

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION AND
BOARD OF SUPERVISORS
STAFF REPORT**



Agenda of: December 13, 2007

Item No.: 4.b.

Staff: Tom Dougherty

WILLIAMSON ACT CONTRACT/ZONE CHANGE

FILE NUMBER: WAC07-0001/Z07-0030

APPLICANT: Tammy Isaak

AGENT: Joel Korotkin

REQUEST: Request to establish a new agricultural preserve on 24.501 acres, and a zone change from Residential Agricultural Twenty-acre (RA-20) to Exclusive Agriculture (AE).

LOCATION: On the north side of Sandridge Road, at the northwest corner of the intersection with Mariah Lane, in the Somerset area, Supervisorial District II. (Exhibit A)

APN: 046-041-17

ACREAGE: 24.501 acres

GENERAL PLAN: Rural Residential - Important Biological Corridor (RR - IBC). (Exhibit B)

ZONING: Residential Agricultural 20-acre (RA-20). (Exhibit C)

ENVIRONMENTAL DOCUMENT: The Williamson Act Contract request is exempt from the requirements of CEQA pursuant to Section 15317 of the State CEQA Guidelines. For Z07-0030, a Mitigated Negative Declaration was prepared.

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to:

1. Certify that the WAC07-0001 is Categorically Exempt from CEQA pursuant to Section 15317 and adopt the Mitigated Negative Declaration and the Mitigation Monitoring Program for Z07-0030;
2. Approve WAC07-0001 and
3. Approve of Z07-0030.

BACKGROUND: The 24.501-acre parcel (APN 046-041-17) was created by exception when the gift deed Official Record 1677-270, September 22, 1978 was split out creating three parcels by default. The current zoning designation of Residential Agricultural 20-acre was established by the South County Area Plan on January 14, 1983. The parcel was the subject of Certificate of Compliance COC04-0133 which was finalized by the El Dorado County Surveyor’s Office on November 15, 2004.

STAFF ANALYSIS

Request: The applicants are requesting to establish a new agricultural preserve on 24.501 acres. County Code requires that they also request a zone change from Residential Agricultural 20-acre (RA-20) to Exclusive Agriculture (AE) because Williamson Act contracts can only be granted on lands zoned AE.

Site Description: The parcel currently contains a 2,616 square foot single-family residence finalized in December of 2004. The parcel has somewhat steep, rolling terrain with the dwelling sitting atop a hill in the center. There are existing native oak and pine trees surrounding the perimeter of the parcel and the scattered existing grape and olive orchards. There is a small man-made pond in the southwest corner near the intersection of Mariah Lane and Sandridge Road. The orchards are partially terraced into the hillsides in some spots and all the interior roadways, fencing and irrigation systems are established.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RA-20	RR - IBC	Residential, agriculture, single family dwelling
North	RA-20	RR - IBC	Residential, single family dwelling
South	RA-20	RR	Residential, single family dwelling
East	RE-5	LDR - IBC	Residential, single family dwelling
West	RA-20	RR - IBC	Residential, ranching, agriculture, single family dwelling

Discussion: The rezone of this 24.501-acre parcel will not create any land use conflicts, since many of the surrounding parcels are 5 acres or larger, already subject to agricultural setback requirements, and most are involved in some sort of commercial or hobby-type agricultural activity. The El Dorado County Agricultural Commission staff acknowledged that as the parcel is already zoned RA-20, 200-foot setbacks and ten-acre buffering from increases in density on adjacent lands for any parcel created adjacent to the agriculturally zoned lands already exist regardless of the rezone.

General Plan: The General Plan designates the subject site as Rural Residential (RR) which permits a minimum parcel size of 10 acres. The proposed 24.501-acre parcel therefore conforms to the General Plan land use designation. The parcel is also located within the Important Biological Corridor (IBC) overlay which applies to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Williamson Act Contracts allow only one residential dwelling for each contract. Additionally, the following General Plan policies apply to this project:

Policy 2.2.5.2 directs that all 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 proposed Agricultural Preserve and rezoning of the subject parcel to AE will be consistent with **Policy 2.2.2.2** in that the parcel contains 20 acres or more. The parcel is currently involved in growing grapes and olives for commercial uses and the rezone to Exclusive Agriculture would only enhance the agricultural production. The zone change to AE will not preclude the existing residence from being included within a future agricultural preserve, as long as it is the only residence within that preserve.

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:

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

Discussion: There are two existing wells serving the subject parcel producing 3.5 gallons per minute (gpm) and 26 gpm of water respectively. The existing 5.5 acres of vineyard and one acre of olive trees are adequately irrigated. Planning staff is recommending that Mitigation Measure 9 be implemented, and that any future development for any potential winery and tasting room that it be implemented.

2. *Availability and capacity of public treated water system;*

Discussion: There is no public treated water system available. The subject parcel is served by existing wells.

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

Discussion: Public wastewater is not available in this rural region. A septic system exists on the subject parcel currently used by the existing single-family dwelling.

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

Discussion: As the proposed rezone will not change the existing residential use of the existing single-family dwelling, it will not impact elementary and high school enrollment.

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

Discussion: The Pioneer Fire Protection District is responsible for providing fire protection to the subject site. The rezoning of the project area will not increase the response time needed for the existing residence that has held the same location since 2004.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project site is located approximately 1.04 miles southwest of the Rural Center of Somerset and 1.9 miles north of the Rural Center of Grey's Corner. The project area is surrounded by compatible land uses.

7. *Erosion hazard;*

Discussion: The *Soil Survey of El Dorado Area, California, 1974* did not indicate that the project site was located on expansive soil or prone to any erosion hazards. The project is not located in an area with significant topographic variation in slope exceeding 30 percent.

8. *Septic and leach field capability;*

Discussion: The project area will be served by the existing septic system used by the current single-family residence.

9. *Groundwater capability to support wells;*

Discussion: The project area will be served by the two existing wells used by the current single-family residence.

10. *Critical flora and fauna habitat areas;*

Discussion: The rezoning of the subject two-acre area to AE would not directly 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, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The subject parcel has no identified biological resources pursuant to the Important

Biological Resources Map located in Planning Services nor the California Natural Diversity Database.

11. *Important timber production areas;*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The project approval would potentially allow the enhancement of the surrounding important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project will not impact an important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The approval of the zone change from Residential Agricultural 20-acre (RA-20) to Exclusive Agriculture (AE) will not immediately change or allow any additional traffic impact not potentially allowed by the current zoning primarily because there are no special events, winery or wine tasting facilities proposed at this time. The applicants have stated they are currently interested in agricultural production but wish to leave future options open. The rezone will permit ranch marketing uses allowed by section 17.14.180 and could potentially allow the development of a winery and its accessory uses, (since five acres of vineyard is planted), by right although somewhat limited by the particular site constraints to the scope of that type of project pursuant to section 17.14.190 both of the El Dorado County Zoning Ordinance. In order to anticipate the future potential impacts of that type of project on traffic, staff recommends Mitigation Measures Nos. 5-7 to mitigate potential traffic impacts close to the site and Mitigation Measure No. 2 for a fire safe plan for the potential impacts to public safety on Sandridge Road as well as Mariah Lane.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by parcels 5 acres or greater in sizes which are also zoned for residential agricultural uses but are not permitted ranch marketing activities, nor to do a winery by right. Staff has determined that the proposed project, as mitigated, can be found to be consistent with existing land use patterns within the project area.

16. *Proximity to perennial water course;*

Discussion: A tributary of the North Fork of the Consumnes River is shown on the Camino U.S.G.S Quadrangle. The single-family dwelling, supporting infrastructure vineyards and olive orchard are established and the rezone will have no direct impact on this streambed and pond area.

17. *Important historical/archeological sites;*

Discussion: A record search was done of APN 046-041-17, (North Central Information Center (NCIC), CSU Sacramento, June 14, 2007) which reported there was a low to moderate possibility of identifying prehistoric and historic-period cultural resources. In addition, improvements and infrastructure to support the growing of grapes and olives exist. However, because of the possibility in the future that ground disturbances could turn up significant cultural resources anywhere in the County, Planning staff recommends the addition of Mitigation Measure No. 1 to address any potential future discovery.

18. *Seismic hazards and present active faults; and*

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure or liquefaction are considered to be less than significant. Any potential impact caused by locating new buildings in the project area will be offset by the compliance with the Uniform Building Code earthquake standards.

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

Discussion: The proposed project is not under constraints of CC&Rs.

Policy TC – Xe defines the number of traffic trips generated from a proposed project that would “worsen” the current traffic levels enough to warrant a traffic study. The ranch marketing operations or potential winery in the future will generate random and intermittent traffic levels due to the nature of the operation; weekend and varied hours events are held. DOT staff determined that pursuant to Policy TC-Xe, the proposed use for the subject applications, as well as the uses potentially permitted by right after the rezone, will not “worsen” traffic and will therefore not require a traffic study and that this project will not create a significant impact on traffic. Though there will be some increase in level of service during largely attended special events, it will have a less than significant impact on the public and private roadways with the addition of mitigation measures five to seven added. The full discussion of the traffic impacts is included in Section XV, Transportation and Traffic in the Environmental Checklist and Discussion of Impacts.

Policies 6.5.1.2, 6.5.1.3, 6.5.1.7 and 6.5.1.13 direct that noise from non-transportation sources shall be mitigated in compliance with Table 6-2. The present zone district requires a special use permit for a winery and tasting room, while the rezone would allow a winery and its accessory uses by right. The accessory uses include unlimited special events with up to 250 people in attendance, wine tasting, wine promotional events and picnic areas for winery related activities. These accessory uses, specifically those involving outdoor events, may result in a permanent or temporary increase in ambient noise levels. While the project, as proposed, does not include a request for special or promotional events or picnic area uses, the County must consider the maximum use that would be allowed under the rezone. Under General Plan Policy **6.5.1.14**, a noise ordinance will be adopted by the County to control unnecessary noise that will include, but

not be limited to, *amplified music in commercial establishments*. Until then Planning staff recommends adding Mitigation No. 4 listed in Attachment 1 in order that future potential excessive noise resulting from outdoor events held on the project parcel would have a chance to be mitigated to a less than significant level. The full discussion of the noise impacts is included in Section XI, Noise in the Environmental Checklist and Discussion of Impacts.

Policy 7.3.3.4 directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands. A tributary of the North Fork of the Consumnes River is shown on the Camino U.S.G.S Quadrangle. The single-family dwelling, supporting infrastructure vineyards and olive orchard are established and the rezone will have no direct impact on this streambed and pond area.

Policy 7.4.2.9 establish the Important Biological Corridor (IBC) overlay which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. The subject parcel has an existing single-family dwelling, infrastructure and utilities and could potentially have accessory buildings in the future. The orchards, irrigation, fencing and interior road systems exist. The entire parcel is located within the IBC however; the rezone will not directly impede the intentions of this policy in a significant manner, because no development of a winery or special events is proposed at this time. Significant disturbances not currently happening would not be expected.

Policy 7.4.4.4 directs that new development projects adhere to the El Dorado County native oak tree canopy retention and replacement standards. The proposed rezone will not conflict with the General Plan tree preservation policy because the single-family dwelling, supporting infrastructure vineyards and olive orchard are established and no trees will be removed as a direct result of this permit request. Any future development permit would need to prove compliance with this policy prior to issuance.

Policy 8.1.3.1 directs that agriculturally zoned lands including Williamson Act Contract properties (i.e., lands within "agricultural preserves") shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands.

Policy 8.1.4.1 directs that the County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving agricultural district and Williamson Act Contract land, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. *Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and*
- B. *Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and*
- C. *Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.*

Discussion: At their August 8, 2007 meeting, the El County Agriculture Commissioners reviewed the subject applications and recommended approval of both Z07-0030 and WAC07-0001 because the applicants have met all the Williamson Act criteria for high intensity farming. It was noted by their staff that the parcel is currently zoned for residential agricultural and the 200-foot setbacks and ten-acre buffering from increases in density from adjacent parcels already exist.

Policy 8.2.4.1 states that programs shall be developed that provide tax benefits and enhance competitive capabilities of farms and ranches, thereby ensuring long-term conservation, enhancement, and expansion of viable agricultural lands. Examples include, but are not limited to the following:

- A. *Support and allow private organizations to utilize conservation easements or other appropriate techniques for voluntarily restricting land to agricultural uses only.*
- B. *Continued use of Williamson Act Contracts (agricultural preserves).*
- C. *Formation of land trusts to preserve agricultural lands.*
- D. *Make available voluntary purchase or transfer of development rights from agricultural areas to appropriate non-agricultural areas.*

Discussion: The project is consistent with Policy 8.2.4.1 through the request for the establishment of a Williamson Act Contract.

Policy 8.2.4.4 directs that ranch marketing, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties. Such ranch marketing uses must be on parcels of 10 acres or more; the parcel must have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production that are properly maintained. These uses cannot occupy more than 5 acres or 50 percent of the parcel, whichever is less. **Policy 8.2.4.5** directs that the County shall support visitor-serving ranch marketing activities on agricultural land, provided such uses do not detract from or diminish the agricultural use of said land. The Agricultural Commissioners have reviewed the current proposal and the current existing uses with both said Policies in mind, as well as taken into account the potential uses allowed by the rezone to AE and have recommended approval of both applications.

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: The subject parcel is presently zoned Residential Agricultural 20-acre (RA-20). An approved rezone to Exclusive Agricultural (AE) would then make the subject parcel subject to

Section 17.36.070 (D) which allows the placement of one dwelling unit within each agricultural preserve. The effect of this proposal to create this agricultural preserve would allow one house within the contract which is consistent with Zoning. Section 17.36.090.C requires a minimum parcel size of 20 acres. The 24.501-acre parcel would meet this minimum. Pursuant to Section 17.36.070, the Exclusive Agriculture Zone District shall apply only to those lands subject to the Land Conservation Act of 1965 and the application is accompanied by a Williamson Act request to create an agricultural preserve which would then satisfy this section.

Other Issues:

Hazardous waste and wildfire hazards: The rezone could allow the development of a winery and its accessory uses, by right. During the construction of any winery related buildings there may be hazardous materials or substances used, which may remain on the premises after construction. The proper use and storage of any such hazardous material or substances should limit exposure and the potential for explosion or spills. Because of the threat of impacts to and from wildfires, prior to any future building permit issuance for a winery facility, an approved Wildfire Safe plan would be required in order to reduce fire hazards to less than significant. To ensure impacts caused by hazardous waste and wildfire are brought to a less than significant level, Planning staff recommends adding Mitigations Nos. 1 and 2 listed in Attachment 1.

Hydrology: Specific water quality objectives have been established by the Regional Water Quality Control Board (RWQCB) and any project not meeting those objectives are required to apply for a Waste Discharge Permit. Environmental Health will require applicant to obtain a Waste Discharge Permit from the RWQCB prior to approval of the sewage disposal system for the development of the winery. In order to assure impacts of a winery operation on water quality standards or waste discharge bring those impacts in compliance with requirements established by the California Water Quality Control Board to less than significant levels, Planning staff recommends adding Mitigation 3 listed in Attachment 1.

Water Supply: The 24.501-acre parcel has two existing wells producing 3.5 gallons per minute (gpm) and 26 gpm, respectively. The total 5.5 acres of vineyard and one acre of olive trees should be adequately irrigated through this system. Adding recommended Mitigation Measure 8 will reduce the impacts to less than significant.

Williamson Act Criteria: The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on August 8, 2007. At this meeting, the Agricultural Commission reviewed the three primary criteria outlined in Resolution No. 188-2002 for establishment of an Agricultural Preserve. These three criteria are:

1. There shall be a minimum capital outlay for agricultural improvements in the minimum total sum of \$45,000 excluding the applicant's residence and original cost of the land.

Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements consisted of fencing, wells, pumps, irrigation, plants, staking, trellising

and earthwork. Total capital outlay was shown to be \$170,000, which exceeds the minimum of \$45,000.

2. The minimum acreage shall be 20 contiguous acres for “intensive farming operations”.

Discussion: The subject parcels consists of 24.501 acres, has five acres planted in grapes and one acre planted in olive trees.

3. High intensive farming operations shall produce a minimum gross income of \$13,500.

Discussion: yearly projected grape income, within 2 – 3 years, using the 2005 and 2006 El Dorado County Winegrape Surveys, will be approximately \$15,669.00. Annual projected income from olive production is estimated at \$1,848.00 for a total gross income of \$17,517.00 within two to three years.

Conclusion: Since all required findings were made for the requested Williamson Act Contracts, the Agricultural Commission recommended approval of WAC07-0001.

El Dorado County Agricultural Commission: At their May 10, 2006 meeting, the El Dorado County Agricultural Commissioners found the applicant’s request to create a new agricultural preserve meets all the criteria and they recommend approval for WAC07-0001.

ENVIRONMENTAL REVIEW

Section 15317 exempts the Williamson Act Contracts and the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. For Z07-0030, staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to hazardous wastes, hydrology, noise, traffic circulation, fire safety and utilities. Staff has determined that significant effects of the project on the environment have been mitigated; therefore, a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the rezone project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Exhibit A.....	Vicinity map
Exhibit B.....	Assessor's Parcel map
Exhibit C.....	General Plan Land Use map
Exhibit D.....	Zoning map
Exhibit E.....	Site map
Exhibit F.....	Record of Survey 28-37
Exhibit G.....	Soils map
Exhibits H1 to H4.....	Site visit photos, August 21, 2007
Exhibit I.....	Camino U.S.G.S. Quadrangle
Exhibit J.....	Aerial Photo
Exhibit K.....	Environmental Checklist and resulting Draft Mitigated Negative Declaration,

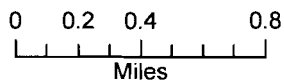
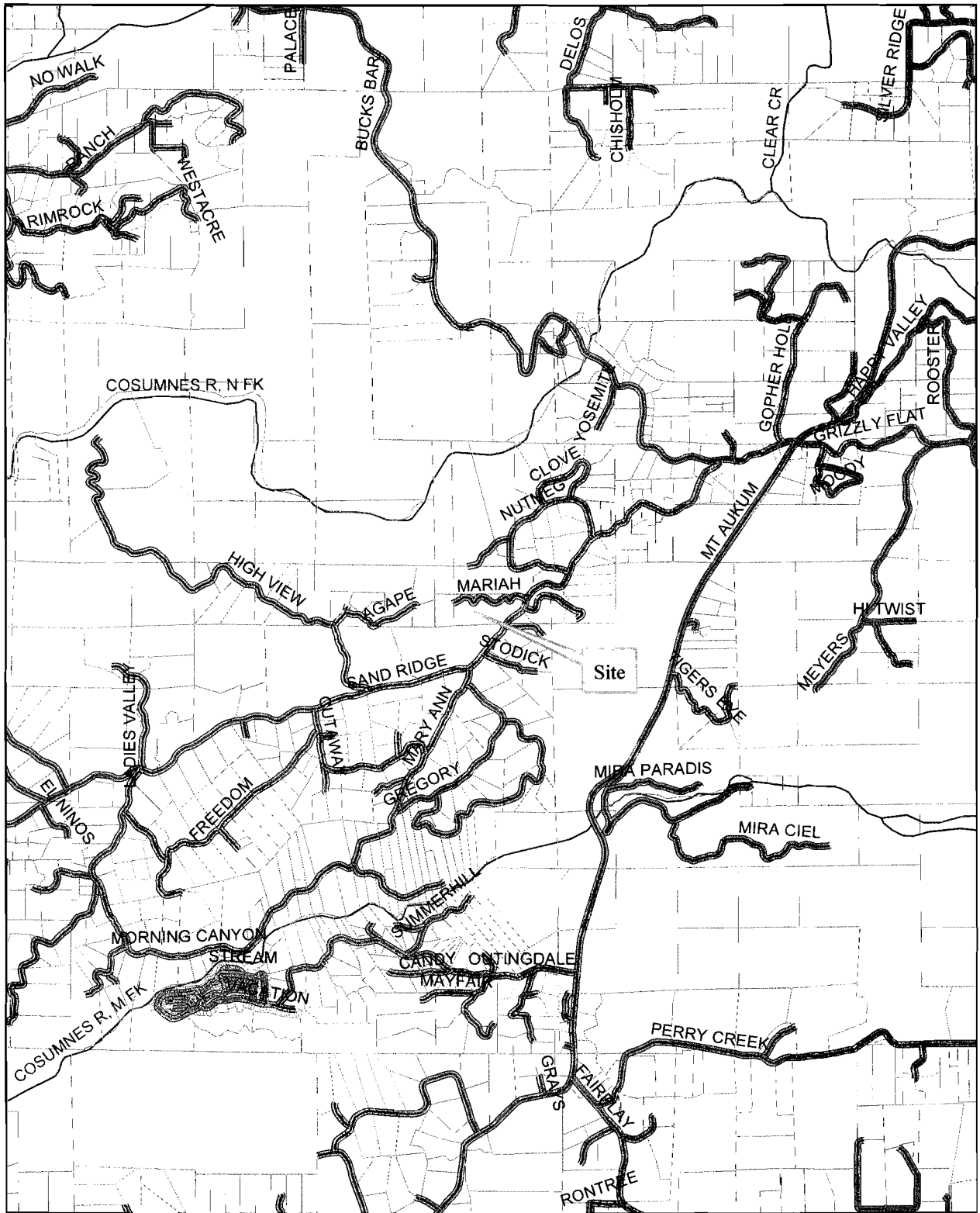
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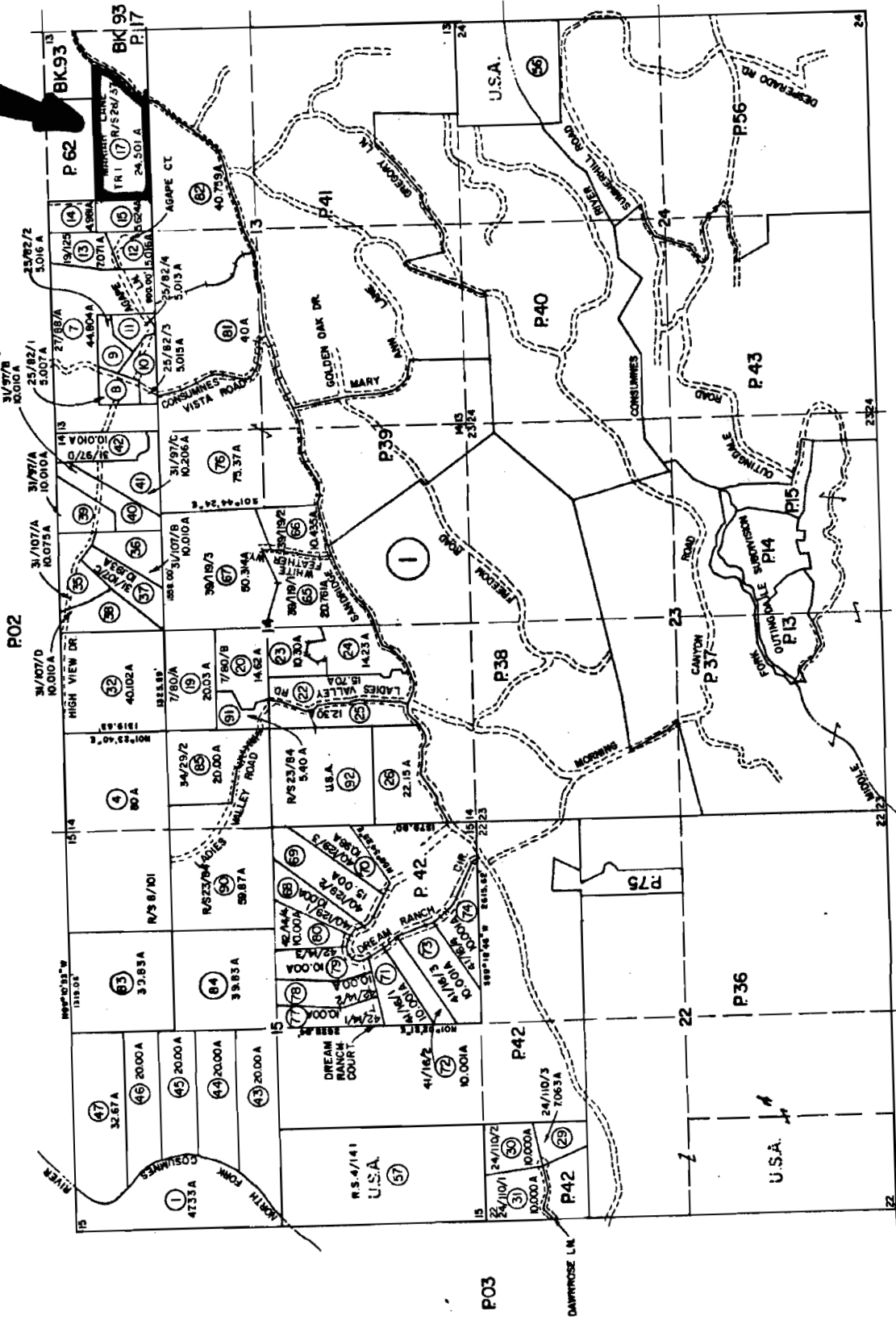
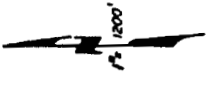
Vicinity



46:04

Tax Area Code

SECS. 13, 14, 15, 22, 23 & 24., T. 9 N., R. 11 E., M.D.M.



BK.93
P.03

BK.93
P.20

Assessor's Map Bk. 93 - Pg. 04
County of El Dorado, California
JUN 27 2005

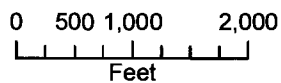
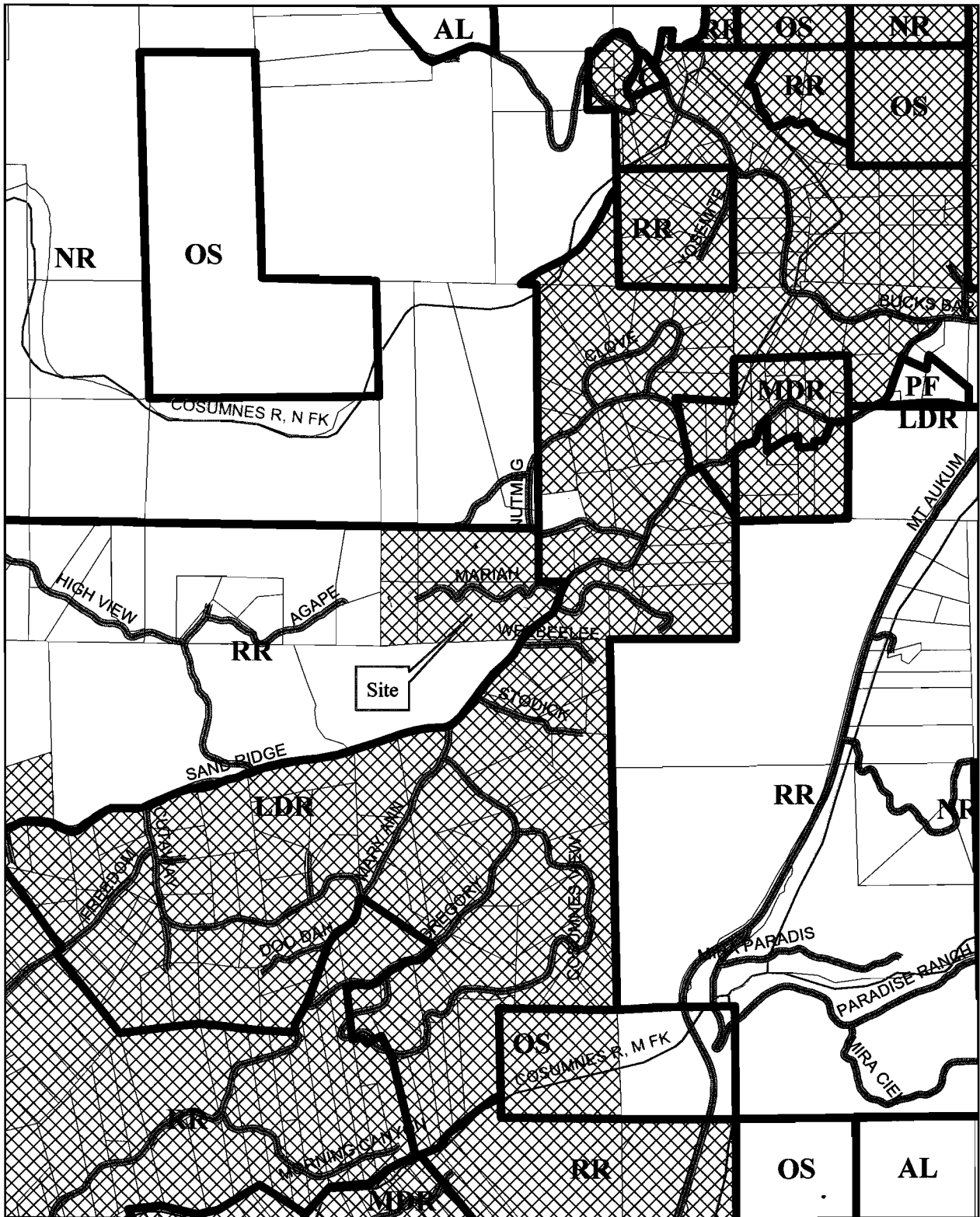
NOTE - Assessor's Sheet Numbers Shown in Ellipse
Assessor's Parcel Numbers Shown in Circles

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PLANNING DEPARTMENT
07 JUN 21 PM 5:52

WAC 07-0001/Z 07-0030

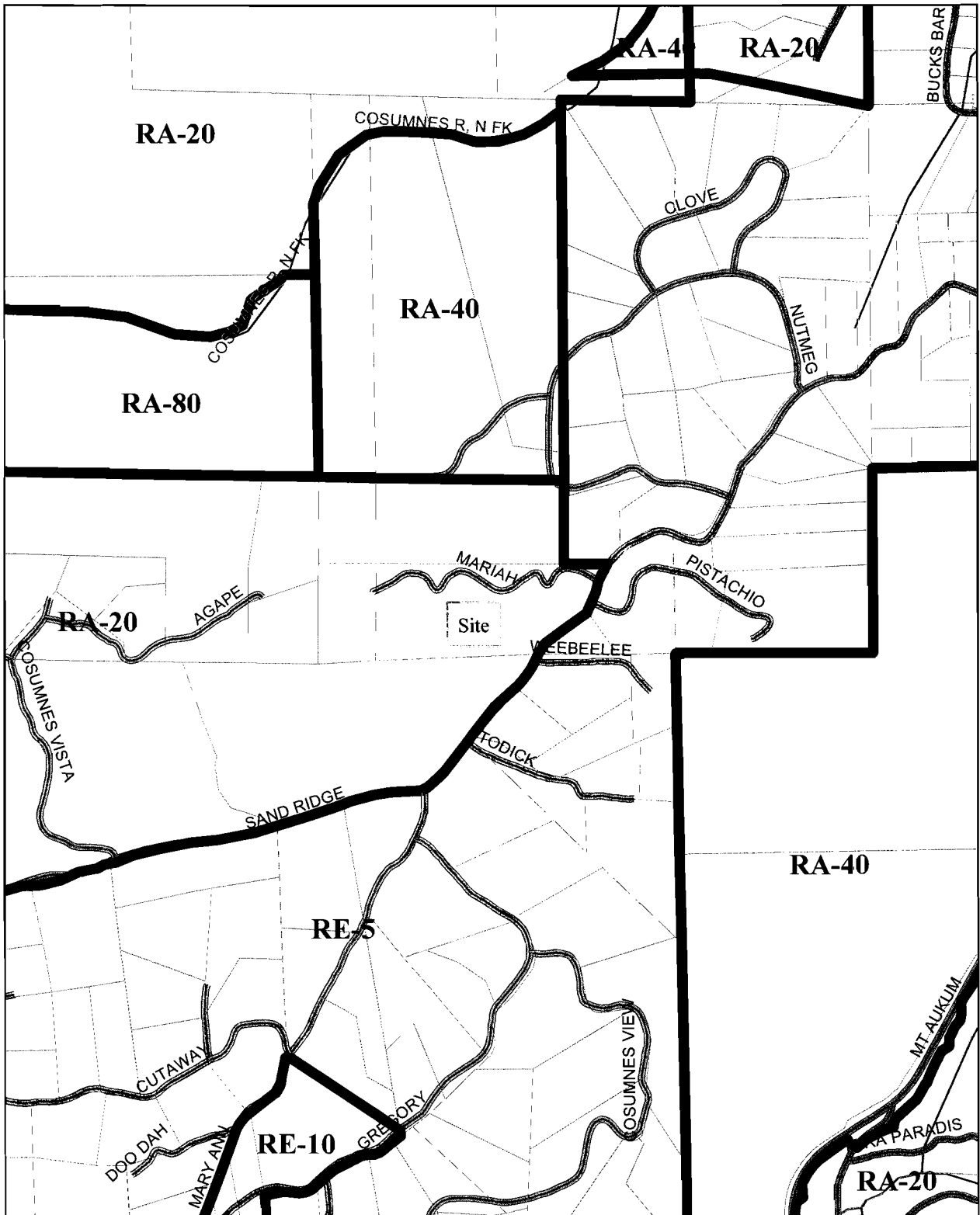
Exhibit B

General Plan Land Use Designation with Important Biological Corridor Overlay



Important Biological Corridor Overlay

Zoning

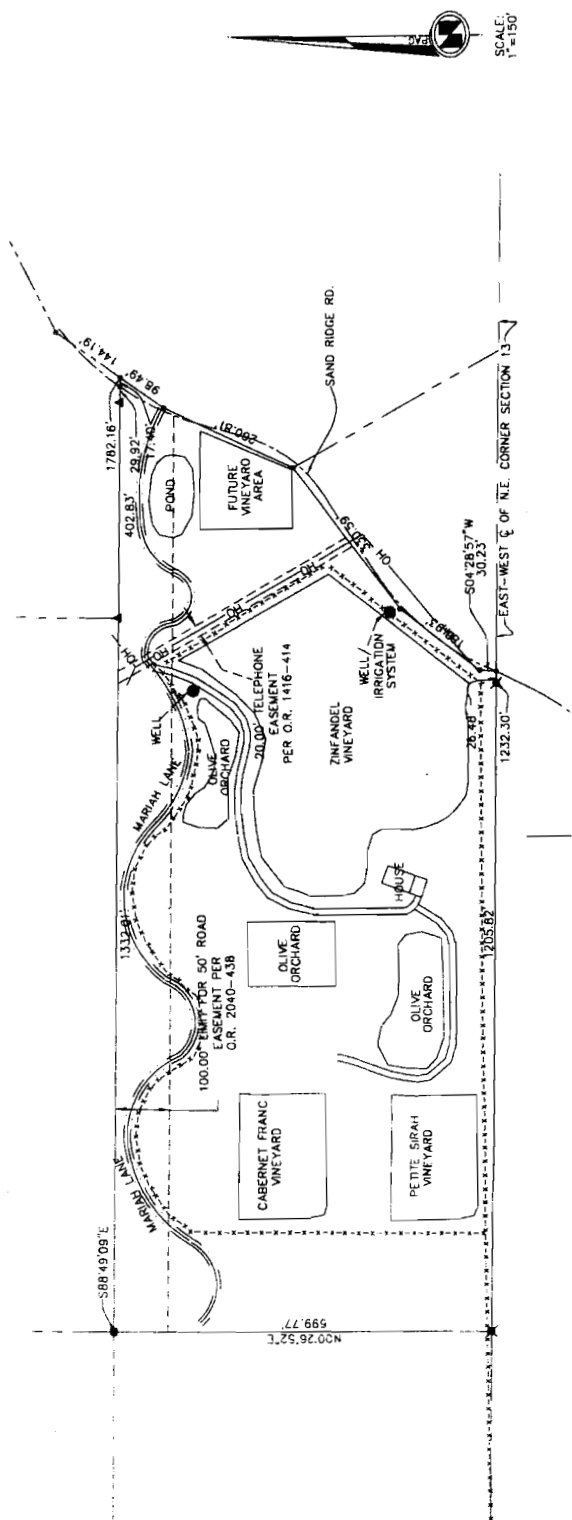


0 250 500 1,000
Feet

Exhibit B
Boundary Map

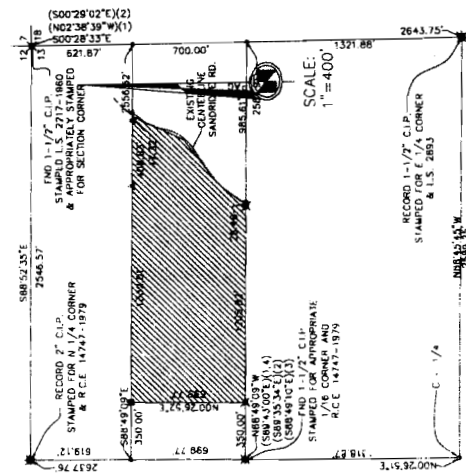
ISAAC-WAC & REZONE

JOEL KOROTKIN, ESQ.
1400 JULETTE LANE
SACRAMENTO, CA 95864
DATE: JUNE 15, 2007



- LEGEND**
- BOUNDARY LINE
 - - - ADJACENT BOUNDARIES
 - CENTERLINE SAND RIDGE ROAD PER P.M. B-146
 - - - EASEMENTS
 - FENCELINE
 - OH— OH OVERHEAD LINES
 - ▨ SUBJECT PARCEL

EXISTING ASSESSOR'S PARCEL NO.: 048-041-17



SUBDIVISION OF THE N.E. QUARTER OF SECTION 13

SCALE: 1" = 400'

Exhibit E

07 JUN 21 PM 5:52
RECEIVED
PLANNING DEPARTMENT

WAC 07-0001/Z 07-0030

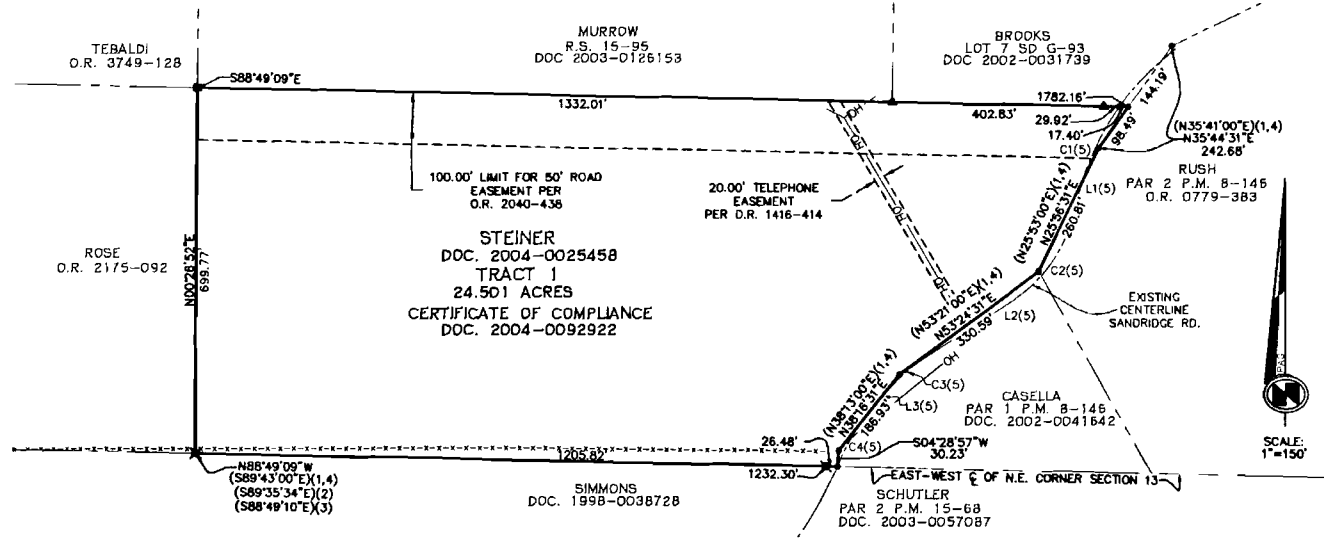
28-37

Exhibit F

28-37

RECORD OF SURVEY

A PORTION OF THE N 1/2 OF THE NE 1/4 OF SECTION 13, T.9N, R.1E, M.D.M. COUNTY OF EL DORADO, CALIFORNIA
APRIL 2005 SCALE: AS SHOWN
SHEET 1 OF 1



NOTES:

- 1) THE PURPOSE OF THIS SURVEY IS TO DELINEATE THE BOUNDARIES DESCRIBED IN DOC. 2004-0025458, AND SHOW FOUND, SET AND RECORD MONUMENTATION AS REQUIRED BY SECTIONS 8782(B)(5) OF THE PROFESSIONAL LAND SURVEYORS ACT.
- 2) MONUMENTATION ALONG SANDRIDGE ROAD PER P.M. 8-146 WAS NOT FOUND. THE CENTERLINE DEPICTION OF P.M. 8-146 AND O.R. 338-281 WAS NOT CONSISTENT WITH THE FOUND CENTERLINE SHOWN HEREON.
- 3) THE SUM OF THE INDIVIDUAL PARTS OF A GIVEN LINE OR CURVE MAY NOT EQUAL THE OVERALL DUE TO ROUNDING.

ENGINEER'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF JOHN STEINER ON DECEMBER, 2004.

Lawrence A. Patterson
LAWRENCE A. PATTERSON
R.C.E. 26342
LICENSE EXPIRES 3-31-06



COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8786 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS 13TH DAY OF APRIL, 20 05

DANIEL RUSSELL

DANIEL S. RUSSELL L.S. 5017 LIC. EXP. DATE 12-31-05
COUNTY SURVEYOR
COUNTY OF EL DORADO, CALIFORNIA



Richard L. Brinner
RICHARD L. BRINNER
LIC. NO. 864
Exp. 6-30-07
STATE OF CALIFORNIA

RICHARD L. BRINNER L.S. 5084 LICENSE EXPIRES 06-30-07
DEPUTY SURVEYOR
COUNTY OF EL DORADO, CALIFORNIA

COUNTY RECORDER'S STATEMENT:

FILED THIS 14 DAY OF APRIL 20 05.

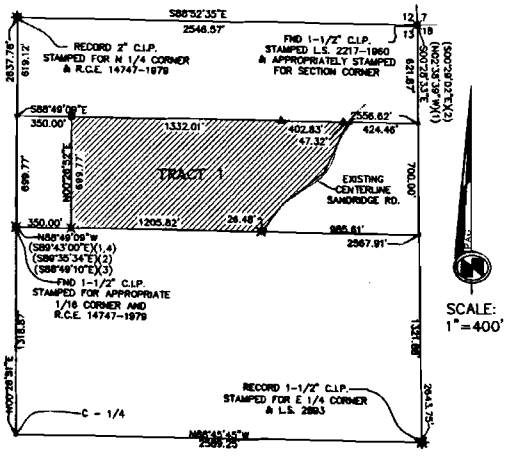
AT 4:31:03, IN BOOK 28 OF RECORD OF SURVEYS AT PAGE 37, AT THE REQUEST OF JOHN STEINER

DOCUMENT NO. 2005-30340

William E. Schultz

WILLIAM E. SCHULTZ
COUNTY RECORDER, CLERK
COUNTY OF EL DORADO

BY *Linda Simelli*
DEPUTY



SUBDIVISION OF THE N.E. QUARTER OF SECTION 13

SCALE: 1" = 400'

BASIS OF BEARINGS

THE MERIDIAN OF THIS SURVEY IS IDENTICAL TO THAT OF R.S. 15-95 BASED ON FOUND MONUMENTS SHOWN AND IS TRUE NORTH

REFERENCES:

- S.D. G-93
- R.S. 15-95
- DOC. 2004-0025458
- O.R. 3749-128
- O.R. 2175-092
- R.S. 8-10
- O.R. 2040-436
- O.R. 1416-414
- P.M. 8-146
- P.M. 15-68
- DOC. 1998-0038728
- O.R. 338-281
- EXISTING CENTERLINE SANDRIDGE RD. (5)

LEGEND

- BOUNDARY LINE
- ADJACENT BOUNDARIES
- CENTERLINE SANDRIDGE ROAD PER P.M. 8-146
- EASEMENTS
- FENCELINE
- OH OVERHEAD LINES
- SUBJECT PARCEL

LINE AND CURVE DATA FOR THE CENTERLINE OF SANDRIDGE RD. FROM THE NORTH TO SOUTH BOUNDARY (FOR INFORMATION ONLY)

LINE	BEARING	LENGTH
L1(S)	N155°40'1"E	71.47'
C2(S)	S58°49'31"W	199.70'
L3(S)	N41°11'51"E	36.97'

CURVE TABLE

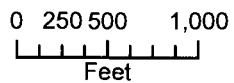
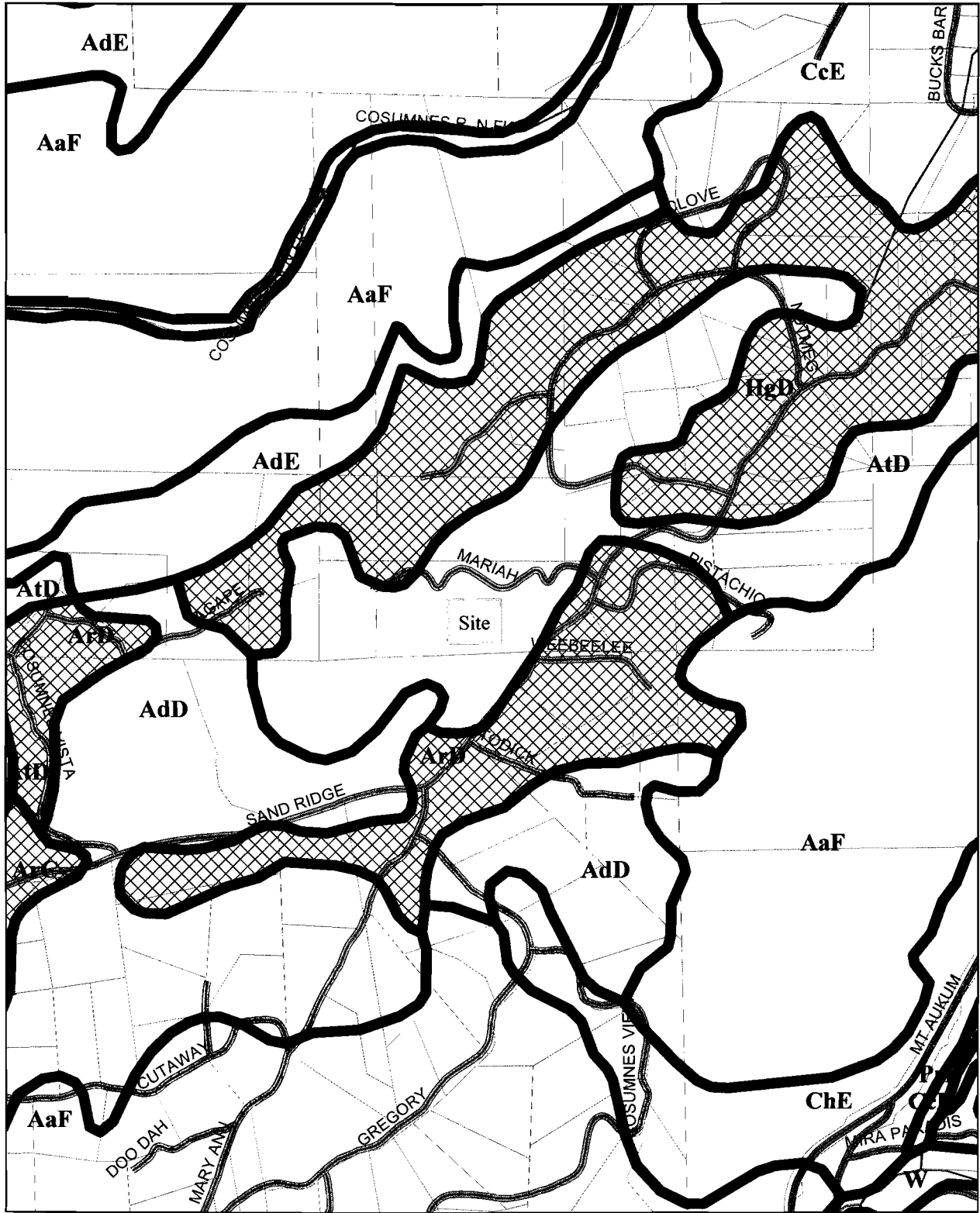
CURVE	RADIUS	LENGTH	BEARING	CHORD	DELTA
C1(S)	500.00'	170.52'	S25°40'13"W	169.69'	19°32'23"
C2(S)	260.00'	185.71'	N36°21'46"E	181.79'	40°55'30"
C3(S)	350.00'	95.46'	S49°00'41"W	95.17'	15°37'40"
C4(S)	400.00'	140.54'	S31°07'55"W	139.82'	20°07'53"

EXISTING ASSESSOR'S PARCEL NO.: 046-041-57

28-37

28-37

Soils



 Choice Soils



Exhibit H1



Exhibit H2

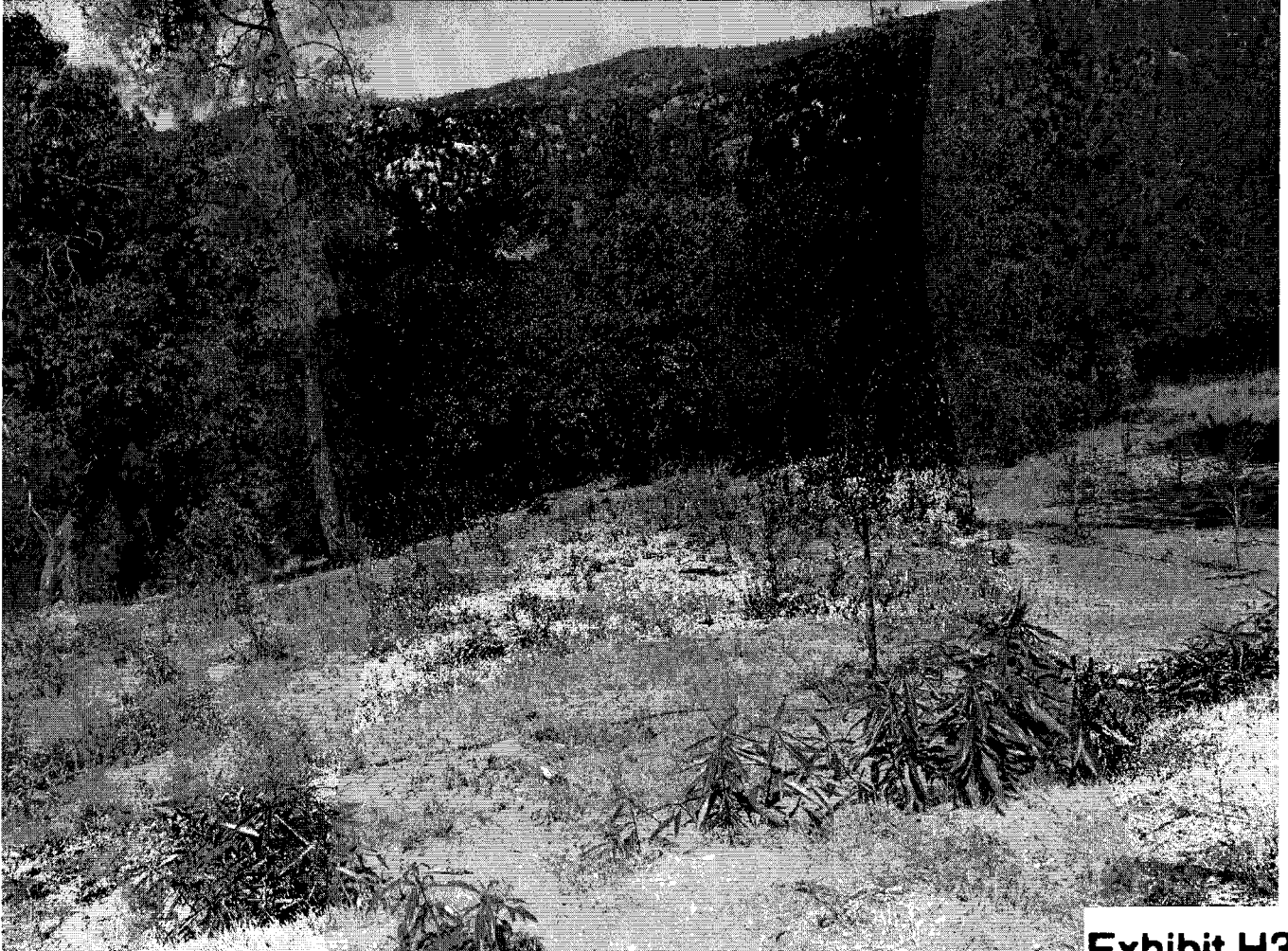
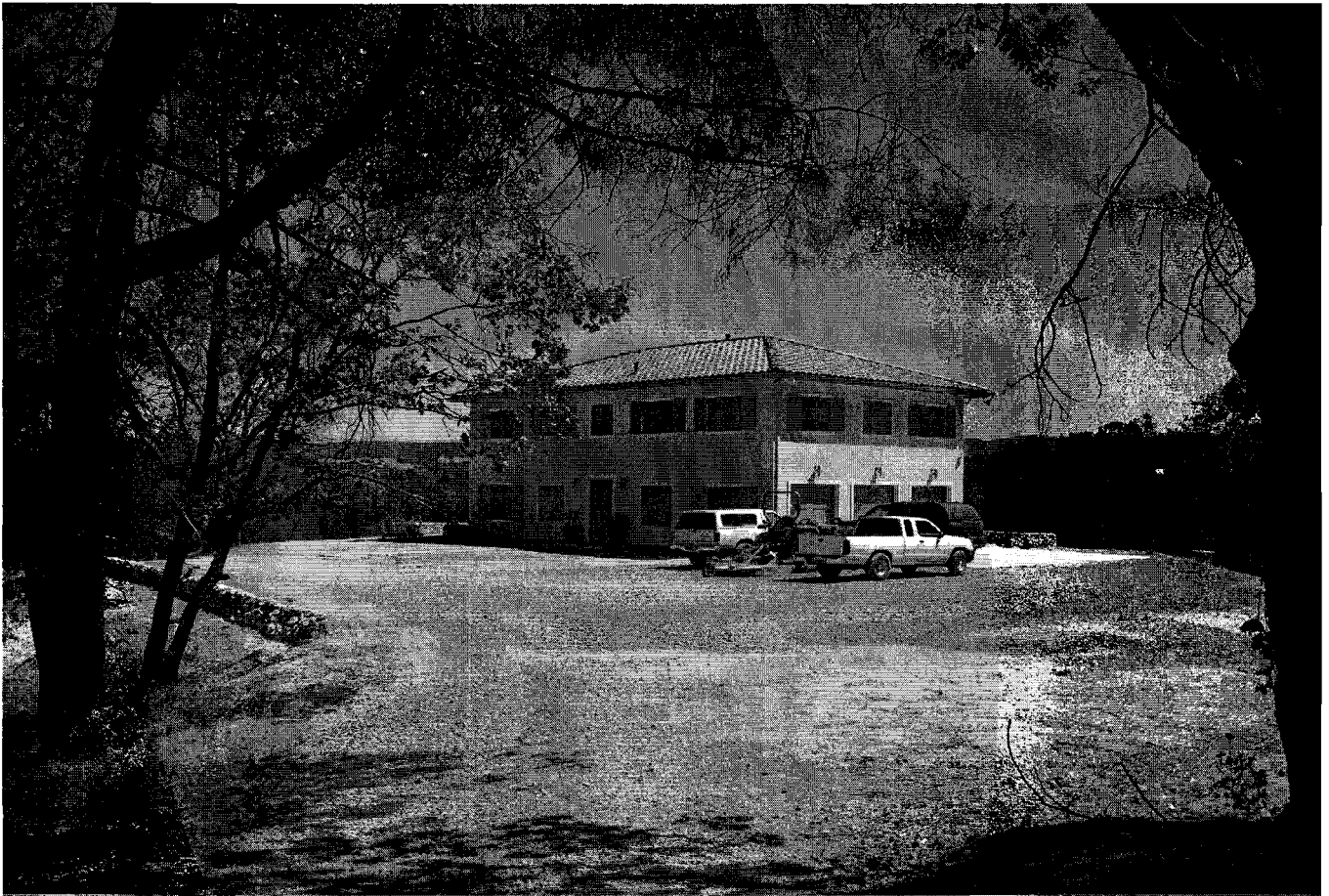


Exhibit H3

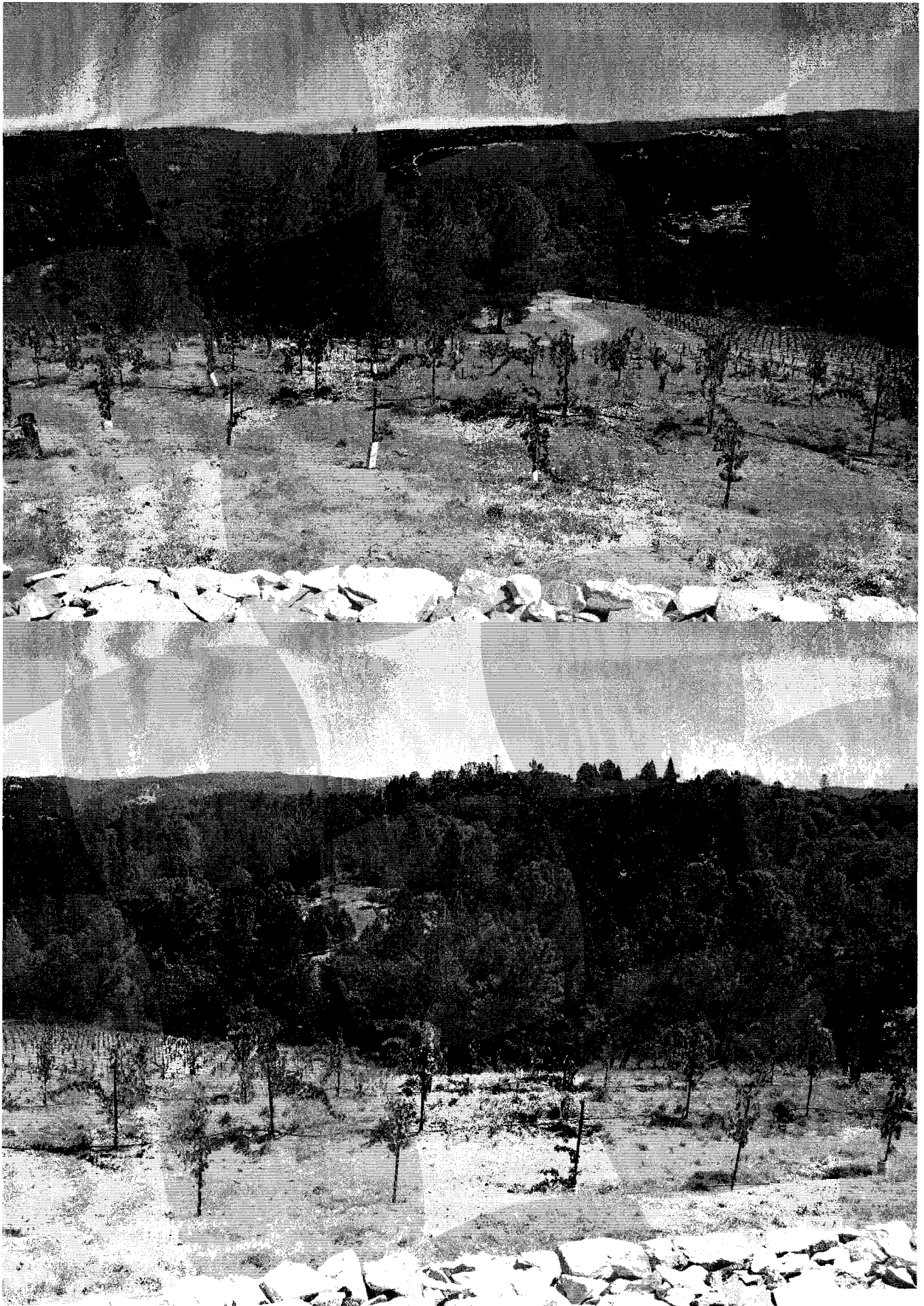
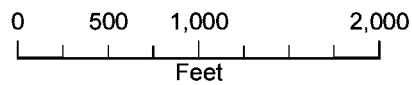
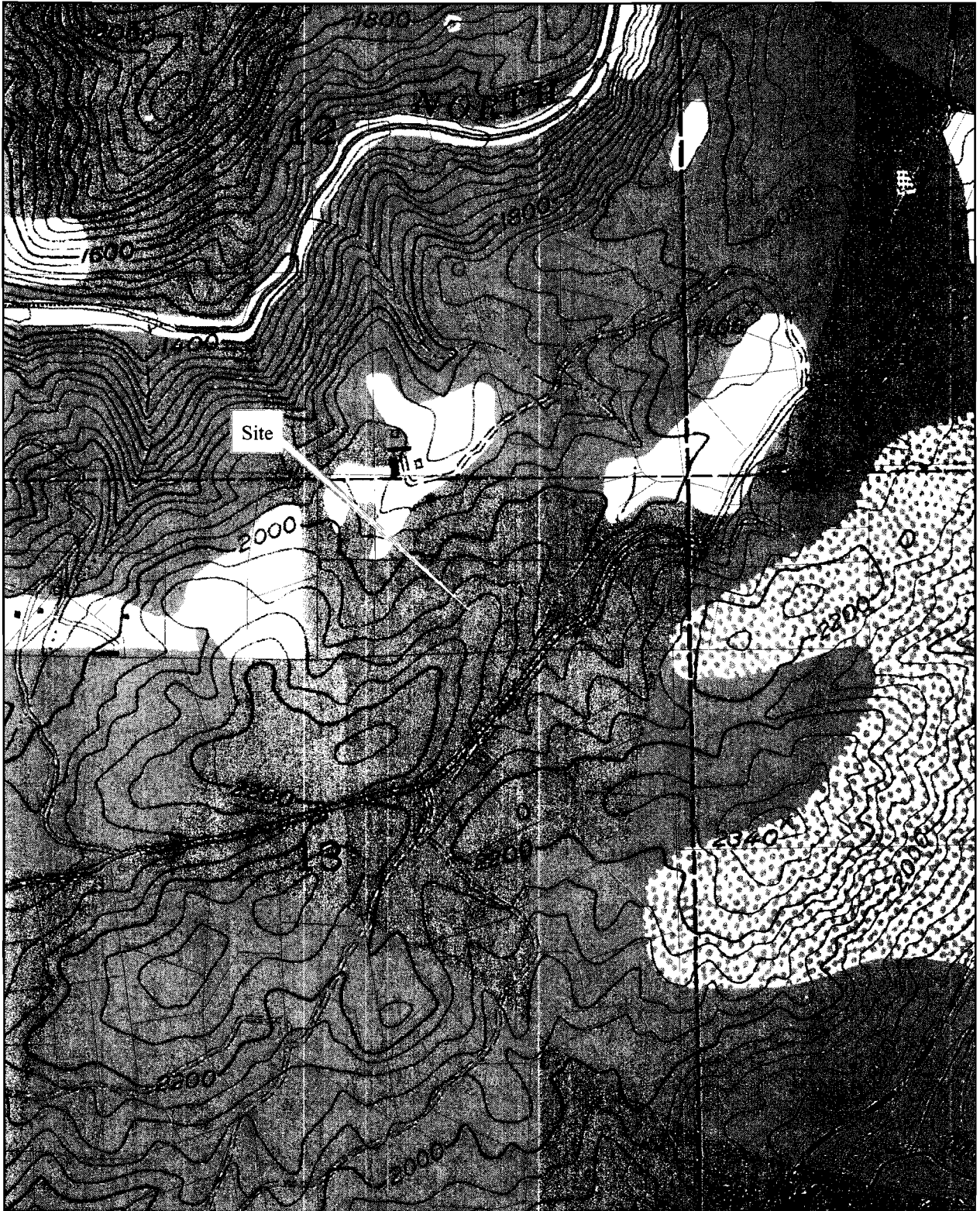
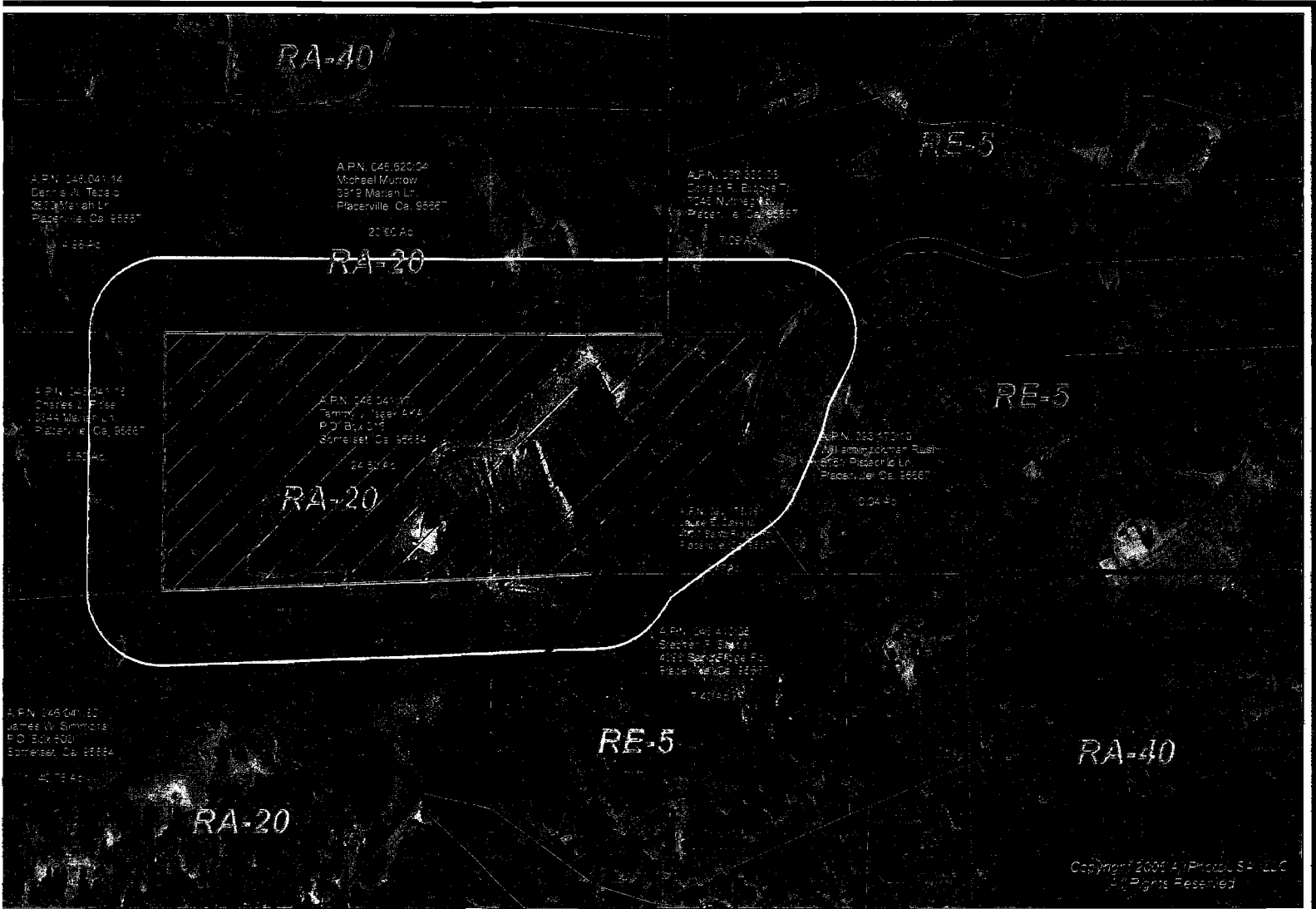


Exhibit H4

Camino U.S.G.S. Quadrangle with El Dorado County Parcels Overlaid





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Project Parcel
 200' Buffer
 Zone Boundary

Exhibit J

Disclaimer:
This document was compiled from
aerial photos and public records
and is provided "as is" for informational
purposes only. It is not intended to
be used as a substitute for a professional
survey or other legal document. Users agree
that they will use this information at their
own risk.



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

DRAFT MITIGATED NEGATIVE DECLARATION

Project Title: Z07-0030 / WAC07-0001

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

Contact Person: Tom Dougherty

Phone Number: (530) 621-5355

Project Owner/Applicant's Name and Address: Tammy Isaak, P.O. Box 316, Somerset, CA 95684

Project Agent's Name and Address: Joel Korotkin, 949 Tuscan Lane, Sacramento, CA 95864

Project Location: On the northwest corner of the intersection of Sandridge Road and Mariah Lane in the Somerset area, Supervisorial District II.

Assessor s Parcel No: 046-041-17

Zoning: Residential Agricultural-20 acres (RA-20)

Section: 13 **T:** T9N **R:** R11E

2004 General Plan Designation: Rural Residential - Important Biological Corridor (RR - IBC)

Description of Project: Rezone the 24.501-acre parcel from RA-20 to Exclusive Agriculture (AE) as part of the Williamson Act Contract application, WAC07-0001. Rezoning the property to Exclusive Agriculture allows winery and accessory uses by right, such as a tasting room and special events.

Surrounding Land Uses and Setting:

	<u>Zoning</u>	<u>General Plan</u>	<u>Land Use</u> (e.g., Single Family Residences, Grazing, Park)
Site:	RA-20	RR	Single-family residence
North:	RA-20	RR	Single-family residence
East:	RE-5	LDR	Single-family residence (across Sandridge Road)
South:	RA-20	RR	Single-family residence
West:	RA-20	RR	Single-family residence

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): Regional Water Quality Control Board, Environmental Health, Department of Transportation, Pioneer Fire Protection Districts, Agricultural Commission, Assessor's Office.

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
X	Hazards & Hazardous Materials	X	Hydrology / Water Quality		Land Use / Planning
	Mineral Resources	X	Noise		Population / Housing
	Public Services		Recreation	X	Transportation/Traffic
X	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: _____

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

Signature: _____ Date: _____

Printed Name: Pierre Rivas, Principal Planner For: El Dorado County

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

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

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

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

(a & b) No public scenic vistas or designated scenic highway has been identified in the surrounding area of the project site. There would be no impacts.

(c) The orchards, infrastructure and single-family dwelling exist. The proposed rezone will not introduce agricultural uses that are out of character with its previous use or that of the surrounding area. There would be no impacts.

(d) All lighting exists and is required to comply with Section 17.14.170 of the Zoning Ordinance, reducing off-site glare to less than significant.

Finding: The rezone request is compatible with the existing surrounding uses in the direct vicinity. For this "Aesthetics" category, there would less than significant impacts.

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 – c) The parcel soil is classified as predominantly auburn silt loam (AtD), with minor amounts of Auberry course sandy loam, (ArD) along Sandridge Road with small amounts of Holland course sandy loam (HgD) in the northwest corner. ArD and HgD are both considered to be a choice “unique soil of local importance” as delineated by the USDA Soil Conservation Service and the El Dorado County Agricultural Commission. The whole parcel is currently zoned RA-20, which allows agricultural use, and the parcel currently contains 5.5 acres of grape vines and one acre of olives. This use is in keeping with both the Locally Important Farmland and zoning designations. The rezone is a necessary part of the process when entering into a Williamson Act Contract. The rezone to AE would help to preserve the parcel for agricultural use. No existing agricultural land will be converted to non-agricultural use as a result of the proposed rezone.

Finding: As conditioned and mitigated, impacts to agricultural land would be less than significant. For this “Agriculture” category, there would be less than significant impacts.

III. AIR QUALITY. <i>Would the project:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
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 PM₁₀, CO, SO₂ and No_x, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
- Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.

(a & c) The El Dorado County/California Clean Air Act Plan has set a schedule for implementing and funding Transportation Control Measures to limit mobile source emissions. The proposed project will not conflict with or obstruct the implementation of this plan.

Under the *Guide to Air Quality Assessment, Table 5.2 - Projects with Potentially Significant ROG and NOx Operation Emissions*, single family housing containing 230 dwelling units at 10 trips per day per unit is an example of a project that would exceed the established threshold of significance of 82 lbs per day of ROG and NOx emissions, considered precursors to O₃ pollution. Under the Guide, projects that fall below the cut points of Table 5-2 will not be significant for PM₁₀ either. While the increase in traffic from uses allowed under the rezoning will result in short-term and long-term increases in mobile emission sources, the amount of increase is not considered to be a cumulatively considerable net increase in criteria pollution for which the project region is at non-attainment. Impacts would be less than significant.

- (b) If future building or infrastructure improvements require the disturbance of 20 cubic yards or more of earth, the applicant shall comply with Air Quality Management District (AQMD) Rule 223-2 Fugitive Dust-Asbestos Hazard Mitigation, which includes an asbestos dust mitigation plan submittal, fugitive dust prevention, speed limits, warning signs, track out prevention, excavated soil management and post-construction mitigation. This information must be submitted to the Air Quality Management District for review and approval prior to issuance of a grading permit.

Alternately, the applicant may have a California Professional Geologist inspect the project site and provide the AQMD with a report demonstrating there is no Naturally Occurring Asbestos on the project site. This evaluation must be submitted to the AQMD with the current review fee.

If there is no naturally occurring asbestos or less than 20 cubic yards of earth is disturbed, the applicant must still comply with AQMD Rule 223-1 Fugitive Dust-Construction Activities. If a County grading permit is required, the applicant will be required to submit a Fugitive Dust Plan to the AQMD prior to issuance of a grading permit.

The project site is not in any area mapped for Naturally Occurring Asbestos or fault zones. Compliance with the previously described requirements at time of any grading permit issuance would reduce impacts on air quality to less than significant.

- (d - e) Sensitive receptors include such groups as young children and the elderly, and such sites as schools, hospitals, daycare centers, and convalescent homes. The project parcel is surrounded by large residential/agricultural parcels. There are no sensitive receptors identified in the nearby vicinity, and the likelihood of this project exposing sensitive receptors to substantial pollution concentrations over and above what already exists is less than significant. Impacts would be less than significant.

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. As discussed above, no impacts on air quality would occur and no mitigation is required. For this “Air Quality” category, there would be less than significant impacts.

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
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	

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) The project parcel is not within the newly defined core area for the red-legged frog. Further review of the 2004 General Plan EIR Exhibit 5.12-7 confirms that the project parcel is not located in any other protected and sensitive natural habitat. Therefore, the proposed project will not have an adverse effect on any sensitive or special status species or habitat.
- (b – c) Under General Plan Policy 7.3.3.4, *until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands.* A tributary of the North Fork of the Consumnes River is shown on the Camino U.S.G.S Quadrangle. The single-family dwelling, supporting infrastructure vineyards and olive orchard are established and the rezone will have no direct impact on this streambed and pond area. Impacts would be less than significant.
- (d) There currently is deer-fencing in place around the perimeter of the parcel. While this may present some impact on migratory patterns, justification for fencing can be found in the Zoning Ordinance. Under §17.30.080(B), agricultural use of the land permits by right, “the growing of trees, fruits, and other crops, and any structure or use incidental or accessory to any of the foregoing uses.” The single-family dwelling, supporting infrastructure vineyards and olive orchard are established and the rezone and establishment of a Williamson Act Contract will have no direct impact on wildlife movement that did not occur previous to this permit request. Impacts would be less than significant.
- (e - f) The proposed rezone will not conflict with the General Plan tree preservation policy because the single-family dwelling, supporting infrastructure vineyards and olive orchard are established and no trees will be removed as a direct result of this permit request, nor will it conflict with the provisions of any adopted habitat conservation plan. Any future tree removal within the subject parcel would be individually analyzed, and mitigations developed, prior to issuance of a building and/or grading permit. Impacts would be less than significant.

Finding: For this “Biological Resources” category, as mitigated, the impacts to biological resources would be less than significant.

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-d) A record search was done of APN 046-041-17, (North Central Information Center (NCIC), CSU Sacramento, June 14, 2007) which reported there was a low to moderate possibility of identifying prehistoric and historic-period cultural resources. In addition, improvements and infrastructure to support the growing of grapes and olives exist. Impacts would be less than significant. Because of the possibility in the future that ground disturbances could turn up significant cultural resources anywhere in the County, the following will be added as a condition to the project address any potential future discovery:

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 disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The Planning Services shall review the grading plans prior to the issuance of a grading permit, to ensure that this notation has been placed on the grading plans.

Finding: Based upon the Record Search, it is determined that for this “Cultural Resources” category, impacts would be less than significant.

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			X	

VI. GEOLOGY AND SOILS. <i>Would the project:</i>				
for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
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 resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
 - Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
 - Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.
- (a) Only those earthquake faults considered having a relatively high potential for future earthquake activity, and which have well defined surface fault traces were considered for mapping under the Fault Evaluation Program of the California Division of Mines and Geology. This program was designed to carry out the objectives of the Alquist-Priolo Special Studies Zone Act of 1972. There are no Alquist-Priolo Special Studies Zones currently mapped in El Dorado County, and there are no known faults that transect the project area or are located on the project site. However, as there are faults located regionally, the project site could be expected to undergo moderate to severe ground shaking during large magnitude earthquakes. The County requires all new structures to be built in accordance with Seismic Zone 3 criteria, as set forth in the Uniform Building Code (UBC), reducing a seismic hazard to less than significant.
- (b) Agricultural activities do not require a grading permit. However, all grading activities exceeding 50 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* Adopted by the

County of El Dorado Board of Supervisors, 3-13-07 (Ordinance #4719). This ordinance is designed to limit erosion, control the loss of topsoil and sediment, limit surface runoff, and insure stable soil and site conditions for the intended use in compliance with the El Dorado County General Plan. Prior to issuance of a grading permit, the developer will be required to obtain approval of an erosion control plan from the Building Services if it is determined that the grading will or may pose a significant erosion or sediment discharge hazard for any reason. The plan may include mitigation of sediment runoff beyond project boundaries through the installation of settlement catchments that meet the satisfaction of the designated Department of Transportation inspector. Revegetation and stabilization of all disturbed soils both within and outside of County right-of-ways may be required. Compliance with this ordinance will reduce any potential impacts to a less than significant level if a grading permit is required. Impacts will be less than significant.

- (c - d) Based on the *Soil Survey of El Dorado Area, CA*, the project soils are classified as predominantly auburn silt loam (AtD), with minor amounts of Auberry course sandy loam, (ArD) along Sandridge Road with small amounts of Holland course sandy loam (HgD) in the northwest corner typically with 15 to 30 percent slopes. These soils consist of well-drained soils. Permeability and erosion hazard are moderate, and surface runoff is in the medium to rapid range for the soil types. The soils are not considered to be expansive based on its low shrink/swell potential. Impacts will be less than significant.
- (e) The El Dorado County Environmental Management Department has established specific *Design Standards for the Site Evaluation and Design of Sewage Disposal Systems* which are applicable on any parcel proposing to develop an individual on-site sewage disposal system. These design standards establish minimum standards that must be met. At that time any proposed on-site septic system will be required to meet these design standards, and will be reviewed by the Environmental Management Department for compliance with any and all County and State requirements as part of the building permit process. The current system used by the existing single-family dwelling was reviewed and approved prior to final occupancy. Impacts will be less than significant.

Finding: No significant geophysical impacts would occur from the ranch marketing request either directly or indirectly. For this “Geology and Soils” category, the impacts would be less than significant.

VII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency			X	

VII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>				
response plan or emergency evacuation plan?				
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		X		

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

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
- Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
- Expose people to safety hazards as a result of former on-site mining operations.

(a & b) The rezone could allow the development of a winery and its accessory uses, by right. During the construction of any winery related buildings there may be hazardous materials or substances used, which may remain on the premises after construction. The proper use and storage of any such hazardous material or substances should limit exposure and the potential for explosion or spills. The El Dorado County *Hazardous Waste Management Plan* serves as the implementation program for the management of any hazardous wastes in order to protect the health, safety, and property of residents in the vicinity of the project. The following mitigation measure will reduce impacts from the potential use or transport of significant amounts of hazardous substances or materials as a result of the project to less than significant:

Mitigation Measures for Hazards and Hazardous Materials [2]:

MM Haz Mat-1: *If a future winery facility involves the storage of reportable quantities of hazardous materials, then prior to building permit issuance the applicant shall submit a hazardous materials business plan to the Solid Waste and Hazardous Materials Division of Environmental Management, to include payment of applicable fees.*

- (c) No schools exist or are proposed within a one-quarter mile radius of the project parcel. There would be no impact.
- (d) Based on a search of the State of California Hazardous Waste and Substances Sites List (1994, 1998), the project parcel is not listed as a known hazardous materials site. There would be no impact.
- (e - f) The project parcel is not located within an airport land use plan, or within two miles of a public or private airport. There would be no impact.
- (g) The proposed project will not physically interfere with the implementation of the County adopted emergency response and/or evacuation plan for the project area. There would be no impact.
- (h) The project site is located in an area of very high severity for wildland fires as identified on the El Dorado County Fire Hazard Severity Zones Map (California Department of Forestry and Fire Protection). The following mitigation measure would reduce impacts from fire hazards to less than significant:

MM Haz Mat-2: Prior to building permit issuance for a winery facility, the applicant shall provide a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and or District approved fire safe planner, which shall be reviewed and approved by Pioneer Fire Protection District and California Department of Forestry (Cal Fire).

Finding: Potential significant impacts could occur unless mitigated. With the incorporation of the recommended mitigation measures, for this “Hazards” category, impacts would be less than significant.

VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
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;
- 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) Specific water quality objectives have been established by the Regional Water Quality Control Board (RWQCB) and any project not meeting those objectives are required to apply for a Waste Discharge Permit. Environmental Health will require applicant to obtain a Waste Discharge Permit from the RWQCB prior to approval of the sewage disposal system for the development of the winery. The following mitigation measure would be recommended to be applied to the project or activities associated with the project in order to reduce impacts on water quality standards or waste discharge requirements established by the RWQCB to less than significant:

Mitigation Measures for Hydrology and Water Quality [1]:

- MM Hydro-1:** *Prior to discharging any wastewater to the land, the applicant shall meet Waste Discharge Requirements (WDRs) of the Regional Water Quality Control Board (RWQCB). If the winery crushes less than 80 tons of grapes per year, produces less than 100,000 gallons of wastewater annually, or collects and hauls all process wastewater off-site for disposal, the applicant can apply for a waiver of WDRs. Otherwise, the applicant shall submit a Report of Waste Discharge with the RWQCB.*
- (b) The geology of the Western Slope portion of El Dorado County is principally hard crystalline, igneous or metamorphic rock overlain with a thin mantle of sediment or soil. Groundwater in this region is found in fractures, joints, cracks, and fault zones within the bedrock mass. These discrete fracture areas are typically vertical in orientation rather than horizontal as in sedimentary or alluvial aquifers. Recharge is predominantly through rainfall infiltrating into the fractures. Movement of this groundwater is very limited due to the lack of porosity in the bedrock. The 24.501-acre parcel has two existing wells producing 3.5 gallons per minute (gpm) and 26 gpm, respectively. Presently, there is no evidence that the project will substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with ground water recharge in the area of the proposed project. Impacts would be less than significant.
- (c - f) The *Grading, Erosion and Sediment Control Ordinance* contains specific requirements that limit the impacts to a drainage system (§15.14.440 and 15.14.590). The standards apply to any grading that involves more than 50 cubic yards of earth, which would require a permit. General Plan Policy 7.3.2.2 states that projects requiring a grading permit shall have an erosion control program approved, where necessary. The purpose of the erosion control program is to limit storm water runoff and discharge from a site. Under the ordinance, grading necessary for agricultural operations is exempt from a permit. However, grading for future winery and tasting room facilities will require a permit. If the Building Services determines that the grading will or may pose a significant erosion or sediment discharge hazard for any reason an erosion control plan will be required. The plan will need to address mitigation of sediment runoff beyond project boundaries and may require revegetation and stabilization of all disturbed soils both within and outside County right-of-ways to the satisfaction of the designated Department of Transportation inspector. Depending on the extent of grading, a permit from the California Regional Water Quality Control Board (RWQCB) may be required. Compliance with the grading ordinance and RWQCB permit requirements would reduce any potential impacts to a less than significant level. For this current application request, impacts would be less than significant.
- (g - h) The Flood Insurance Rate Map, Panel No. 060040-0775 B, dated October 18, 1983, establishes that the project site is not within a mapped 100-year floodplain. There would be no impacts.
- (i) The subject property is not located adjacent to or downstream from a dam or levee that has the potential to fail and inundate the area with floodwaters. There would be no impacts.
- (j) 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 ocean floor. There is no potential for a seiche or tsunami on the site. 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 non-existent and there would be no impact.

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 - c) The proposed rezone will be confined to the boundaries of the parcel and will not physically divide the community it lies in, nor will it conflict with any adopted habitat conservation plan. There will be no impact.

(b) The proposed rezone from RA-20 to Exclusive Agriculture is consistent with the Rural Residential (RR) land use designation as defined in General Plan Policy 2.2.1.2, as agriculture is considered a compatible use under this designation. The project is also consistent with the Exclusive Agriculture zone district and winery ordinances, §17.36.060 and 17.14.190 respectively, of the County Code. In addition, the project soil classification of ArD and HgD are both considered to be “unique soil of local importance” as farmland. The rezone to Exclusive Agriculture and establishment of a Williamson Act contract would ensure that the parcel remains devoted to agricultural uses and these soils are preserved. Impacts would be less than significant.

Finding: The rezone would be consistent with the General Plan intent for uses in Rural Residential (RR) as well as being consistent with similar uses in the Somerset area. As mitigated and conditioned, there will be no significant impact from the project due to a conflict with the General Plan. For this “Land Use” category, impacts would be less than significant.

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) 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 would be no impact.

Finding: No impacts to energy and mineral resources would occur and no mitigation is required. For this “Mineral Resources” category, there would be no impacts.

XI. NOISE. <i>Would the project result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise level?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

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

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

(a, c, d) The project may result in an increase in existing ambient noise levels in the project vicinity. Presently, a parcel must have either five acres of permanent crop or ten acres of annual crop under cultivation to qualify for inclusion in ranch marketing or winery activities. The applicant has a minimum of 5.5 acres of grapevines and one acre of olive trees planted thereby meeting these criteria. The present zone districts require a special use permit for a winery and tasting room, while the rezone would allow a winery and its accessory uses by right. The accessory uses include unlimited special events with up to 250 people in attendance, wine tasting, wine promotional events and picnic areas for winery related activities. These accessory uses, specifically those involving outdoor events, may result in a permanent or temporary increase in ambient noise levels. While the project, as proposed, does not include a request for special or promotional events or picnic area uses, the County must consider the maximum use that would be allowed under the rezone. The noise standards in a rural area are applied at a point 100 feet from any adjoining residence, and §17.14.190(D) of the Ordinance requires wineries located outside of the Agricultural District overlay (A) to have setbacks of 200 feet applied to wineries and

accessory structures if adjacent to residentially zoned property. All surrounding parcels currently have 200-foot setbacks for non-agricultural compatible structures applied to them with the current RA-20 zoning so that will not change with the rezone. All outdoor events, which have the potential to increase the ambient noise levels, are subject to the following Noise Level Performance Protection Standards contained in table 6-2 of the General Plan:

TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community	Rural	Community	Rural	Community	Rural
Hourly L _{eq} , dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50

Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).

The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.

In Community areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural Areas the exterior noise level standard shall be applied at a point 100' away from the residence. The above standards shall be measured only on property containing a noise sensitive land use as defined in Objective 6.5.1. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all effected property owners and approved by the County.

*Note: For the purposes of the Noise Element, transportation noise sources are defined as traffic on public roadways, railroad line operations and aircraft in flight. Control of noise from these sources is preempted by Federal and State regulations. Control of noise from facilities of regulated public facilities is preempted by California Public Utilities Commission (CPUC) regulations. All other noise sources are subject to local regulations. Non-transportation noise sources may include industrial operations, outdoor recreation facilities, HVAC units, schools, hospitals, commercial land uses, other outdoor land use, etc.

Under General Plan Policy 6.5.1.14, a noise ordinance will be adopted by the County to control unnecessary noise that will include, but not be limited to, “amplified music in commercial establishments.” Until then, excessive noise resulting from outdoor events held on the project parcel would be mitigated as follows:

Mitigation Measures for Noise [1]

MM-1 Noise: *The applicant will be required to obtain a special use permit if an amplified, outdoor sound system will be utilized during special events.*

- (b) Prior to issuance of ministerial grading and building permits the applicant must demonstrate compliance with Table 6-5 of the General Plan limiting noise exposure from construction sources in Rural Regions. Property owners adjacent to the project parcel will not be subjected to excessive ground borne noise or vibration as a result of any construction relating to the agricultural operation. Impacts would be less than significant.

(e - f) The project parcel is not located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. There would be no impacts.

Finding: No significant impacts to receptors or from noise sources would occur with the ranch marketing proposal either directly or indirectly. For this “Noise” category, as mitigated, the impacts would be a less than significant impact.

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) The proposed project will not induce growth directly or indirectly by providing infrastructure that would create development beyond what is currently anticipated in the General Plan. The site is designated on the 2004 General Plan Land Use Maps as Rural Residential (RR), and in keeping with Policy 2.2.1.2, has limited infrastructure in place to support the compatible agricultural development while maintaining the natural state of the remaining parcel. Impacts would be less than significant.

(b - c) The proposed project would neither displace people nor existing housing, which would prevent the construction of replacement housing elsewhere. There would be no impacts.

Finding: The project would not displace housing. There is no potential for a significant impact due to substantial growth with the proposed rezone project either directly or indirectly. For this “Population and Housing” category, impacts would be less than significant.

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

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

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department's/District's goal of 1.5 firefighters per 1,000 residents and 2 firefighters per 1,000 residents, respectively;
 - Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff's Department goal of one sworn officer per 1,000 residents;
 - Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
 - Place a demand for library services in excess of available resources;
 - Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
 - Be inconsistent with County adopted goals, objectives or policies.
- (a, b) Policy 5.1.2.2 establishes that the provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users, pursuant to Table 5-1. Table 5-1 in the General Plan establishes Minimum Levels of Service for public services such as schools, parks, fire districts, ambulance and sheriff.

The project will have no impact on the population density in the area as development is to be strictly agricultural at this time. Therefore, parks and libraries will not be impacted as there will be no added population from this project.

The Pioneer Fire Protection District currently provides fire protection services to the project area. Development of the project would result in a minor increase in demand for fire protection services, however, no factual information was provided by the fire district stating that the minimum level of service would fall below the minimum response time of 15-45 minutes, as designated in Table 5-1. The Fire District will review any winery or tasting room building permits to ensure fire codes are met, including adequate provisions for water storage facilities for fire suppression. Impacts would be less than significant.

The El Dorado County Sheriff's Department will serve the project site with a response time depending on the location of the nearest patrol vehicle. The current staffing is approximately 1 to 1.2 officers per 1,000 County residents compared with the statewide average of 1.8 officers per 1,000 population. Impact of the project to the level of service provided by the Sheriff's Department would be less than significant.

- (c) **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 project proposal will 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. The impacts would be less than significant.
- (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. The project proposal will not significantly increase the demand for parkland. The impacts would be less than significant.
- (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 in any future development application process. The impacts would be less than significant.

Finding: As discussed above, no significant impacts would occur with the project either directly or indirectly. For this "Public Services" category, impacts would be less than significant.

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

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

- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
- Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.

(a - b) The project will not contribute a significant increase in local population that would impact the use of recreational facilities in the area, nor does it require the construction or expansion of recreational facilities in its proposal. There would be no impacts.

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) Zoning Ordinance §17.14.190(D)(3c) reads as follows: *Where a proposed wine tasting facility is located on a private road and is outside general plan designated agricultural district boundaries, a special use permit shall be required.* The Development Services Director has determined that the intent of this ordinance was to mitigate impacts from private roads that pass through separately owned property before accessing a tasting room. Access to the site is directly off of Mariah Lane by way of Sand Ridge Road, a County maintained road. Mariah Lane is a 50 foot wide road easement created by document 2040-438 in December of 1981 and located entirely within the project parcel where it directly accesses Sand Ridge Road. Since June 1986, the County has required offers of dedication of road easements on parcel maps, and the County routinely has accepted such road easements, though maintenance has not been accepted. An IOD recorded through a parcel map and accepted by the County makes the road easement a public road even if not maintained by the County. Further, under General Plan Policy TC-Xg “each development project shall dedicate right-of-way and construct or fund improvements necessary to mitigate the effects of traffic from the project.” The Mariah Lane easement through the subject parcel was created in September of 1976 pursuant to Official Record 2040-438, and the parcel was created in 1978 therefore it has been determined Mariah Lane is a private road as of the time of this subject study. To access the future winery and tasting room facilities, traffic will impact the applicant’s property only on Mariah Lane by utilizing Sandridge Road which is a public road that has been irrevocably offered in dedication to the County. Therefore, this property will not require a special use permit for potential wine tasting use.

Under the winery ordinance, special events would be limited to 250 people or less depending on parking availability or more than 250 people with a site plan review showing sufficient off-street parking. While this would create an increase over daily traffic counts, consideration must be given to the temporary, occasional nature of these large events, as well as to the customary weekend and off-peak hours of operation. Though there will be some increase in level of service during largely attended special events, it will have a less than significant impact on the private roadways. with the following mitigation measures:

Mitigation Measures for Transportation and Traffic [3]

MM Trans/Traffic-1: *The applicant shall be subject to an encroachment permit, Std. Plan 103D, with a minimum width of 24 feet for the Mariah Lane entrance to Sandridge Road. Construction shall be completed prior to final occupancy of any future winery.*

MM Trans/Traffic-2: *Prior to holding any special events, the applicant shall improve Mariah Lane from the encroachment off Sandridge Road to the winery and tasting room access way. Improvements will consist of surfacing with chip seal or asphalt concrete 18 feet of width with shoulders on each side.*

MM Trans/Traffic-3: *Prior to final occupancy of the winery, the applicant shall post a sign on Mariah Lane discouraging public travel along the road system beyond the winery facilities. The sign shall conform to Standard Plan 105-C for dimensions and materials, and shall read: “End Winery Road – No Trespass”.*

- (b) General Plan Policy TC-Xd states that “Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS D in the Rural Centers and Rural Regions.” Based on the most current *Department of Transportation Traffic Count Annual Summary*, Sandridge Road within 200 feet of where it enters to the east from Bucks Bar Road shows a weekly average traffic volume of 1,348 average daily trips, operating well under the limits of Level of Service (LOS) C for a two lane arterial. Under §17.14.190(C) of the winery ordinance, the rezone will allow wine tasting, tours, special events of up to 250 people, and promotional events by right, which will generate additional vehicle trips onto not only Bucks Bar Road, but Sandridge Road and Mariah Lane as well.

Under General Plan Policy TC-Xe, thresholds of significance for “worsening” of traffic is defined as either a 2 percent increase in peak hour or daily ADT, the addition of 100 or more daily trips, or the addition of 10 or

more peak hour trips on each specific roadway. Accessory uses of a future potential tasting room or picnic area occur primarily during off-peak hours and weekends, and the 100 trip parameter will not be exceeded on a daily basis since the big trip generators of promotional dinners or special events, will be held primarily on weekends, and occasionally or seasonally. Therefore, impacts from the project due to uses allowed by right under the rezone will be less than significant on the roadways that will be utilized to access the site. Past studies of similar isolated ranch marketing proposals in rural areas have shown a project proposal such as the subject one does not worsen traffic pursuant to the General Plan definition of worsen. DOT staff determined that pursuant to Policy TC-Xe, the potential future use of the subject parcel as a winery or tasting room will not "worsen" traffic and will therefore not require a traffic study. The impacts would be less than significant.

- (c) The project will not result in a major change in established air traffic patterns as there are no publicly or privately operated airports or landing fields in the project vicinity. There would be no impacts.
- (d) The project will not substantially increase hazards due to a design feature or incompatible uses because no winery or accessory use thereof is proposed at the present time and when they are proposed the encroachment permit and fire safe plan requirements to improve sight distance and road conditions required prior to use will improved safety conditions. The impacts would be less than significant.
- (e) Prior to building permit final for the winery, the applicant must comply with requirements of the approved fire safe plan as required by recommend mitigation MM Haz Mat-2 above in section VII. Impacts would be less than significant.
- (f) Uses allowed by right under the winery ordinance are constrained by the amount of permanent on-site parking. Prior to building permit approval for the wine tasting facility, a required site plan will be reviewed to verify compliance with on-site parking requirements as listed, by use, under §17.18.060 of the County Code. In addition, §17.14.190 contains parking standards for winery activities. Applicant will be required to comply with these standards, as well. Impacts would be less than significant.
- (g) The proposed project does not conflict with the adopted General Plan policies, and adopted plans or programs supporting alternative transportation. There would be no impacts.

Finding: As discussed above, no significant traffic impacts would occur with the rezone either directly or indirectly. For this "Transportation/Traffic" category, as mitigated, impacts would be less than significant impacts.

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				X

XVI. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i>				
project's solid waste disposal needs?				
g. Comply with federal, state, and local statutes and regulations related to solid waste?			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.

(a & e) The project parcel is presently developed with a single family dwelling, supporting infrastructure, irrigation system, two wells, grape vines and olive trees. When or if a winery is developed it is anticipated that the winery will generate liquid waste that will require disposal off-site. Under Mitigation Measure 3, the applicant must obtain a Waste Discharge Permit from the Regional Water Quality Control Board (RWQCB), Central Valley District, prior to approval by Environmental Health of any future sewage disposal system. In addition, approval from the off-site receiver of the "gray water" must be presented to Environmental Health as part of the process. There is no evidence indicating that the project or activities associated with the project will violate any water quality standards or waste discharge requirements established by the RWQCB. Impacts would be less than significant.

(b) No new water or wastewater treatment plants or expansion of existing facilities are proposed or are required as a result of the project. Impacts would be less than significant.

(c) No new storm water drainage facilities or expansion of existing facilities are proposed or are required as a result of the project. Impacts would be less than significant.

(d) The 24.501-acre parcel has two existing wells producing 3.5 gallons per minute (gpm) and 26 gpm, respectively. The total 5.5 acres of vineyard and one acre of olive trees should be adequately irrigated through this system. Adding the recommended mitigation will reduce the impacts to less than significant. The following mitigation will be required by Environmental Health prior to operating any winery and tasting room:

Mitigation Measure for Utilities and Service Systems

MM Utilities-1: *Prior to applying for a building permit for the winery or wine tasting facility, the applicant shall submit a Declaration of Small Water System Status form to Environmental Health in order to determine if the project will require a water system permit. If wine tasting activities include the preparation, storing or retail sale of food, then the applicant shall be subject to further requirements and must contact the department for assistance.*

(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. Solid waste pickup services currently exist for the project parcel. There would be no impact.

Finding: No significant utility and service system impacts would occur with the subject application. For this “Utilities and Service Systems” category, as mitigated, the impacts would be less than significant.

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

Discussion:

- (a) As discussed in Item V (Cultural Resources), as conditioned, proposed project would have less than significant effects on historical or unique archaeological resources. As mitigated, the potential erosion and hazardous wastes impacts on the pond, the intermittent stream, general parcel specific and downstream hydrological cycle, and potential fish habitat would be less than significant. Potential impacts on rare or endangered plant species are discussed in detail in Item IV above, the Biological Resources section. Impacts on special-status plant or animal species as a result of the subject application will be less than significant.
- (b) Other rezones or discretionary level projects involving wineries have been either proposed or approved in the vicinity of this project. 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, with the adoption of the recommended mitigation measures, there would be less than 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) Compliance with California Building Codes, the County of El Dorado *Grading, Erosion, and Sediment Control Ordinance, Design Standards for the Site Evaluation and Design of Sewage Disposal Systems*, and the mitigation measures addressing noise, traffic circulation and the specific objectives of the RWQCB regarding water quality will insure that the project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Strict adherence to the mitigation measures and review processes built into §17.14.190 will allow Planning Services, the Department of Transportation, Environmental Management, RWQCB and the Pioneer Fire Protection District to oversee any improvements needed to maintain and insure public health, safety and welfare.

Any future development plan that attempts to expand the current uses and that subject of this application request would require the submittal of a development application and those specific project impacts would be analyzed at that time in relation to all applicable laws. There would be no significant environmental effects from the subject application that would cause substantial adverse impacts on people either directly or indirectly. By adopting the mitigation measures below, the impacts will be less than significant. Should the property be sold prior to the improvements being made, the following mitigation measure will insure that any subsequent owner will be subject to the same requirements:

Mitigation Measures for Mandatory Findings of Significance

MM Manda Signi-1: *Subsequent to approval of the subject rezone by the Board of Supervisors, Planning Services shall record a Notice of Restriction on APN 046-041-17 consisting of Mitigation Measures 1 through 9. The applicant shall be responsible for all recordation fees.*

Immediately subsequent to approval of the subject rezone by the Board of Supervisors said NOR shall be signed and notarized by the applicant and recorded by Planning Services, and a copy shall be provided to the applicant.

SUPPORTING INFORMATION SOURCE LIST

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

El Dorado County General Plan Draft Environmental Impact Report
Volume I - Comments on Draft Environmental Impact Report
Volume II - Response to Comment on DEIR
Volume III - Comments on Supplement to DEIR
Volume IV - Responses to Comments on Supplement to DEIR
Volume V - Appendices

El Dorado County General Plan - Volume I - Goals, Objectives, and Policies

El Dorado County General Plan - Volume II - Background Information

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 Adopted by the County of El Dorado Board of Supervisors, 3-13-07 (Ordinance #4719)

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.)

Record Search, North Central Information Center (NCIC), CSU Sacramento, June 14, 2007