

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of:	December 28, 2006
Item No.:	9.a.
Staff:	Tom Dougherty

REZONE

FILE NUMBER: Z06-0033

APPLICANT: Edward Keller

REQUEST: Zone Change from Estate Residential Five-acre (RE-5) to Commercial-Planned Development (C-PD)

LOCATION: East side of Fairplay Road, approximately 325 feet south of the intersection with Mt. Aukum Road, in the Somerset area. (Exhibit A)

APN: 094-020-05

ACREAGE: 2.58 acres

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Recommend conditional approval

BACKGROUND: The subject parcel was zoned Estate Residential Five-acre (RE-5) with the adoption of the South County Area Plan effective January 14, 1983. The subject parcel was designated Commercial (C) by the 1996 General Plan.

STAFF ANALYSIS

Project Description: Zone change from Estate Residential Five-acre (RE-5) to Commercial-Planned Development (C-PD) for the purpose of creating options for the construction of a project compatible to the area and in line with the uses allowed in the Commercial (C) Zone District. No development plan accompanies this rezone request.

Site Description: The project site is essentially level and slopes downward in a northeast direction beginning behind the existing residence which is located about 300 feet back from Fairplay Road and then drops down the rest of the approximately 300 feet of the parcel towards Perry Creek which is located outside the northern parcel boundary. The site has been previously graded flat between the dwelling and the road and is devoid of shrubs and trees leaving only annual grasses. The existing gravel drive circles in front of the dwelling where the first tree is located, a canyon live oak (*Quercus chrysolepis*). North of the dwelling is a mixture of black oaks (*Quercus kelloggii*), canyon live oaks, and ponderosa pine (*Pinus ponderosa*) that grow on the approximately 22 to 28 percent slopes to the north boundary. The existing structures include a two-story single-family dwelling that was originally built in 1945, a small storage shed, and a pump house for the existing well.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	C	Vacant
North	RE-5	MDR/AL	Single-family residence
South	RE-5/RE-10	MDR/PF	Single-family residence/Pioneer Park
East	RE-5	C	Single-family residence
West	C	C	Vacant

Discussion: The subject parcel is bounded on the south by Fairplay Road with the County-owned Pioneer Park on the opposite side adjacent to the south corner. The parcel to the west is vacant. The next parcel to the west is the Sierra Oak Estates Winery with wine tasting/gift shop/art gallery and also a real estate office. The parcel to the east has a single-family residence and to the east of it is the Entrata Villa Vigna which advertises as a vacation rental.

General Plan: The General Plan designates the subject site as Commercial (C). The following General Plan policies apply to this project:

Policy 2.1.2.1 establishes Grey's Corner as a Rural Center. The subject 2.58-acre parcel is located within the Grey's Corner Rural Center boundary, and **Policy 2.1.2.3** directs that Rural Centers are intended to meet the commercial and service needs of the residents of the Rural Centers and Rural Regions, and the predominant land use type within Rural Centers shall be commercial and higher density residential development. **Policy 2.2.1.2** establishes that parcels with the Commercial land use designation are intended to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within this Rural Center which combine commercial and residential uses shall be permitted provided the commercial activity is the primary and dominant use of the parcel.

Policy 2.2.5.2 directs that applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major

and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. The subject application includes a zone change request to Commercial for a 2.58-acre parcel. The establishment of a new zone designation of Commercial (C) and the ensuing uses it allows is consistent with the allowed uses intended by the Commercial (C) land use designation.

Policy 2.2.5.3 directs that the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

- Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;
4. Distance to and capacity of the serving elementary and high school;
5. Response time from the nearest fire station handling structure fires;
6. Distance to nearest Community Region or Rural Center;
7. Erosion hazard;
8. Septic and leach field capability;
9. Groundwater capability to support wells;
10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;
14. Capacity of the transportation system serving the area;
15. Existing land use patterns;
16. Proximity to perennial water course;
17. Important historical/archeological sites;
18. Seismic hazards and present active faults; and
19. Consistency with existing Conditions, Covenants, and Restrictions.

The surrounding parcels are also designated for commercial uses by the General Plan. The parcel fronts a County maintained road, and Pioneer Park is located across the road to the south. Power and telephone exists at the site, there is an existing gravel entrance driveway and encroachment onto Fairplay Road, and there is an existing septic system and well. A well production report dated June dated June 21, 2006, and a septic tank inspection report dated June 24, 2006, established the current efficiency of the well and the status of the existing septic system. There is potential for pedestrian traffic in front of the parcel. The level portion of the parcel is devoid of trees and has been graded in the past. The potential impacts to the native oak canopy in the rear portion of the parcel, the traffic, the existing septic and well, will all be re-examined during the planned development process. The location in a Rural Center, the current availability of supporting utilities and infrastructure, the easy access for emergency responders,

and the potential for other surrounding commercial opportunities have determined that the site is appropriate for commercial development.

Policy 7.3.3.4 encourages the incorporation of protected areas into conservation easements or natural resource protection areas and thus directs that a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. Perry Creek is outside the northernmost parcel boundary, and any future development plan that proposed development near that area would be analyzed for its potential impacts to that stream and said setbacks would be applied if applicable.

Policy 7.4.4.4 requires that all permitted development in the County adhere to the General Plan tree canopy retention and replacement standards in an attempt to “protect and conserve forest and woodland resources,” and to reduce those impacts to an insignificant level. The subject parcel is located in the Blue Oak-foothill pine habitat type which is a mixture of conifers and hardwoods. (El Dorado County General Plan EIR, 5.12-7, May 2003). Black and canyon live oaks dominate the site. No trees will be removed as a direct result of this rezone. All existing trees are located in the down-sloping rear, northern portion of the parcel. Future development permits will be looked at for the impacts to existing tree canopy when they are submitted.

Policy 8.1.1.5 directs that except for parcels assigned urban or other nonagricultural uses by the Land Use Map for the 1996 General Plan, parcels 20 acres or larger containing choice agricultural soils (see Policy 8.1.1.2(b)) shall be zoned for agricultural use except where the Board of Supervisors determines that economic, social, or other reasons justify allowing nonagricultural development or uses to occur on the affected properties. The 2.58-acre parcel has “choice” soils that are mapped only on the front approximately one-acre portion of the parcel which is much smaller in size than the typical size of concern for land to be considered for agricultural zoning designation.

Support utilities and infrastructure are currently available at the site and the potential impacts on natural resources were examined by the Initial Study that recommends approval of a Negative Declaration.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: Table 2.4 of the 2004 General Plan shows that the existing zone district of Estate Residential Five-Acre is incompatible with the Commercial land use designation. The rezone to Commercial-Planned Development would make the zone district designation compatible.

Planning staff is recommending adding the planned development overlay in order allow use of modern planning and development techniques, effect more efficient utilization of land, and to allow flexibility of development. The permitted uses, when the planned development is used in combination with other zones, will be limited to those listed within the basic zone with which the planned development zone is combined. In this case, the Commercial District would be the base zone for the site, with the planned development as an overlay zone. No development plan

accompanies this rezone request. With the addition of the planned development overlay, Section 17.14.030(B) of the Zoning Ordinance would require that any future development plan would require the submittal of a planned development application which requires Planning Commission review any future development plan.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

This Rezone request is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

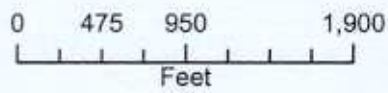
RECOMMENDATION: Recommend approval


SUPPORT INFORMATION

Attachments to Staff Report:

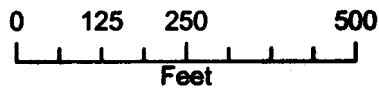
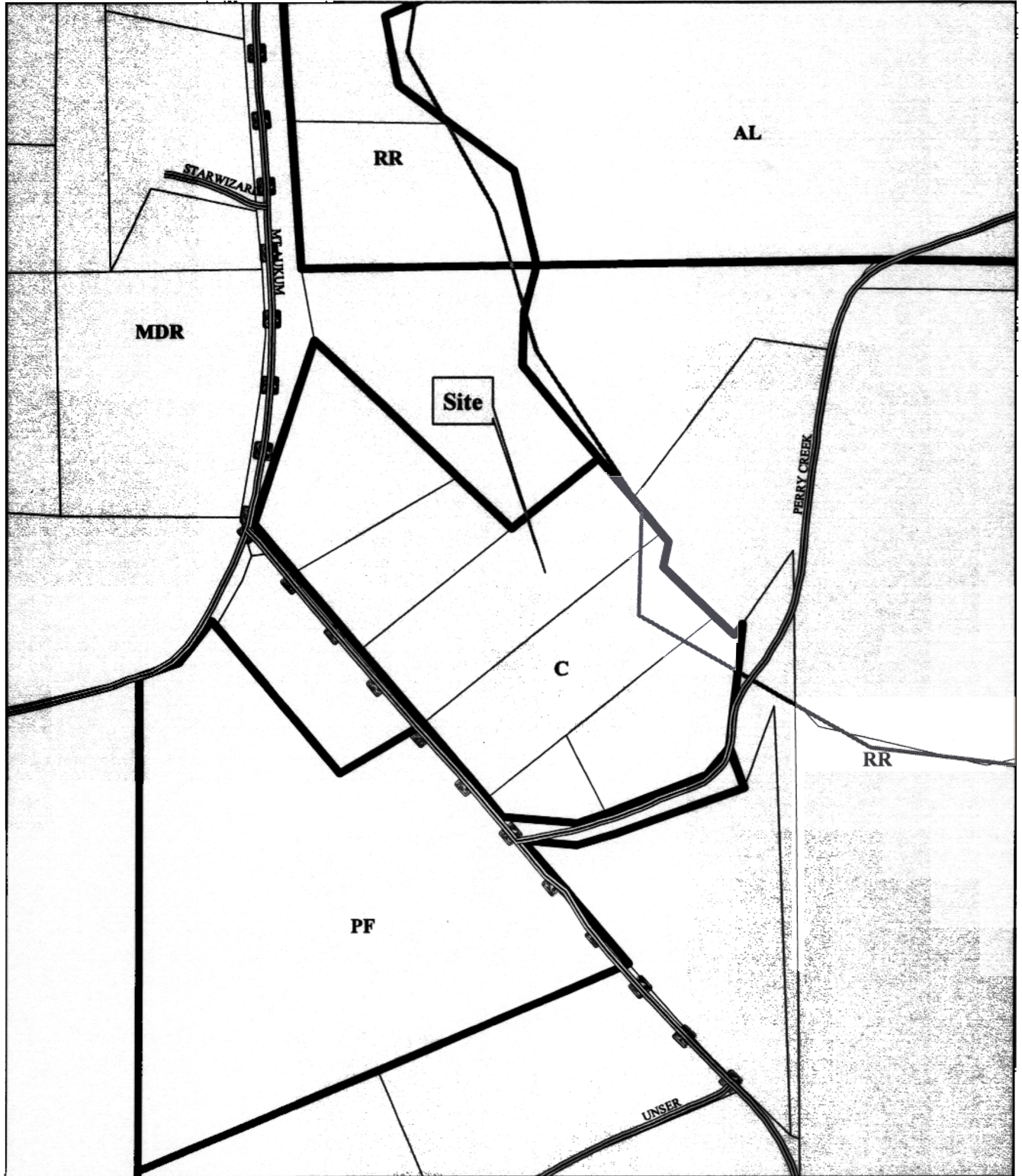
- Exhibit A..... Vicinity Map
- Exhibit B..... General Plan Land Use Map
- Exhibit C..... Zoning Map
- Exhibit D..... Assessor’s Parcel Map
- Exhibit E..... Applicant submitted site plan
- Exhibit F..... Grey’s Corner Rural Center Boundary
- Exhibit G..... Soils Map
- Exhibit H..... Aukum U.S.G.S. Quadrangle
- Exhibits I1, I2..... Site Visit Photos from September 15, 2006
- Exhibits J1, J2..... Aerial Photos
- Exhibit K..... Initial Study/Environmental Checklist

Vicinity



 Proposed Bike Plan

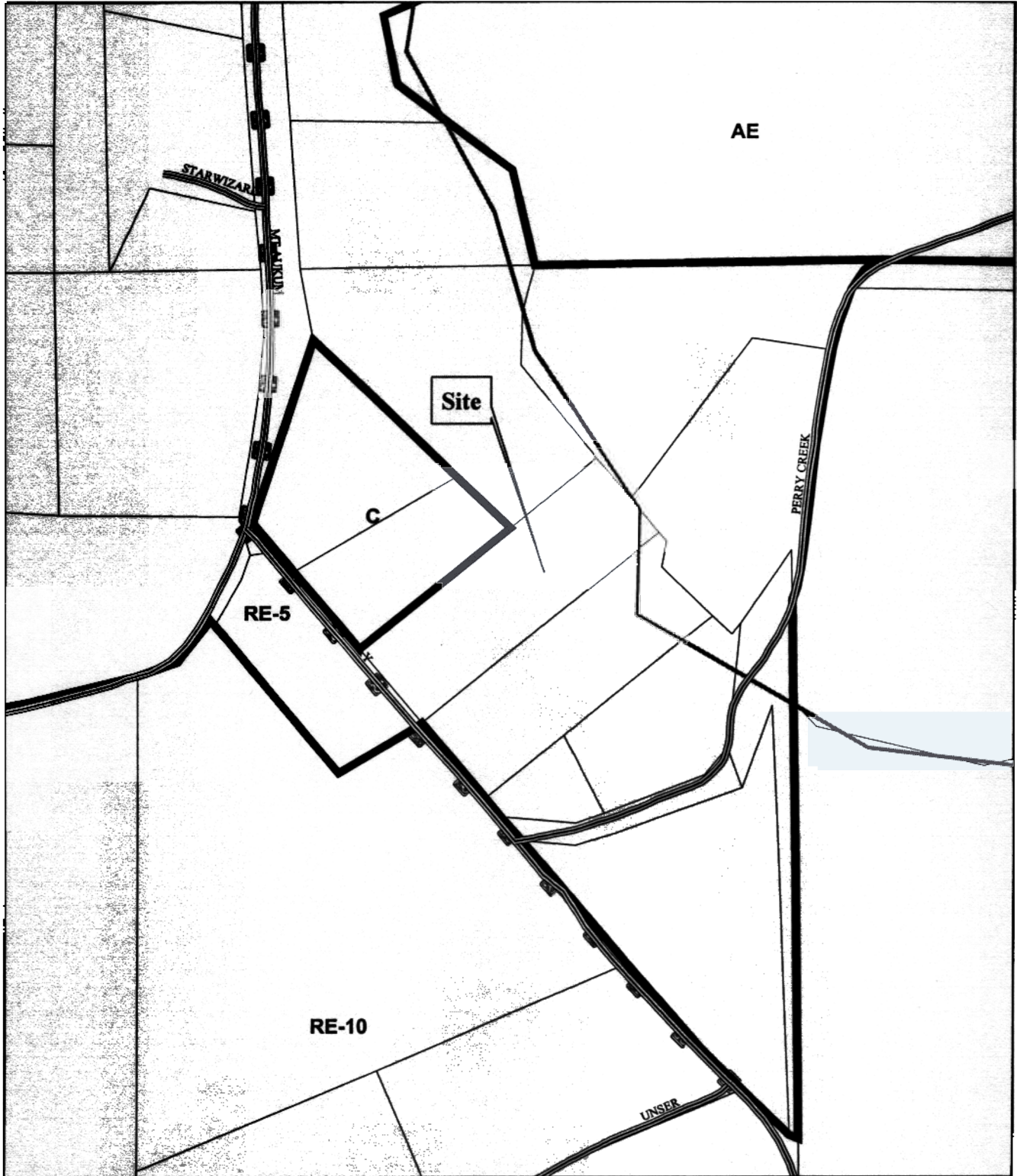
General Plan Land Use



 Proposed Bike Plan

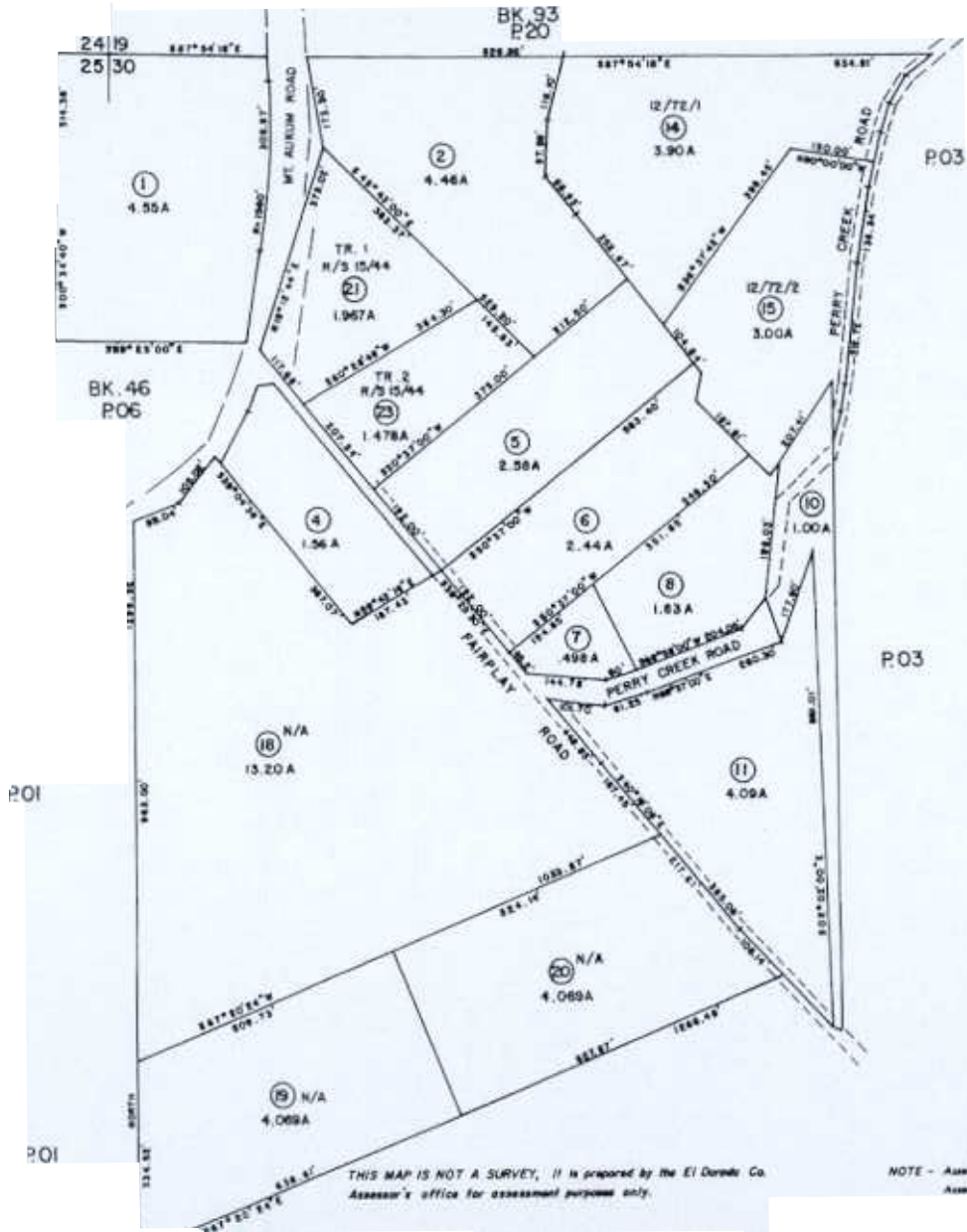
C = Commercial
RR = Rural Residential
MDR = Medium-Density Residential
AL = Agricultural Lands

Zoning



 Proposed Bike Plan

RE-5 = Estate Residential Five-Acre
C = Commercial
RE-10 = Estate Residential Ten-Acre
AE = Exclusive Agriculture



THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's office for assessment purposes only.

NOTE - Assessor's Block Numbers Shown in Squares Assessor's Parcel Numbers Shown in Circles

Exhibit D

AUG - 3 AM 11:39
RECEIVED
PLANNING DEPARTMENT

SCALE 1"=50'
N

W ALKEM ROAD

74-02-21+23
NKPL ENCL. P. 13
RS 15-44
COMMERCIAL

N 50° 37' 00" W
230' 00"

94-02-02
J. KLIEBY
AC 2000-35834

S 87° 50' 00" E
212' 50"

94-02-05
E. KELLER TR.
0002003-19508
2.53 AC.



PERRY CREEK 19204
N 38° 07' 36" W

94-02-06
J. TALMADGE TR.
OR 5055-477

DRIVEWAY
R FAIRPLAY ROAD
S 51° 23' 00" W 19204

APN: 094-020-05

LOCATION

PROPERTY OWNER: EDWARD KELLER JR. TRUS
ADDRESS: SAME AS BELOW

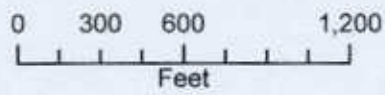
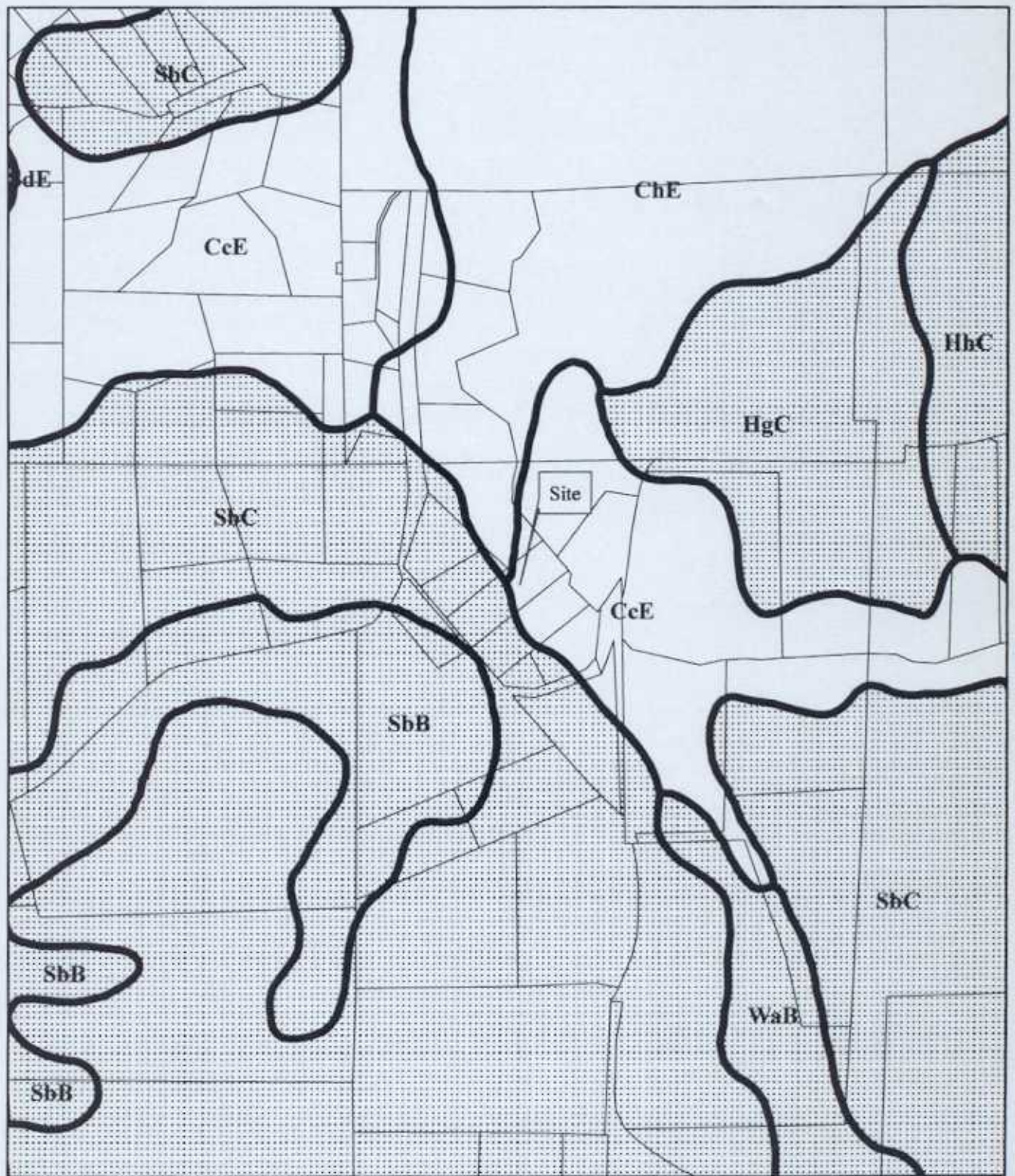
APPLICANTS NAME: EDWARD KELLER JR.
ADDRESS: P.O. BOX 4606
EL DORADO HILLS, CA.
95762


Exhibit E

Z 06-0033

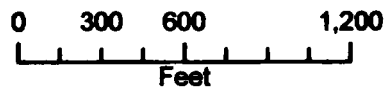
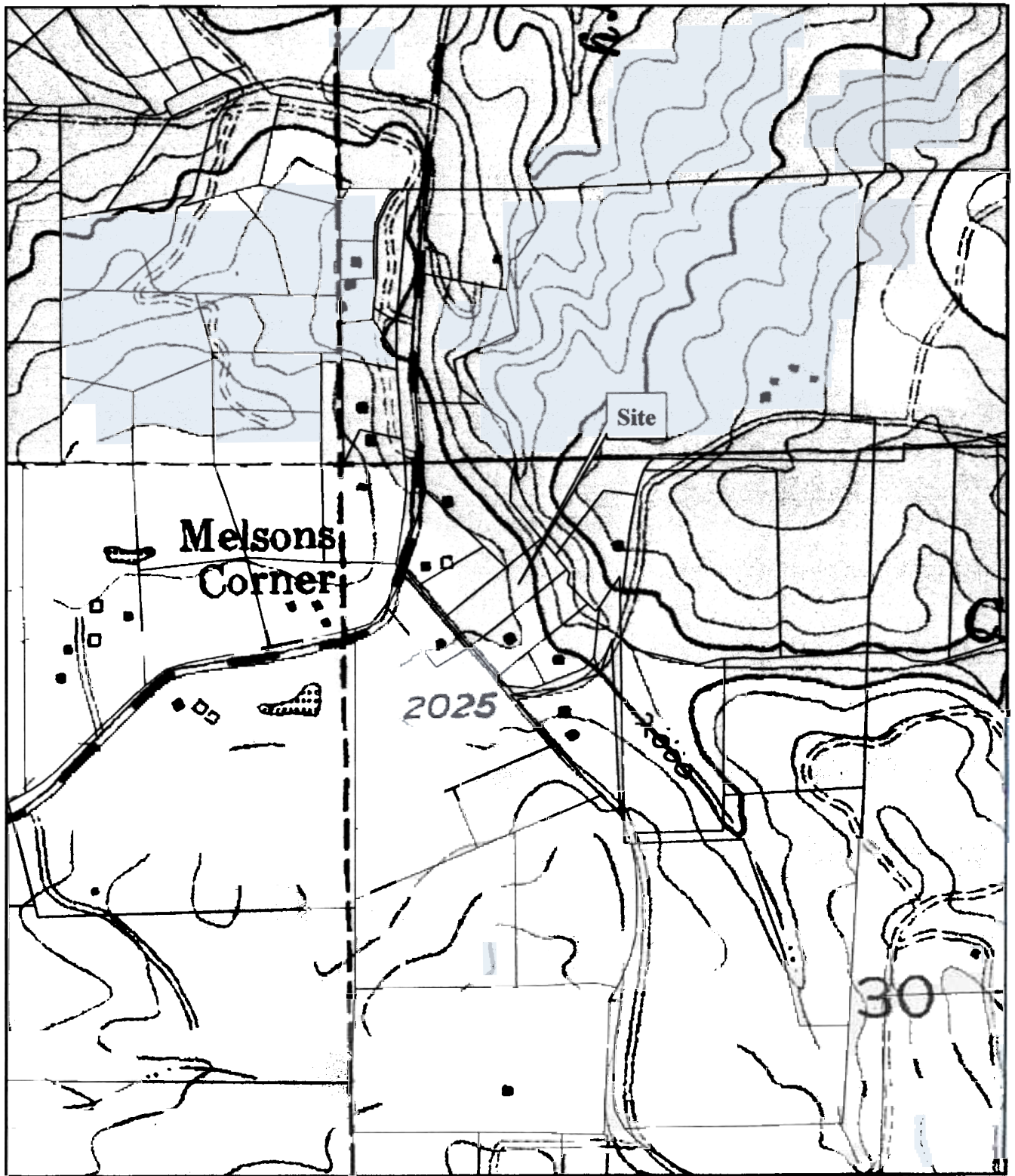


Soils



 Choice Soils

Aukum U.S.G.S. Quadrangle With County Parcels Overlay



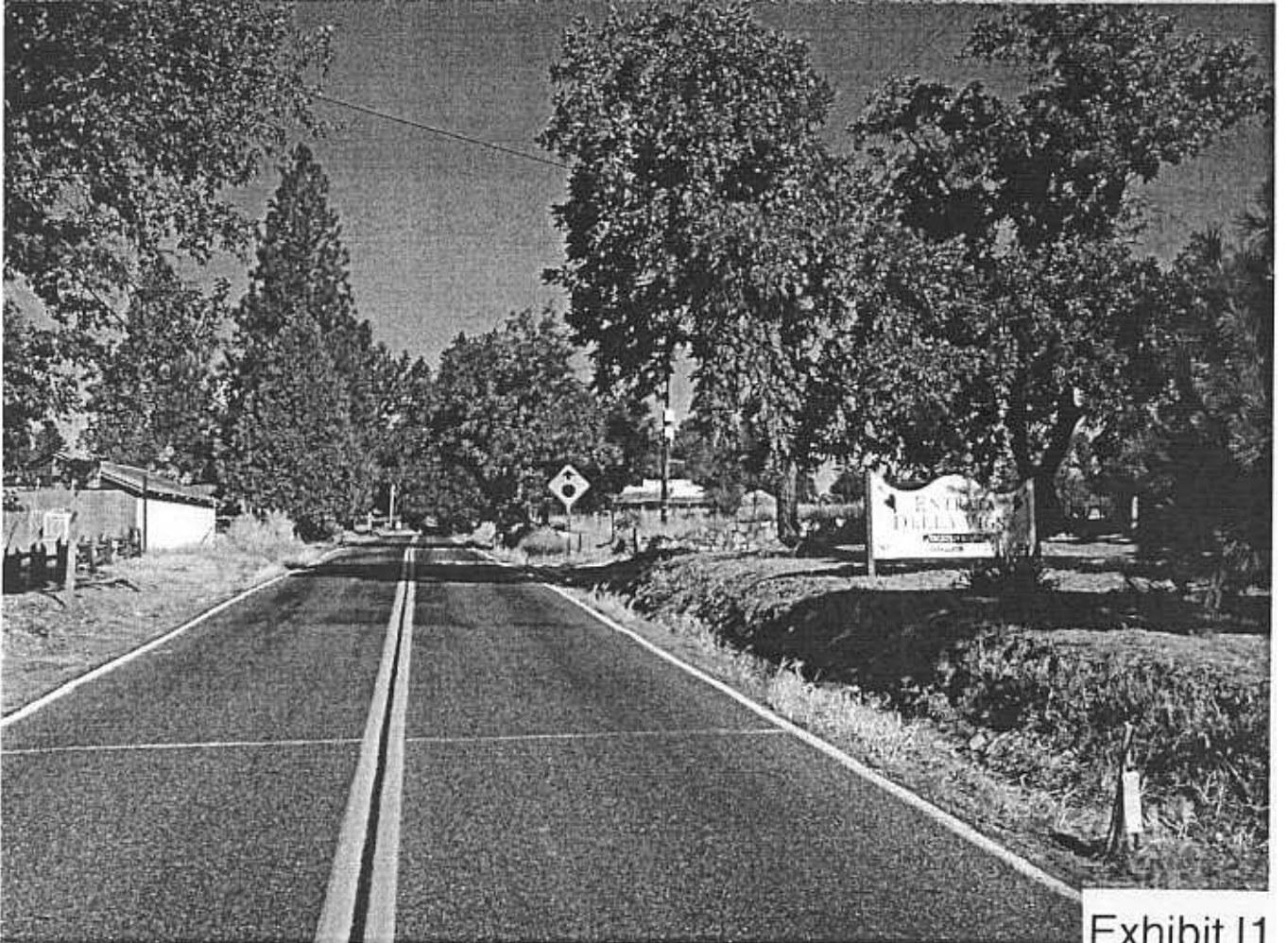


Exhibit I1



Exhibit I2

0 195 390 780 1,170 1,560 Feet



Copyright 2006
AirphotoUSA-LLC
All rights reserved

Disclaimer:

This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information. Parcel boundaries are particularly unrecognizable. Users make use of this depiction at their own risk.

Exhibit J1



Copyright 2006
AirphotoUSA, LLC
All rights reserved

Disclaimer:

This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.

EXHIBIT K



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

**ENVIRONMENTAL CHECKLIST FORM
AND DISCUSSION OF IMPACTS**

Project Title: Zone Change Z06-0033/Ed Keller

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

Contact Person: Tom Dougherty, Associate Planner

Phone Number: (530) 621-5355

Project Owner/Applicants Name and Address: Edward Keller, P.O. Box 4606, El Dorado Hills, CA 95762

Project Location: East side of Fairplay Road, approximately 325 feet south of the intersection with Mt. Aukum Road, in the Somerset area.

Assessor's Parcel No: 094-020-05

Zoning: Estate Residential Five-Acre (RE-5)

Section: 30 **T:** 9N **R:** 12E

General Plan Designation: Commercial (C)

Description of Project: Zone Change from Estate Residential Five-Acre (RE-5) to Commercial-Planned Development (C-PD).

Surrounding Land Uses and Setting:

	<u>Zoning</u>	<u>General Plan</u>	<u>Land Use (e.g., Single Family Residences, Grazing, Park, School)</u>
North:	RE-5	MDR/AL	Single-family residence
East:	RE-5	C	Single-family residence
South:	RE-5/RE-10	MDR/PF	Single-family residence/Pioneer Park
West:	C	C	Vacant

Briefly Describe the environmental setting: The project site is essentially level and slopes downward in a northeast direction beginning behind the existing residence which is located about 300 feet back from Fairplay Road and then drops down the rest of the approximately 300 feet of the parcel towards Perry Creek which is located outside the northern parcel boundary. The site has been previously graded flat between the dwelling and the road and is devoid of shrubs and trees leaving only annual grasses. The existing gravel drive circles in front of the dwelling where the first tree is located, a canyon live oak (*Quercus chrysolepis*). North of the dwelling is a mixture of black oaks (*Quercus kelloggii*), canyon live oaks and ponderosa pine (*Pinus ponderosa*), that grow on the approximately 22 to 28 percent slopes to the north boundary. The existing structures include a two-story single-family dwelling that was originally built in 1945, a small storage shed and a pump house for the existing well.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): None

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
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	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: November 17, 2006

Printed Name: Tom Dougherty, Associate Planner For: El Dorado County

Signature: _____ Date: November 17, 2006

Printed Name: Peter Maurer, Principal Planner For: El Dorado County

EVALUATION OF ENVIRONMENTAL IMPACTS

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
--------------------------------	---	------------------------------	-----------

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 not adjacent to U.S. Highway 50. The project site and vicinity is not identified by the County as a scenic view or resource. (El Dorado County Planning Department, El Dorado County General Plan Draft Environmental Impact Report (SCH # 2001082030), May 2003, Exhibit 5.3-1 and Table 5.3-1). There would be no impact as a result of development of the proposed project.
- b. **Scenic Resources.** The front half of the subject parcel is graded flat, and is surrounded by developed, urban uses. There are no rock outcrops, trees, or historic buildings that would contribute to exceptional aesthetic value. There would be no impact.
- c. **Visual Character.** Rezoning the property to Commercial/Planned Development would not be inconsistent with the surrounding visual environment for similar parcels also located within the Grey’s Corner Rural Center/Commercial General Plan land use designation and would not directly result in any topographic alteration that would change the natural landscape. Impacts would be less than significant.
- d. **Light and Glare.** All future outdoor lighting will be required conform to § 17.14.170 of the El Dorado County Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation.

Finding: No impacts from light and glare will directly result from the approval of this zone change request. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. For this “Aesthetics” category, the thresholds of significance have not been exceeded.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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.** Review of the General Plan land use map for the project area indicates that the project site is not designated as being within the Agricultural District (A) General Plan overlay and the specific land use designation is Commercial. The front approximately 1/2 of this parcel contains Shaver coarse sandy loam (SbC) soil which is classified as Statewide Important Farmland soil however, because the portion of this said area amounts to approximately one acre in size, is fronted by a major roadway, has been previously graded flat and compacted, as well as being located within a Rural Center, the loss of Prime Farmland is considered to be less than significant.
- b. **Williamson Act Contract.** The project will not conflict with existing zoning for agricultural use, and will not affect any properties under a Williamson Act Contract because the site is not designated for agricultural use.
- c. **Non-Agricultural Use.** The site is located in an area designated by the General Plan as Commercial and Rural Center. The impact of the conversion of the one-acre portion of this parcel that could potentially be used for agriculture to Commercial use is considered to be less than significant.

Finding: No impacts to agricultural land are expected and no mitigation is required. The rezone request is compatible with the surrounding neighborhood. For this "Agriculture" category, the thresholds of significance have not been exceeded.

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			X

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

III. AIR QUALITY. <i>Would the project:</i>			
projected air quality violation?			
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment 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 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.
- a. **Air Quality Plan.** El Dorado County has adopted the El Dorado County California Clean Air Act Plan establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO_x, and O3). This plan also contains a schedule for implementation and funding of Transportation Control Measures (TCM) to limit mobile source emissions. Implementation measures from this plan are required to be implemented at the project level and would be dealt with during the review of any future Planned Development permit. In addition, a project is required to comply with the National Ambient Air Quality Standards as required under the Federal Clean Air Act as well as the State of California Ambient Air Quality Standards, which are equal to or more stringent than the National Standards.
 - b. **Air Quality Standards.** El Dorado County is classed as being in “severe non-attainment” status for Federal and State ambient air quality standards for ozone. Additionally, the County is classified as being in “non-attainment” status for particulate matter (PM₁₀) under the State’s standards. The California Clean Air Act of 1988 requires the County’s Air Pollution Control Program to meet the State’s ambient air quality standards. The El Dorado County Air Pollution Control District administers point source air pollution control. The County requires project emissions of ROG, No_x, and PM₁₀ be quantified using URBEMIS 7G or other approved model acceptable to the District. The property would be rezoned with a Planned Development overlay and any future potential impacts to air quality would be further analyzed during the review of any future Planned Development permit.
 - c. **Ambient Air Quality.** The El Dorado County Air Quality Management District reviewed the project proposal and will again review the submitted development plans during the Planned Development application process and will address all impacts to air quality at that time. The rezoning of the property to Commercial/Planned Development will not directly permanently impact air quality in a significant way.
 - d. **Sensitive Receptors.** Sensitive receptors include such groups as young children, the elderly, schools, hospitals, day-care centers, convalescent homes, and high concentrations of single-family residences. There is a County park on the adjacent parcel to the south. Potential future project grading would

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

temporarily impact that sensitive receptor during the construction phase. There could potentially be intermittent short term diesel exhaust emissions during construction but not long term. The dust temporarily kicked up during the grading and trenching stages should be controlled by any future applicant adhering to District Rules 223 and 223.1 which they are required to do.

- e. **Objectionable Odors.** The rezoning of the property to Commercial/Planned Development will not directly permit uses that would generate any odors. The potential uses allowed by sections 17.32.010 to 17.32.040 would not be anticipated to create objectionable odors.

Finding: A significant air quality impact is defined as any violation of an ambient air quality standard, any substantial contribution to an existing or projected air quality violation, or any exposure of sensitive receptors to substantial pollutant concentrations. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. As discussed above, no impacts on air quality are expected and no mitigation is required. For this "Air Quality" category, the thresholds of significance have not been exceeded.

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 corridors, or impede the use of native wildlife nursery sites?			X	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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 & b. Special Status Species and Sensitive Natural Communities. Review of the California Natural Diversity Database and Important Biological Resources map available at Planning Services, in combination with a site visit that revealed a previously graded site that is flat and devoid of trees and shrubs in the front one-acre portion, did not reveal the likelihood of special status species and sensitive natural communities. There is no development plan with this application. Any future potential impact to the sloped portion in the northern portion of the parcel that contains a more diverse habitat will be evaluated during the Planned Development stage. There would be a less than significant impact.

c. Wetlands. Perry Creek is outside the northernmost parcel boundary and any future development plan that proposed development near that area would be analyzed for its potential impacts to that stream and said setbacks would be applied if applicable. There would a less then significant impact.

d. Wildlife Interference. Review of the Department of Fish and Games Migratory Deer Herd Maps and General Plan EIR Exhibit 5.12-17 indicate that the project is located within the Yollabolly migratory deer herd habitat. The proposed zone change will not directly impair the deer herd due to loss of habitat, increase harassment, or disturb migratory movement. The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. Any future potential disturbances to wildlife habitat in the northern vegetated portion of the subject parcel would be reviewed further in the review of any potential development plan required to be analyzed in the Planned Development review process.

e. Biological Resources. General Plan Policy 7.4.4.4 requires analysis of the impacts to the canopy coverage of native El Dorado County oak trees. That analysis would occur during the future Planned Development review process. There will be no direct conflict with any county ordinance or preservation plan by the current subject rezone request.

f. Habitat Conservation Plan. The proposed project will not conflict with the provisions of a proposed or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan since there are neither in the project vicinity. There would be no impact.

Finding: No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. For this “Biological” category, the thresholds of significance have not been exceeded.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

V. CULTURAL RESOURCES. <i>Would the project:</i>			
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

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 Resources.** A “Cultural Resources Investigation” was done by Robert Jackson of Pacific Legacy in June of 2002 that found that no cultural resources are present in the project area. Any potential future development proposal would be conditioned by the grading permit, as well as these subject applications, to deal with any potential cultural resources unearthed during the construction phase. Because of the common possibility that any parcel in the County may turn up archeological finds during grading, future developments would be conditioned with the following “Conditions of Approval” or similar versions of them:

During all grading and construction activities in the project area, an archaeologist or historian approved by the Planning Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.

2. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading plans shall include this mitigation on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.

- c. **Paleontological Resources.** The project site does not have any known paleontological sites or known fossil locales.
- d. **Human Remains.** There are no historic period structures or buildings within the project site. No human remains were unearthed during any past site grading.

Finding: As conditioned, no impacts on cultural resources are anticipated with the proposed rezone request and no mitigation is required. For this "Cultural Resources" category, the thresholds of significance have not been exceeded.

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 landslide, lateral spreading, subsidence, liquefaction or collapse?				X
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

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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.

Seismicity, subsidence and liquefaction. There are no Earthquake Fault Zones subject to the Alquist-Priolo Earthquake Fault Zoning Act (formerly Special Studies Zone Act) in El Dorado County. No other active or potentially active faults have been mapped at or adjacent to the project site where near-field effects could occur. Although there are no known faults on the project site, the project site is located in a region of the Sierra Nevada foothills where numerous faults have been mapped. The Melones Fault Zone is the closest fault to the site at approximately 6.5 mile to the west. The Bear Mountains Fault is considered only "potentially active", with the last activity estimated at more than 2 million years ago. The nearest active fault, according to Alquist-Priolo criteria, is the Dunnigan Hills Fault 45 miles to the northwest.

b&c. Soil Erosion and loss of topsoil. All grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado - Grading, Erosion, and Sediment Control Ordinance (Ordinance No. 3983, adopted 11/3/88). This ordinance is designed to limit erosion, control the loss of topsoil and sediment, limit surface runoff, and ensure stable soil and site conditions for the intended use in compliance with the El Dorado County General Plan. During site grading and construction of the foundation and other site improvements, there is potential for erosion, changes in topography, and unstable soil conditions.

The project being considered is for a rezoning of the property to Commercial/Planned Development. All grading would be subject to the requirements of a grading permit, which include erosion control measure being incorporated. There would be no impact related to erosion or loss of topsoil as a direct result of this rezone request.

d. Expansive soils are those that greatly increase in volume when they absorb water and shrink when they dry out. The central half of the County has a moderate expansiveness rating while the eastern and western portions are rated low. These boundaries are very similar to those indicating erosion potential. When buildings are placed on expansive soils, foundations may rise each wet season and fall each dry season. This movement may result in cracking foundations, distortion of structures, and warping of doors and windows. Table 18-1-B of the Uniform Building Code establishes a numerical expansion index for soil types ranging from very low to very high.

The U.S. Department of Agriculture, "Soil Survey of El Dorado County" lists the soil type in the front approximately 1/2 of this parcel as containing Shaver coarse sandy loam (SbC) soil which has moderately rapid permeability and a low shrink-swell capacity, and the rear (north) portion as containing Chaix very rocky coarse sandy loam (CcE) which has a moderately rapid permeability and low shrink-swell capacity.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

Any future building permit application that would potentially follow a Planned Development application approval will require a geotechnical report to be reviewed prior to issuance. There would be no direct impact related to expansive soils.

- e. **Septic.** The subject site has an existing septic system that would be re-evaluated in relation to a specific future development proposal at that time. General Plan Policy 5.3.1.1 requires that commercial projects connect to public wastewater collection facilities as a condition of approval, except in Rural Centers. The subject parcel is located in the Grey's Corner Rural Center.

Finding: No significant geophysical impacts are expected from the rezone request. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. For this "Geology and Soils" category, the thresholds of significance have not been exceeded.

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	
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:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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 Substances.** The project being considered is for rezoning of the property to Commercial/Planned Development which does not directly involve physical changes to the environment. There would be no impact related to the routine use, transport, storage, or disposal of hazardous materials in such quantities that would create a hazard to people or the environment. Impacts would be less than significant.
- c. **Hazardous Emissions.** The proposed rezone would not directly allow any operations that would use acutely hazardous materials or generate hazardous air emissions. Any future development proposal would be evaluated for those impacts at that time. There would be no direct impact.
- d. **Hazardous Materials Sites.** The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (California Department of Toxic Substances Control, Hazardous Waste and Substances Site List (Cortese List), http://www.dtsc.ca.gov/database/Calsites/Cortese_List). No activities that could have resulted in a release of hazardous materials to soil or groundwater at the subject site are known to have occurred. There would be no direct impact with the approval of this rezone request.
- e. **Public Airport Hazards.** The project site is not within any airport safety zone or airport land use plan area. There would be no impact.
- f. **Private Airstrip Hazards.** There are no private airstrips in the vicinity of the project site. There would be no impact.
- g. **Emergency Response Plan.** The emergency response plan for any future development proposal would be analyzed for impacts at that time.
- h. **Fire Hazards.** The rezone request and potential approval, would not directly allow any operations (e.g., use of hazardous materials or processes) that would substantially increase fire hazard risk under normal circumstances of office usage. Emergency response access to the site and surrounding development would not be adversely affected, as discussed above. Impacts related to wildland fire hazard would also be analyzed by future required discretionary approvals.

Finding: No Hazards or Hazardous conditions are expected with the rezone request and no mitigation is required. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. For this "Hazards" category, the thresholds of significance have not been exceeded.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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:

- 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;

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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.** The proposed development that could potentially occur because of the approval of the subject application will generate wastewater that would connect to a septic system. Stormwater runoff from potential future development is required to be directed to an engineered drainage system and to contain water quality protection features in accordance with an NPDES stormwater permit if it is deemed applicable. These requirements will be further analyzed and then conditioned specific to the future development proposal and then during the ministerial building permit process. The amount of runoff and types of constituents that would be discharged to the storm drain system would be conditioned so as to not violate water quality standards. There would be no direct impact.

b. **Groundwater.** Potable water for any future commercial development will be analyzed at the Planned Development review stage. There is an existing approved well. The potential impacts by any future potential increased demand on groundwater resources as a result of project implementation would be analyzed then as well. There would be no direct impact.

Erosion Control Plan. The purpose of the erosion control program is to limit stormwater runoff and discharge from a site. The Regional Water Quality Control Board has established specific water quality objectives, and any project not meeting those objectives is required to apply for a Waste Discharge Permit. Compliance with an approved erosion control plan will reduce erosion and siltation on and off site. A grading permit through the Department of Transportation would be required for any future development to address grading, erosion and sediment control.

d. **Existing Drainage Pattern.** The proposed project encompasses 2.58 acres. With the implementation of the future Drainage, Erosion Control and Grading Plans by the Department of Transportation through the Planned Development conditions and ministerial building permit process, the rate of surface runoff from potential future development site will be minimized therefore; there would be no direct impact.

e. **Stormwater Runoff.** There would be no direct impact from stormwater runoff directly caused by the approval of this rezone request. Future potential impacts will be analyzed by future development application review processes.

f. **Water Quality.** Wastewater and stormwater runoff from any future potential development would be analyzed further to assure water quality protection standards have been established. The project being considered is for rezoning of the property to Commercial/Planned Development which does not directly involve physical changes to the environment. There would be no direct impact.

g, h and i. **Flooding.** No portion of the project is within the limits of the floodplain, as identified on the Flood Insurance Rate map, dated October 18, 1995. Therefore, no flooding impacts are expected.

FIRM. The Flood Insurance Rate Map (Panel No. 060040 1000 B, revised October 18, 1983) for the project area establishes that the project site is not within a mapped 100-year floodplain.

j. **Inundation.** A seiche is a water wave within an enclosed body of water such as a lake or reservoir usually generated by an earthquake or landslide. A tsunami is a wave generated from earthquake activity on the

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

ocean floor. The potential for a seiche or tsunami is considered less than significant because the project site is not located within the vicinity of a water body. A mudflow usually contains heterogeneous materials lubricated with large amounts of water often resulting from a dam failure or failure along an old stream course. The potential for a mudflow is considered to be less than significant because the project site is not located within the vicinity of a dam or other water body.

Finding: Any future development plans submitted for a building permit would be analyzed by the Department of Transportation to address erosion and sediment control. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. No significant hydrological impacts are expected with the project. For this "Hydrology" category, the thresholds of significance have not been exceeded.

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: 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 site is in an area designated by the General Plan as a Rural Center and Commercial area. The parcels directly to the west and east are designated the same as well. The project site adjoins a County maintained road near the intersection with Mt. Aukum Road which is another major roadway. The rezoning of this parcel to Commercial/Planned Development would be in keeping with the General Plan intended development pattern and would not physically divide an established community. There would be no impact.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

- b. **Land Use Plan.** Land Use designation for the site is Commercial. The purpose of this category is to provide areas provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The current zoning designation for the site is Estate Residential Five-Acre (RE-5). Table 2.4 of the 2004 General Plan shows that this zone district is incompatible with the Commercial land use designation. The rezone to Commercial/Planned Development would make the zone district designation compatible.

The Planned Development zoning would allow use of modern planning and development techniques, effect more efficient utilization of land and to allow flexibility of development. The permitted uses, when the Planned Development is used in combination with other zones, will be limited to those listed within the basic zone with which the Planned Development zone is combined. In this case, the Commercial District would be the base zone for the site, with the Planned Development as an overlay zone. Therefore, there would be no change in the basic land use with the zone change to Commercial/Planned Development.

The proposed project is for rezoning of the property to Commercial/Planned Development, which does not directly involve physical changes to the environment. There would be no direct impact.

- c. **Habitat Conservation Plan.** The proposed project is not located in an area covered by a Habitat Conservation Plan. There would be no impact to rare plants with the project.

Finding: The proposed rezone to Commercial/Planned Development of the subject parcel will be consistent with the General Plan. There will be no significant impact from the project due to a conflict with the General Plan. No significant impacts are expected. For this "Land Use" category, the thresholds of significance have not been exceeded.

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.** The project site is not in an area where mineral resources classified as MRZ-2a or MRZ-2b by the State Geologist are present, (California Department of Conservation, California Geological Survey, Mineral Land Classification of El Dorado County, California, CGS Open-File Report 2000-03, 2001), and the project site has not been delineated in the General Plan or in a specific plan as a locally important mineral resource recovery site. (El Dorado County Planning Department, El Dorado County General Plan Draft EIR (SCH #2001082030), May 2003, Exhibits 5.9-6 and 5.9-7). There are no mining activities adjacent to or in the vicinity of the project site. There would be no impact.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

Finding: No impacts to energy and mineral resources are expected and no mitigation is required. For this “Mineral Resources” category, the thresholds of significance have not been exceeded.

XI. NOISE. Would the project result in:			
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 Standards.** Future construction would temporarily raise noise levels, but the proposed uses allowed in the Commercial Zone District do not inherently involve increased noise levels. Any future development project would be required not to generate noise levels exceeding the performance standards contained in Table 6-1 and Table 6-2 within the General Plan.
- b. **Groundborne Noise.** Persons adjacent to the project vicinity will not be subjected to long-term, excessive groundborne noise or groundborne vibration as a result of future project construction or upon completion of the project, although short-term, intermittent impacts can be anticipated during future construction phases.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

- c and d. **Ambient Noise.** The uses which would be permitted by the new Commercial Zone District designation would not typically introduce excessive noise. There could be temporary, intermittent noises from construction not untypical with any development project, but the end project would not be permitted to result in a substantial increase in existing ambient noise levels in the project vicinity.
- e. **Airport Noise.** The Project is not located within an airport land use plan, or within two miles of a public airport or public use airport.
- f. **Private Airstrip Noise.** The proposed project is not located adjacent to or in the vicinity of a private airstrip. As such, the project will not be subjected excessive noise from a private airport.

Finding: As discussed above, no significant noise impacts are expected with the Project. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. For this "Noise" category, the thresholds of significance have not been exceeded.

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 - c. **Population Growth.** The project site is in an area zoned for commercial and residential use, and utility services are available at the project site. The direct ability to develop a single-family residence would be lost by the rezone however; the General Plan land use designation of Commercial does allow a potential, restricted, residential component.

Finding: The project will not directly displace housing. The ability to have a residential component is not entirely lost. There is no potential for a significant impact due to substantial growth either directly or indirectly with the Project. For this "Population and Housing" category, the thresholds of significance have not been exceeded.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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.

- Fire Protection.** The Pioneer Fire Protection District currently provides fire protection services to the project area. The District was solicited for comments to determine compliance with fire standards, El Dorado County General Plan, State Fire Safe Regulations as adopted by El Dorado County and the Uniform Fire Code. The District did not respond with any concerns that the level of service would fall below the minimum requirements as a result of the proposed rezone.
- Police Protection.** The project site will be served by the El Dorado County Sheriff's Department with a response time of 8 minutes to 80 percent of the population located in the Community Regions. For the rural areas, there is no standard minimum level of service or response time. Currently, the County has 0.89 sworn officers per 1,000 daytime population. The rezoning to Commercial/Planned Development would not significantly impact current response times to the project area.
- Schools.** The State allows school districts to directly levy fees on new residential and commercial/industrial development. These fees are collected at the time of building permit submittal and are designed to provide funds to acquire and construct additional facility space within impacted school districts. The rezone will

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

not directly generate the need for additional school facilities and will not impact school enrollment, as the project would not result in a dominant residential component.

- d. **Parks.** Section 16.12.090 of County Code establishes the method to calculate the required amount of land for dedication for parkland, and an in-lieu fee amount for the subdivision of land. Provisions to provide parkland were not included as part of the proposal in accordance with Section 16.12.090 of County Code because the project is not for a residential subdivision. The rezone will not increase the demand for parkland.
- e. **Other Facilities.** No other public facilities or services will be directly substantially impacted by the project. Any future potential impacts would be further analyzed in the Planned Development process.

Finding: As discussed above, as conditioned, no significant impacts are expected with the project either directly or indirectly. For this "Public Services" category, the thresholds of significance have not been exceeded.

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 & b. The proposed project is for rezoning of the property to Commercial/Planned Development and therefore the would not substantially contribute to an increase in demand on recreation facilities or contribute to increased use of existing facilities. There would be no impact.

Finding: No significant impacts to recreation and open space resources are expected with the rezone. For this "Recreation" category, the thresholds of significance have not been exceeded.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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 5 or more units.

a & b. Capacity and Level of Service. The proposed project is for rezoning of the property to Commercial/Planned Development. No development project is included in the proposal. Fairplay Road is classified by General Plan Table 5.4-2 as a Minor Two-Lane Highway. Table 5.4-5 classifies both Fairplay and Mt. Aukum roads as having PM peak hour level of service A-C. The El Dorado County Department of Transportation "Annual Traffic Summary for 2005," issued February 3, 2006 lists the Average Daily Trips on Fairplay Road 100 feet south of Mt. Aukum Road as 2,149. Any future development plan would be analyzed first for its impacts on the existing traffic through the initial submittal of the "Meeting Request for Initial Department of Transportation Project Review" and later potentially through a traffic study if deemed applicable.

Future development applications could also potentially be required to widen Fairplay Road along the entire parcel frontage, to irrevocably offer to dedicate, in fee title a portion of the road and public utility easement

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

along the parcel frontage, and other potential improvements to be determined at the time of application. The rezone in and of itself would thus have a less than significant impact.

- c. **Traffic Patterns.** The project will not result in a major change in established air traffic patterns for publicly or privately operated airports or landing fields in the project vicinity. The project site is not within an airport safety zone. There would be no impact.
- d. **Hazards.** Policy TC-5b requires that curbs and sidewalks are required on all commercial developments in order to promote pedestrian traffic. It could be anticipated that there will be future pedestrian traffic from Pioneer Park to future commercial development. It is possible that the sidewalk requirement could be changed to some type of foot trail other than concrete sidewalks, and any line of sight and encroachment problems would be required to be addressed during the Planned Development review that would be specific to the particular future development proposed. The rezone in and of itself would not create a conflict with this policy.

Emergency Access. The project site is situated on Fairplay Road. Emergency access to a potential future commercial project would be analyzed would be required to be addressed during the Planned Development review that would be specific to the particular future development proposed. There would be no direct impact.
- f. **Parking.** Section 17.18 of the Zoning Ordinance lists the parking requirements by use. A full parking analysis will be completed during a Planned Development application review. There would be no direct significant parking impacts.
- g. **Alternative Transportation.** Policies 9.1.2.4 and 9.1.2.8 direct that discretionary projects be evaluated with regard to their ability to implement, integrate and link, where possible, existing and proposed National, State, regional, County, city and local hiking, bicycle, and equestrian trails for public use. There is a Class 3 bike lane proposed for Mt. Aukum and Fairplay Roads as shown on the attached Exhibits A-C. The proposed rezone does not conflict with the ability to incorporate these alternative transportation options, or programs supporting alternative transportation during the Planned Development review process.

Finding: As discussed above, no significant traffic impacts are expected with the project. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. For this "Transportation/Traffic" category, the thresholds of significance have not been exceeded.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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
h. Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.			X

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.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

- a, b & e **Wastewater.** The amount of runoff and types of constituents that would be discharged to a storm drain system would be further analyzed during the planned development, grading and building permit processes. A septic tank inspection report dated June 24, 2006 established the current efficiency and status of the existing septic system. This would be further analyzed during any future development application. Until that time, impacts would be less than significant.
 - c. **Stormwater Drainage.** The commercial development potentially allowed by this rezone would generate increased stormwater flows as a result of the creation of new impervious surfaces. All required drainage facilities for the proposed development would be required to be built in conformance with the standards contained in the "County of El Dorado Drainage Manual," as determined by the Department of Transportation, in conjunction with a Commercial Grading Permit issued for the development. The project itself is for rezoning of the property to Commercial/Planned Development which does not directly involve physical changes to the environment. Until that time, impacts would be less than significant.
 - d. **Potable Water.** A well production report dated June dated June 21, 2006 was received with this subject application and was reviewed by the El Dorado County Environmental Health Division and it met with their approval. Well production reports are only considered accurate if they are no older than two years, under current interpretations, and any future development permit would be analyzed as to the proposed uses and if the well could support that use, when said use is analyzed during any future development application. Until that time, impacts would be less than significant.
 - f. **Landfill.** 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.) are allowed to be dumped at the Union Mine Waste Disposal site. All other waste 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. This facility has more than sufficient capacity to serve the County for the next 30 years. There would be no impact.
 - g. **Solid Waste.** County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting, and loading of solid waste and recyclables. The project is for rezoning of the property to Commercial/Planned Development which does not involve physical changes to the environment. There would be no impact.
- Power and Telecommunication Facilities.** Power and telecommunication facilities are available at the project site. There would be no impact.

Finding: No significant utility and service system impacts are expected with the rezone. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. For this "Utilities and Service Systems" category, the thresholds of significance have not been exceeded.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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. As discussed in Item V (Cultural Resources), the proposed project would have no significant effect on historical or unique archaeological resources. There would be no effects on fish habitat (Item IV). There would be no significant effect on special-status plant or animal species (Item IV).
- b. Due to the existing site specific conditions and type of project proposed and types of activities proposed, which have been disclosed in the Project Description and analyzed in Items I through XVI, there would be no significant impacts related to agriculture resources, air quality, geology/soils, hazards/hazardous materials, land use/planning, mineral resources, population/housing, public services, recreation, traffic that would combine with similar effects such that the project's contribution would be cumulatively considerable.
- c. No development plan accompanies this rezone request. With the addition of the Planned Development overlay, any future development plan would require the submittal of a Planned Development application and the potential project specific impacts would be analyzed at that time. There would be no environmental effects that would cause substantial adverse impacts on people either directly or indirectly.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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

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.)

“Cultural Resources Investigation,” Robert Jackson of Pacific Legacy in June of 2002