vineyard areas. Implementation of the proposed project would change the visual character of the project site by introducing new residential uses to a generally undeveloped site. The project has been designed to reduce visual impacts to the maximum extent feasible, through provision of extensive areas of open space that would provide for views of open space, oak woodlands, and the project's natural features from public vantage points, while accommodating allowed residential units in a clustered fashion designed to minimize impacts to natural aquatic and riparian features, oak woodland canopy, and areas of the site with steeper slopes. Project implementation would contribute to cumulatively significant adverse impacts to

the visual character or quality of the site. Development of the proposed project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the County. There are no mitigation measures that could reduce this cumulative impact except a ceasing of, or extreme limitations on, all future development, which is not a feasible option. This would represent a significant and unavoidable impact of the project.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to aesthetics and visual resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. CULTURAL AND TRIBAL RESOURCES

1. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5 (EIR IMPACT 3.4-1)
 - (a) Potential Impact. The potential for the project to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, is discussed on pages 3.4-16 through 3.4-20 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.4-1 through 3.4-4.
 - (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Mitigation Measure 3.4-1 has been included to address potential impacts to resource P-09-1657 (CA-ELD-1246H), the Live Oak School and associated historical features. Mitigation Measure 3.4-1 requires that prior to development of the proposed project, the Live Oak School building and associated features of P-09-1657 be fully documented with a historic building report, which shall address the steps and cost necessary to stabilize and preserve the school building. Mitigation Measure 3.4-1 further requires that if the school building can be feasibly preserved and stabilized, that a management plan be developed to ensure the long-term preservation and management of the resource. If the school building cannot be feasibly preserved and stabilized, Mitigation Measure 3.4-1 requires the Live Oak School building and associated features to be fully documented, including a Historic American Building Survey report and large-scale photography. While preservation of the Live Oak School building and associated documented resources, further data retrieval, and implementation of the management plan would ensure that impacts to the resource are less than significant, there is the potential for the determination that

the school building cannot be feasibly stabilized and preserved. This would represent a significant and unavoidable impact of the project. It is recognized that loss of the Live Oak School resource has the potential to occur in the long-term without implementation of the project due to the dilapidated condition of the building and lack of maintenance as the structure has already exhibited signs of collapse; the poor condition of the building, including signs of collapse and damage, is documented in the Clarksville Region Historical Society letter, dated December 7, 2017 and the Historic Resources Associates report prepared for the Live Oak School in 2016. However, the project could speed up the potential loss of this resource.

Mitigation Measure 3.4-2 has been included to address potential impacts to the old Coloma Road segment on the project site. Implementation of Mitigation Measure 3.4-2 would ensure the full documentation of the resource, including identification of any physical features associated with the resource, and would reduce potential impacts to less than significant. Further, Mitigation Measure 3.4-2 would provide for signage of this resource, increasing public awareness and education regarding the old Coloma Road route. Implementation of Mitigation Measure 3.4-2 would reduce potential impacts to the old Coloma Road route to less than significant.

Mitigation Measure 3.4-3 would ensure that construction workers are educated regarding resources that could be encountered on the project site and appropriate procedures to follow if a resource is found. Mitigation Measure 3.4-4 would ensure that if a previously undiscovered historic resource is encountered, appropriate steps will be taken to identify the significance of the resource and mitigate any potential impacts. With implementation of Mitigation Measures MM 3.4-3 and 3.4-4, impacts to previously undiscovered historic resources will be less than significant.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to historic resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. AIR QUALITY

1. PROJECT CONSTRUCTION HAS THE POTENTIAL TO CAUSE A VIOLATION OF ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION (EIR IMPACT 3.2-3)

- (a) Potential Impact. The potential for the project implementation to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.2-19 through 3.2-23 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.2-1 through 3.2-5.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that implementation of Mitigation Measure 3.2-1 (which ensures that the project applicant would comply with at least one of the above-listed options) and Mitigation Measures 3.2-2 through 3.2-5 would further reduce construction-related emissions through adherence to El Dorado County Air Quality Management District (AQMD) recommended measures and best management practices, the proposed project would not result in violations of the ambient air quality standards during project construction.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

B. BIOLOGICAL RESOURCES

- 1. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS INVERTEBRATE SPECIES (EIR IMPACT 3.3-1)
 - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status invertebrate species is discussed on pages 3.3-27 and 3.3-28 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1.
 - (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts to special-status invertebrate species will be mitigated to a less than significant level as Mitigation Measure 3.3-1 would first require the on-site elderberry shrub(s) to be avoided and preserved on-site through site design, as feasible. All elderberry shrub(s) that are located adjacent to construction areas, but can be avoided, would be fenced and designated as environmentally sensitive areas. These areas would be avoided by all construction personnel. Fencing would also be placed at

least 20 feet from the dripline of each shrub, unless otherwise approved by the U.S. Fish and Wildlife Service (USFWS). The use of insecticides, herbicides, or other chemicals that might harm the beetle or its host plant would be prohibited within 100 feet of the shrubs. If the elderberry shrub(s) cannot be avoided, as determined by the County of El Dorado Public Works Department in conjunction with the project applicant, then the project applicant would be required to mitigate for potential impacts to the shrub(s) by either (1) purchasing VELB conservation credits from a USFWS-approved conservation bank, or (2) transplanting the individual shrub(s) that is not avoided to a suitable mitigation site in a manner consistent with the USFWS' 1999 Conservation Guidelines for the Valley Elderberry Longhorn Beetle. Any remaining impacts related to special-status invertebrate species after implementation of Mitigation Measure 3.3-1 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS REPTILE AND AMPHIBIAN SPECIES (EIR IMPACT 3.3-2)
 - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status reptile and amphibian species is discussed on pages 3.3-28 through 3.3-30 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-2 and 3.3-3.
 - (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts to special-status reptile and amphibian species will be mitigated to a less than significant level as Mitigation Measure 3.3-2 would require a focused survey for western pond turtle. If it is determined from the survey that there are western pond turtles present, then a qualified biologist, in coordination with the California Department of Fish and Wildlife (CDFW), would capture and relocate the turtle to appropriate habitat at a safe distance from the construction site. Further, pursuant to Mitigation Measure 3.3-3, a preconstruction California red-legged frog survey would be completed. If it is determined from the survey that there are California red-legged frog present, then the USFWS and CDFW would be contacted and the regulatory agency shall provide the appropriate course of action. Any remaining impacts related

to special-status invertebrate species after implementation of Mitigation Measures 3.3-2 and 3.3-3 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

3. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES (EIR IMPACT 3.3-4)

- (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status bird species is discussed on pages 3.3-30 through 3.3-35 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-4.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts to special-status bird species will be mitigated to a less than significant level as Mitigation Measure 3.3-4 would first require preconstruction surveys for active nests of special-status birds in all areas of suitable habitat within 500 feet of project disturbance. If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites would be determined by a qualified biologist to avoid nest failure resulting from project activities.

Any remaining impacts related to special-status bird species after implementation of Mitigation Measure 3.3-4 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

4. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES (EIR IMPACT 3.3-5)

- (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status mammal species is discussed on pages 3.3-35 through 3.3-37 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-5.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts to special-status mammal species will be mitigated to a less than significant level as Mitigation Measure 3.3-5 would first require preconstruction surveys to ensure that there are no active maternity bat roosts if removal of any on-site trees with suitable roost cavities (as determined by a qualified biologist) and/or dense foliage must occur during the bat pupping season (April 1 through July 31). If it is determined from the preconstruction survey that there are special-status bat maternity roosts, then appropriate buffers around the roost sites would be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from tree removal or other project activities. Any remaining impacts related to special-status mammal species after implementation of Mitigation Measure 3.3-5 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

5. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON CANDIDATE, SENSITIVE, OR SPECIAL-STATUS PLANT SPECIES (EIR IMPACT 3.3-6)

- (a) Potential Impact. The potential for the project to have a direct or indirect impact on candidate, sensitive, or special-status plant species is discussed on pages 3.3-37 and 3.3-38 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-6.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts to candidate, sensitive, or special-status plant species will be mitigated to a less than significant level as Mitigation Measure 3.3-6 would first require the project to retain a qualified biologist to perform a preconstruction plant

survey during the appropriate floristic period. If any special-status plants are found during the focused survey and cannot be avoided during the project construction or operation, the project proponent would be required to contact the County and the appropriate regulatory agency to determine the appropriate course of action. Any remaining impacts related to candidate, sensitive, or special-status plant species after implementation of Mitigation Measure 3.3-6 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

6. THE PROPOSED PROJECT HAS THE POTENTIAL TO AFFECT PROTECTED WETLANDS AND JURISDICTIONAL WATERS (EIR IMPACT 3.3-7)

(a) Potential Impact. The potential for the project to affect protected wetlands and jurisdictional waters is discussed on pages 3.3-38 through 3.3-43 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-7 through 3.3-10.

(c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts to protected wetlands and jurisdictional waters will be mitigated to a less than significant level as Mitigation Measure 3.3-7 requires the applicant to obtain authorization and the appropriate permits from the applicable regulatory agencies. Mitigation Measure 3.3-8 requires the project to be designed in accordance with Section 130.30.030.G.3.d of the County’s Site Planning and Project Design Standards, which states that “ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25 feet of any intermittent stream, wetland or sensitive riparian habitat, or 50 feet from any perennial lake, river or stream. This standardized setback may be reduced, or grading within the setback may be allowed, if a biological resource evaluation is prepared which indicates that a reduced setback would be sufficient to protect the resources.” Mitigation Measure 3.3-9 requires deed restrictions on the parcels of residential lots 1, 9, 20, and 21 to ensure that private residential use of the property does not impact the nearby wetland. Mitigation Measure 3.3-10 requires management of the on-site open space areas by a Homeowner’s Association (HOA). The HOA would also be required to provide ongoing funding for management and maintenance of wetlands and riparian areas. Any remaining impacts related to protected wetlands and jurisdictional waters

after implementation of Mitigation Measures 3.3-7 through 3.3-10 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

7. PROJECT IMPLEMENTATION MAY RESULT IN CONFLICTS WITH LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE (EIR IMPACT 3.3-10)
- (a) Potential Impact. The potential for the project to result in conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, is discussed on pages 3.3-44 through 3.3-46 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-11 and 3.3-12.
 - (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the potential for the project to result in conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, will be mitigated to a less than significant level as Mitigation Measure 3.3-11 would require the applicant to mitigate on-site for removed oak woodland canopy using the County's required ratio. Replanting shall be consistent with the Woodland Canopy Analysis, Preservation, and Replacement Plan for Vineyards at El Dorado Hills. Further, Mitigation Measure 3.3-12 requires development of a detailed tree preservation plan that identifies trees to be retained that incorporates and addresses the tree protection measures identified in Appendices C and D of the Oak Woodland Canopy Analysis, Preservation and Replacement Plan for Vineyards at El Dorado Hills dated February 28, 2018. Any remaining impacts related to local policies or ordinances protecting biological resources after implementation of Mitigation Measures 3.3-11 and 3.3-12 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

C. CULTURAL AND TRIBAL RESOURCES

1. PROJECT IMPLEMENTATION WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5, A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE §21074 (EIR IMPACT 3.4-2)

(a) Potential Impact. The potential for the project to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5, a significant tribal cultural resource, as defined in Public Resources Code §21074, is discussed on page 3.4-20 and 3.4-21 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-3 and 3.4-4.

(c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that impacts to a significant archaeological resource or significant tribal cultural resource will be mitigated to a less than significant level as Mitigation Measures 3.4-3 and 3.4-4 would ensure that construction workers are trained prior to ground-disturbing activities regarding the potential to encounter archaeological resources and Native American resources and procedures to be followed in the event of a discovery, if a previously undiscovered archaeological or tribal cultural resource is accounted, that appropriate steps will be taken to identify the significance of the resource, including contacting local Native American tribes regarding the resource, documentation of the resource, if recommended by the Native American tribe or, for non-Native American resources, documentation by a qualified historian or archaeologist, and ensure the appropriate disposition of the resource, such as reburial of any Native American resource on the project site within the permanent open space as close to the location of the find as possible. Any remaining impacts related to a significant historical resource or significant tribal cultural resource after implementation of Mitigation Measures 3.4-3 and 3.4-4 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE (EIR IMPACT 3.4-3)

- (a) Potential Impact. The potential for the project to directly or indirectly destroy a unique paleontological resource is discussed on page 3.4-21 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-5.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that impacts to a significant archaeological resource will be mitigated to a less than significant level. If paleontological resources are discovered during the course of construction, Mitigation Measure 3.4-5 would require work to be halted immediately within 50 meters (165 feet) of the discovery, El Dorado County shall be notified, and a qualified paleontologist would be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it would be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where they could be curated and displayed for public education purposes. Any remaining impacts related to a significant archaeological resource after implementation of Mitigation Measure 3.4-5 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

3. PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES (EIR IMPACT 3.4-4)

- (a) Potential Impact. The potential for the project to disturb human remains, including those interred outside of formal cemeteries, is discussed on page 3.4-22 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-6.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that impacts to human remains will be mitigated to a less than significant level as Mitigation Measure 3.4-6 would require that if any human remains are found during

grading and construction activities, work would be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the El Dorado County Coroner has been informed and has determined that no investigation of the cause of death is required. The measure also outlines steps to be taken if the remains are of Native American origin. Any remaining impacts related to human remains after implementation of Mitigation Measure 3.4-6 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

D. GEOLOGY AND SOILS

1. IMPLEMENTATION AND CONSTRUCTION OF THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL (EIR IMPACT 3.5-2)

- (a) Potential Impact. The potential for the project to result in substantial soil erosion or the loss of topsoil is discussed on pages 3.5-15 through 3.15-17 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts related to substantial soil erosion or loss of topsoil will be mitigated to a less than significant level as Mitigation Measure 3.5-1 requires submittal a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB) to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). Any remaining impacts related to substantial soil erosion or the loss of topsoil after implementation of Mitigation Measure 3.5-1 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of

project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2. THE PROPOSED PROJECT HAS THE POTENTIAL TO BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE (EIR IMPACT 3.5-3)

- (a) Potential Impact. The potential for the project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse is discussed on pages 3.5-18 through 3.5-20 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-2.

- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts related to substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level as Mitigation Measure 3.5-2 would require a final geotechnical evaluation of the soils at a design-level as required by the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to onsite soil conditions. The evaluation would be prepared in accordance with the standards and requirements outlined in California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation would include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures. The grading and improvement plans, as well as the storm drainage outfall and building plans would be designed in accordance with the recommendations provided in the final geotechnical evaluation. Any remaining impacts related to substantial soil erosion or the loss of topsoil after implementation of Mitigation Measure 3.5-2 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

3. 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 (EIR IMPACT 3.5-20)

- (a) Potential Impact. The potential for the project to 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 is discussed on pages 3.5-20 through 3.5-22 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-3a and 3.5-3b.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that the impacts related to septic tanks or alternative waste water disposal systems will be mitigated to a less than significant level as Mitigation Measure 3.5-3a would require conformance with the County Code and the County's Design Standards for the Site Evaluation and Design of Sewage Disposal Systems and that the recommendations of the Septic Feasibility Study are implemented, including additional exploration to be conducted to demonstrate the feasibility of the on-site sewage disposal for each lot in the proposed project area, and that the disposal area for each lot is consistent with the sizing requirements identified in the subsequent exploration complies with the County's requirements for an on-site septic system. Mitigation Measure 3.5-3b would require all permits and approvals for the construction of the lot's on-site septic system from the El Dorado County Environmental Management Department (EMD). Any remaining impacts related to septic tanks or alternative waste water disposal systems after implementation of Mitigation Measures 3.5-3a and 3.5-3b would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

E. HAZARDS AND HAZARDOUS MATERIALS

1. THE PROJECT MAY HAVE THE POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (EIR IMPACT 3.7-1)
 - (a) Potential Impact. The potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.7-13 through 3.7-15 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.7-1, 3.7-2, and 3.7-3.
 - (c) Findings. Based upon the EIR and the potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, will be mitigated to a less than significant level as Mitigation Measure 3.7-1 requires removal of any potential underground septic tanks, fuel tanks, or wells are uncovered from past site uses during construction. Mitigation Measure 3.7-2 requires additional testing for construction activities in areas that have been deemed to have potentially hazardous conditions present, which include the schoolhouse, barn, pumphouse, and associated outbuildings located in the southwest area of the site, and the residence and outbuildings in the southeast area of the site. Mitigation Measure 3.7-3 requires a plan for operation of the on-site vineyard which specifies, among other topics, who would be responsible for ensuring that operation of the vineyard complies with all applicable County and State regulations regarding pesticide and herbicide control and application, pest control, runoff management, and any other relevant topics. Any remaining impacts related to hazardous materials routine transport, use, disposal, or through accident conditions involving the release of hazardous materials into the environment after implementation of Mitigation Measures 3.7-1, 3.7-2, and 3.7-3 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

F. HYDROLOGY AND WATER QUALITY

1. THE PROJECT MAY VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING CONSTRUCTION (EIR IMPACT 3.8-1)

(a) Potential Impact. The potential for the project to violate water quality standards or waste discharge requirements during construction is discussed on pages 3.8-14 through 3.8-16 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1.

(c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that impacts associated with the potential to violate water quality standards or waste discharge requirements during construction will be mitigated to a less than significant level as Mitigation Measure 3.5-1 requires the preparation of a detailed SWPPP and implementation of BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, and runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Any remaining impacts related to water quality standards or waste discharge requirements during construction after implementation of Mitigation Measure 3.5-1 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2. THE PROPOSED PROJECT HAS THE POTENTIAL TO OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY (EIR IMPACT 3.8-5)

(a) Potential Impact. The potential for the project to otherwise substantially degrade water quality is discussed on pages 3.8-20 through 3.8-22 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 and 3.3-7.

(c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that impacts associated with violations of water quality standards or waste discharge requirements post-construction will be mitigated to a less than significant level as

Mitigation Measure 3.5-1 requires the preparation of a detailed SWPPP and implementation of BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, and runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Mitigation Measure 3.3-7 requires the applicant to obtain authorization and the appropriate permits from the applicable regulatory agencies. Any remaining impacts related to water quality after implementation of Mitigation Measures 3.5-1 and 3.3-7 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

G. NOISE

1. CONSTRUCTION OF THE PROPOSED PROJECT MAY GENERATE INCREASED NOISE LEVELS AT EXISTING RECEPTORS (EIR IMPACT 3.9-2)

- (a) Potential Impact. The potential for the project to generate increased noise levels at existing receptors during construction is discussed on pages 3.9-14 and 3.9-15 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.9-1.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that impacts associated with generation of increased noise levels at existing receptors during construction will be mitigated to a less than significant level as Mitigation Measure 3.9-1 requires the construction contractor to implement various noise-reducing construction practices in order to ensure noise levels at existing receptors do not exceed the County's construction noise standards. Any remaining impacts related to water quality standards or waste discharge requirements during construction after implementation of Mitigation Measure 3.9-1 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or

alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

H. TRANSPORTATION AND CIRCULATION

1. THE PROPOSED PROJECT COULD CONFLICT WITH AN APPLICABLE PLAN, ORDINANCE OR POLICY ESTABLISHING MEASURES OF EFFECTIVENESS FOR THE PERFORMANCE OF THE CIRCULATION SYSTEM FOR INTERSECTIONS (EIR IMPACT 3.11-1)

- (a) Potential Impact. The potential for the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system for intersections is discussed on pages 3.11-17 through 3.11-23 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-1 through 3.11-3.
- (c) Findings. Based upon the EIR and the entire record before this Board, this Board finds that impacts associated with conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system for intersections will be mitigated to a less than significant level as Mitigation Measure 3.11-1 requires payment of the Traffic Impact Mitigation (TIM) Fees towards the improvement of the Green Valley Road at El Dorado Hills Boulevard/Salmon Falls Road intersection (Capital Improvement Program Project #73151). Mitigation Measure 3.11-2 requires construction of a two-way left-turn lane along Green Valley Road in the immediate vicinity of the Green Valley Road at Loch Way intersection. Mitigation Measure 3.11-3 requires restriction of the southbound left-turn movement at the Green Valley Road at Chartraw Road intersection. Any remaining impacts related to conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system for intersections after implementation of Mitigation Measures 3.11-1 through 3.11-3 would not be significant.

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR and Final EIR.

Aesthetics and Visual Resources: The following specific impact was found to be less than significant: 3.1-1 and 3.1-3.

Air Quality: The following specific impacts were found to be less than significant: 3.2-1, 3.2-2, 3.2-4, 3.2-5, 3.2-6, 3.2-7, and 3.2-8.

Biological Resources: The following specific impacts were found to have no impact: 3.3-3, 3.3-8, and 3.3-9.

Geology and Soils: The following specific impacts were found to be less than significant: 3.5-1, 3.5-2, 3.5-3, 3.5-4, and 3.5-5.

Greenhouse Gases and Climate Change: The following specific impacts were found to be less than significant: 3.6-1 and 3.6-2.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.7-2, 3.7-3, 3.7-4, 3.7-5, and 3.7-6.

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.8-2, 3.8-3, and 3.8-4.

Noise: The following specific impacts were found to be less than significant: 3.9-1 and 3.9-3.

Public Services: The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, 3.10-3, and 3.10-4.

Transportation and Circulation: The following specific impacts were found to be less than significant: 3.11-2, 3.11-3, 3.11-4, and 3.11-5.

Utilities: The following specific impacts were found to be less than significant: 3.12-1, 3.12-2, 3.12-3, 3.12-4, and 3.12-5.

The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

Air Quality: The following specific impact was found to be less than cumulatively considerable: 4.2.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.3.

Cultural and Tribal Resources: The following specific impact was found to be less than cumulatively considerable: 4.4.

Geology and Soils: The following specific impact was found to be less than cumulatively considerable: 4.5.

Greenhouse Gases and Climate Change: The following specific impact was found to be less than cumulatively considerable: 4.6.

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.7.

Hydrology and Water Quality: The following specific impacts were found to be less than cumulatively considerable: 4.8 and 4.9.

Noise: The following specific impacts were found to be less than cumulatively considerable: 4.10.

Public Services: The following specific impact was found to be less than cumulatively considerable: 4.12.

Utilities: The following specific impact was found to be less than cumulatively considerable: 4.11.

Transportation and Circulation: The following specific impacts were found to be less than cumulatively considerable: 4.13 and 3.14.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the project.
- The EIR determined that the project would have a less than cumulatively considerable contribution to the cumulative impact.
- The EIR determined that the impact is beneficial (would be reduced) for the project.
- The EIR determined that the cumulative impact was fully addressed in the General Plan EIR and that the project would not result in new or expanded cumulative impacts.

VI. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

The State CEQA Guidelines Section 15126.6 mandates that every EIR evaluate a no-project alternative, plus a feasible and reasonable range of alternatives to the project or its location. Three alternatives to the proposed project were developed based on County of El Dorado staff and Board input, input from the public during the NOP review period, and the technical analysis performed to identify the environmental effects of the proposed project. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project.

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether project alternatives can address potentially significant impacts. But where all significant impacts can be substantially lessened, in this case to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed project, as mitigated (Public Resources Code Section 21002; Laurel Hills Homeowners Association v. Board (1978 83 Cal.App.3d 515, 521. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 730-733; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403).

Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the following section considers the feasibility of the project alternatives as compared to the proposed project.

As explained below, these findings describe and reject, for reasons documented in the Final EIR and summarized below, rejects the No Project (Diamante Estates) Alternative and Revised Project B Alternative, and the County finds that approval and implementation of the proposed Vineyards at El Dorado Hills Project as modified by Revised Project A Alternative is appropriate. The evidence supporting these findings is presented in Section 5.0 of the Draft EIR.

A. IDENTIFICATION OF PROJECT OBJECTIVES

As described above, an EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects.” Chapter 2.0 and Chapter 5.0 of the Draft EIR identify the project’s goals and objectives. The project objectives include:

1. Create a high-quality residential development that is consistent with the General Plan;
2. Emphasize preservation of open space, oak woodlands, natural habitat and wetlands, existing topography, and the schoolhouse site through clustering residential units in order to minimize impacts to open space and habitat on the project site and to receive the associated density bonus;

3. Provide community resources through creation of a public trail that traverses the project site and connects to the public road system; and
4. Redesign the approved Diamante Estates project to reduce impacts associated with wetland disturbance, loss of open space, and water supply and to incorporate community-oriented features, including a public trail.

B. ALTERNATIVES ANALYSIS IN EIR

1. NO PROJECT (DIAMANTE ESTATES) ALTERNATIVE:

The No Project (Diamante Estates) Alternative is discussed on pages 5.0-4, and 5.0-5 through 5.0-9 of the Draft EIR. The No Project (Diamante Estates) Alternative assumes that the project site would be developed in accordance with the tentative subdivision map for the Diamante Estates Project, which was previously-approved by the County in October 2009. The Diamante Estates project included 19 single family lots, ranging in size from 5.0 to 9.9 acres, and one 2.2-acre open space lot. As part of the Diamante Estates approval, the project site was rezoned from Exclusive Agriculture (AE) to Estate Residential 5-acre (RE-5). The Diamante Estates project included public water service from El Dorado Irrigation District (EID) and individual septic systems. The Diamante Estates project required Local Agency Formation Commission (LAFCO) approval of annexation of the project site into both the EID and El Dorado Hills Fire Department boundaries.

Findings: The No Project (Diamante Estates) Alternative is rejected as an alternative because, although it would result in less impacts to seven resource areas and equal impacts to one resource area, this alternative would result in greater impacts to four resource areas. Additionally, this alternative would not meet three of the four project objectives.

Explanation: This alternative results in greater impacts in the following four resources areas: biological resources, cultural and tribal resources, hydrology and water quality, and utilities. This alternative would not realize the benefits of the project nor achieve most of the project objectives. Significantly less open space preservation and decimation of oak woodlands, natural habitat, and wetlands would occur under the No Project (Diamante Estates) Alternative. Further, the No Project (Diamante Estates) Alternative would not receive the density bonus and would not provide a public trail that traverses the site and connects to the public road system. The No Project (Diamante Estates) Alternative would not reduce the significant environmental impacts that would occur under the proposed project and would fail to meet three of the four project objectives identified by the County.

For these reasons, the project is deemed superior to the No Project (Diamante Estates) Alternative.

2. REVISED PROJECT A ALTERNATIVE:

The Revised Project A Alternative is discussed on pages 5.0-4, and 5.0-10 through 5.0-13 of the Draft EIR. Under this alternative, the project site would be developed similar to the proposed project with up to 42 units, but some of the lots would be shifted in order to be outside of the required wetland buffers in the southern portion of the project site and to provide a buffer to the schoolhouse and associated outbuildings. Specifically, the lot boundaries for Lots 9, 20, and 21 would be shifted in order to be outside of the wetland buffers. Additionally, Lot 1 would be shifted in order to be outside of the wetland buffers and to provide a 25-foot buffer surrounding the schoolhouse and associated outbuildings. The proposed vineyard component, infrastructure improvements, and landscaping improvements would be the same as the proposed project.

Findings: The Revised Project A Alternative is selected because it would reduce some of the significant and unavoidable impacts of the project, particularly impacts to the Live Oak School site including associated buildings. This alternative would also reduce impacts to biological resources.

Explanation: The Revised Project A Alternative would reduce the significant environmental impacts that would occur under the proposed project and would achieve the project objectives. Significant and unavoidable impacts related to degradation of the visual character of the site under the project-level and cumulative condition and the potential removal of the Live Oak Schoolhouse due to its current dilapidated condition, would still occur.

For these reasons, the Revised Project A Alternative is deemed superior to the project.

3. REVISED PROJECT B ALTERNATIVE:

The Revised Project B Alternative is discussed on pages 5.0-4, 5.0-5, and 5.0-13 through 5.0-17 of the Draft EIR. Under this alternative, the project site would be developed similar to the proposed project with up to 42 units, but the vineyard component of the proposed project would be eliminated. Instead, the vineyard areas would be maintained as open space. Additionally, the lot boundaries for Lots 1, 9, 20, and 21 would be shifted in order to be outside of the required wetland buffers and Lot 1 would be shifted to provide a 25-foot buffer to the schoolhouse and associated outbuildings. Some of the required tree replanting areas would be relocated along the length of Malcolm Dixon Road in order to provide visual screening, except in areas where wetlands and/or riparian habitat exists. Under this alternative, fencing would be provided around the schoolhouse area and a trail would loop around the schoolhouse. Signage would be provided along the trail loop that identifies the history of the schoolhouse and the project's location in the context of the old Coloma Road and the area's history. The proposed infrastructure and landscaping improvements would be the same as the proposed project.

Findings: While the Revised Project B Alternative is the environmentally superior alternative, the Revised Project B Alternative is rejected because it would not avoid all

of the significant and unavoidable impacts of the project and would not achieve all of the benefits of the project.

Explanation: The Revised Project B Alternative would not reduce the significant environmental impacts that would occur under the proposed project. Significant and unavoidable impacts related to degradation of the visual character of the site under the project-level and cumulative condition would still occur. Further, the environmental, economic, social and other benefits of the project, including those associated with the vineyards, override any remaining significant adverse impact of the project associated as more fully stated in the Statement of Overriding Considerations in Section VII, below.

For these reasons, the project is deemed superior to the Revised Project B Alternative.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE VINEYARDS AT EL DORADO HILLS PROJECT FINDINGS

As described in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the project:

- Project implementation may substantially degrade the existing visual character quality of the site and its surroundings (EIR Impact 3.1-2);
- Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074 (EIR Impact 3.4-1);
- The project may contribute to the cumulative degradation of the existing visual character of the region (EIR Impact 4.1).

The adverse effects identified above are substantive issues of concern to the County of El Dorado.

As discussed in detail in the Project Findings (see Staff Report), the Vineyards at El Dorado Hills project is consistent with General Plan and zoning requirements. The project has been designed to provide a substantial amount of open space (65.58 acres or 57.5% of the project site) in order to preserve aesthetic and natural resources on the project site, provide for conservation of the Live Oak School site, and accommodate a public multi-use trail. The project would cluster the residential land uses and road system to conform to the natural topography of the site, maximize open space, and minimize the development footprint of the project, reducing impacts on various natural and cultural resources. The project would provide a public trail that traverses the project site and connects to the public road system, which would result in common public benefit. The project would also cluster the land uses to conform to the natural topography and maximize on-site open space. Further, the project has been designed to minimize impacts on natural resources and historic resources.

The County Board of Supervisors has balanced the benefits of the project against its unavoidable environmental risks in determining whether to approve the project and has determined that the

benefits of the project outweigh the unavoidable adverse environmental effects. The reasons set forth below are based on the EIR and other information in the record. As set forth in the preceding sections, approving the project will result in significant adverse environmental effects that cannot be reduced to a less-than-significant level, even with the adoption of all feasible mitigation measures. As determined above, however, there are no additional feasible mitigation measures, nor are there feasible alternatives, that would mitigate or substantially lessen the impacts to a less-than-significant level. Therefore, despite these significant environmental effects, the Board, in accordance with Public Resources Code Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the Project because, in its judgment, the following economic, social, and other benefits that the Project will produce will render the significant effects acceptable.

Substantial evidence supporting the benefits cited in this Statement of Overriding Considerations can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the record of proceedings, as defined in section II, above. Any one of the following reasons is sufficient to demonstrate that the benefits of the project outweigh its unavoidable adverse environmental effects, thereby justifying approval of the project.

1. **Appropriate Development Pattern.** The Vineyards at El Dorado Hills project provides a tentative subdivision map and associated land uses that include a thoughtful development pattern that ensures complimentary land uses, accounts for physical and natural resource constraints, provides for common open space and trails, and provides for a transition between the proposed project's residential lot sizes with development to the east and west by incorporating open space lots to transition between existing and proposed densities. The project has been designed to provide a substantial amount of open space (65.58 acres or 57.5% of the project site) in order to preserve aesthetic and natural resources on the project site, provide for conservation of the Live Oak School site, and accommodate a public multi-use trail that has multiple access points that will be accessible to the public. The project would cluster the residential land uses and road system to conform to the natural topography of the site, maximize open space, and minimize the development footprint of the project, reducing impacts on various natural and cultural resources. The project would provide a public trail that traverses the project site and connects to the public road system, which would result in common public benefit. The project would also cluster the land uses to conform to the natural topography and maximize on-site open space. Further, the project has been designed to minimize impacts on natural resources and historic resources.
2. **Provision for Agricultural Uses.** The County believes in the importance and preservation of open space and agricultural uses. The Project provides for significant open space, more than half the project site, and furthers agricultural uses and supports the agricultural economy in the County by providing a small-scale vineyard that would be commonly owned by the project and managed by the Homeowner's Association or comparable entity. The agricultural component is consistent with

General Plan Goal 8.1, which encourages long-term conservation and use of existing and potential agricultural lands within the County.

3. **Development of Housing.** The project would provide housing options and contribute toward an adequate supply of ownership housing in the County of El Dorado to help meet existing housing needs, consistent with City housing policies. Housing Element Policy HO-1.2 aims to ensure that projected housing needs can be accommodated, the County shall maintain an adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate public services. The project site is currently designated for residential uses by the General Plan and is located in an area served by existing community facilities and public services. The project has also been designed to account for the on-site environmental constraints. The project would be consistent with this policy.
4. **Quality Design and Integration of On-Site Amenities.** The project would include a series of multi-use trails within the project site. The project's vicinity is lacking in pedestrian and trail amenities. While there are no existing facilities adjacent the project that the project can connect to, the trail system provides a public resource for recreation, physical activity, and community enjoyment of the project's natural, aesthetic, and open space resources. As noted previously, the trails would be available to the public. The five open space lots, totaling 65.58 acres, have been designed to include the existing Live Oak School site and to preserve portions of oak woodlands and the majority of the identified wetlands and other waters on the project site. The Live Oak School would be preserved within the open space area and the trail system would provide for views of the Live Oak School.
5. **Consistency with the El Dorado County General Plan and Zoning Code.** As discussed in detail in the Project Findings (see Staff Report), the Vineyards at El Dorado Hills project is consistent with and implements General Plan and zoning requirements.

VIII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Board finds that the unavoidable adverse environmental impacts identified may be considered "acceptable" due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The El Dorado County Board of Supervisors has considered information contained in the EIR prepared for the proposed Vineyards at El Dorado Hills Project as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable aesthetic impacts (project-level and cumulative-level) and cultural resources impacts may result from implementation of the proposed project, the Board finds that the benefits of the project and overriding considerations outweigh the adverse effects of the project. Having included all feasible mitigation measures in the Mitigation Monitoring and Reporting Program, and recognized all unavoidable significant impacts, the Board hereby finds that each of the separate

benefits of the proposed Vineyards at El Dorado Hills Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed project and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed Vineyards at El Dorado Hills Project.

Based on the foregoing findings and the information contained in the record, the Board hereby determines that:

1. All significant effects on the environment due to implementation of the proposed Vineyards at El Dorado Hills Project have been eliminated or substantially lessened where feasible;
2. The Revised Project A Alternative is a feasible alternative to the proposed Vineyards at El Dorado Hills Project which would mitigate or substantially lessen the impacts;
3. The No Project (Diamante Estates) and Revised Project B Alternative are not feasible alternatives to the proposed Vineyards at El Dorado Hills Project which would mitigate or substantially lessen the impacts, meet the project objectives, and provide the benefits of the project as described in the Statement of Overriding Considerations; and
4. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.