

**COUNTY OF EL DORADO PLANNING AND BUILDING  
DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** October 24, 2019  
**Staff:** Evan Mattes

**REZONE/PLANNED DEVELOPMENT/TENTATIVE  
SUBDIVISION MAP**

**FILE NUMBER:** Z16-0002/PD16-0001/TM16-1528/Vineyards at El Dorado Hills

**APPLICANT:** OMNI Financial, LLC

**AGENT:** OMNI Financial, LLC

**REQUEST:** The project consists of the following requests:

- 1) Certification of Environmental Impact Report (EIR) (State Clearinghouse No. 2017102026) for the Vineyards at El Dorado Hills Project;
- 2) Adoption of the Mitigation Monitoring and Reporting Program (MMRP);
- 3) Rezone (Z16-0002) to apply the Planned Development Combining Zone (-PD) to the existing underlying zoning of Estate Residential, Five-acre resulting in zoning of Estate Residential, Five-acre-Planned Development (RE-5-PD);
- 4) Planned Development (PD16-0001) establishing a Development Plan to allow efficient use of the land and flexibility of development under the proposed Vineyards at El Dorado Hills Project tentative subdivision map, including modifications to select RE-5 zone development standards including lot size and setbacks, a Density Bonus in the amount of 19 base units, and gated private roads; and
- 5) Phased Tentative Subdivision Map (TM16-1528) on the 114.03-acre project site creating a total of 42 single family residential lots ranging in size from 43,560 square feet to 46,562 square feet over four phases, which could result in four large lots, , one 6.22-acre roadway lot and five open space lots totaling 65.58 acres.

- 6) Design Waiver to revise the 101C road easement width standard from 50 feet to 30 feet.

**LOCATION:** North of Malcolm Dixon Road in the area east of Salmon Falls Road and west of Arroyo Vista Way, in the Rural Region in the El Dorado Hills area, Supervisorial District 4 (Exhibit A).

**APN:** 126-100-024 (Exhibit B)

**ACREAGE:** 114.03 acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit C)

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

**ENVIRONMENTAL DOCUMENT:** Environmental Impact Report (State Clearinghouse No. 2017102026)

**RECOMMENDATION:** Staff recommends the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Adopt the Resolution certifying the Environmental Impact Report (EIR) (SCH No. 2017102026) for the Vineyards at El Dorado Hills Project, subject to CEQA Findings and Statement of Overriding Considerations;
- 2) Adopt the Mitigation Monitoring Reporting Program (MMRP) detailing the recommended Mitigation Measures in the Environmental Impact Report for the Vineyards at El Dorado Hills Project, in compliance with CEQA Guidelines Section 15097(a);
- 3) Approve Rezone Z16-0002 (Exhibit C) applying the Planned Development Combining Zone (-PD) to the existing underlying zoning of Estate Residential, Five-acre resulting in zoning of Estate Residential, Five-acre-Planned Development (RE-5-PD) based on the Findings presented;
- 4) Approve Planned Development PD16-0001 establishing a Development Plan allowing the project to utilize density bonuses by clustering residential parcels and dedicating open space and allowing reduced setbacks of 20 foot front setbacks, 15 foot side setbacks and 30 foot rear setbacks for the Vineyards at El Dorado Hills Project, based on the Findings and subject to the Conditions of Approval as presented;
- 5) Approve the Phased Tentative Subdivision Map consisting of 42 residential lots ranging in size from 43,560 square feet to 46,562 square feet, five open space lots, and one road lot (Tentative Map TM16-1528) (Exhibit D), based on the Findings and subject to the Mitigation Monitoring Reporting Program and Conditions of Approval as presented; and
- 6) Approve the Design Waiver to reduce the standard 101C road width easement from 50 feet to 30 feet as the Findings could be made.

## EXECUTIVE SUMMARY

The project is comprised of a Tentative Subdivision Map (TM16-1528), Rezone (Z16-0002) and Planned Development Permit (PD16-0001) for the creation a total of 42 residential parcels, one 6.22 roadway lot and five open space lots. Gated access to the subdivision would be via access off of Malcom Dixon Road. The proposed subdivision and development plan utilizes the Planned Development density bonus, featuring clustered single family residential lots with a large portion of the site preserved as open space. An Environmental Impact Report (Exhibit N-O) has been prepared for the project with Findings of Fact and Overriding Consideration (Exhibit Q) and a Mitigation and Monitoring Program (Exhibit P). The project conforms to the General Plan, Zoning Ordinance and Subdivision Ordinance.

## BACKGROUND

**Approved Diamante Estates Project:** On October 27, 2009, the El Dorado County Board of Supervisors certified a Mitigated Negative Declaration and approved Tentative Subdivision Map TM06-142 Diamante Estates as well as a Rezone (Z06-0017) and a Special Use Permit (S08-0028), for the project site. The Diamante Estates Tentative Map included 19 single family lots, ranging in size from 5.0 to 9.9 acres, and one 2.2-acre open space lot. As part of the Diamante Estates approval, the project site was rezoned from Exclusive Agriculture (AE) to Estate Residential 5-acre (RE-5). Additionally, the project included a Special Use Permit (SUP) to establish a gate across the northern and southern access to the project site. The Diamante Estates project was conditioned to include public water service from the El Dorado Irrigation District (EID) and individual septic systems. The Diamante Estates project required El Dorado County Local Agency Formation Commission (LAFCO) approval of annexation of the project site into both the EID and El Dorado Hills Fire Department (EDHFD) boundaries.

In August 2014, LAFCO conditionally approved the Diamante Estates Reorganization into the EID and EDH Fire Department boundaries. Outstanding LAFCO conditions include US Bureau of Reclamation (USBR) authorization for inclusion into EID's service area and payment of State Board of Equalization fees. In January 2016, EID approved the annexation of the project site into its service area and sent the inclusion application to USBR. In 2015, LAFCO approved a one-year extension for the reorganization request and, in June 2016, LAFCO approved a two-year extension for the project site's reorganization into the EID and EDH Fire Department boundaries which extended the deadline to August 27, 2018. In March 2018, reorganization of the project site into the EID boundary and the EDHFD boundary was completed.

The Diamante Estates project is an approved project and could be developed on the project site if the proposed project is not approved. It is noted that the Diamante Estates project was approved with a Mitigated Negative Declaration and would not be subject to the mitigation measures required for the proposed Vineyards at El Dorado Hills project. The Tentative Map for Diamante Estates expires on October 27, 2022. All six one-year time extension requests have been granted to this project. No additional time extensions are available.

Several other developments have been approved within the immediate project vicinity including La Canada (TM08-1463) (Exhibit J), Malcolm Dixon Estates (TM05-1401) (Exhibit K), Wilson Estates (TM14-1515) (Exhibit L) and Alto (TM06-1408) (Exhibit M). La Canada (TM08-1463) is an approved tentative map located to the north and west of the project site consisting of 47 residential parcels ranging in size from 1.09 to 4.04 acres, with an expiration date of January 19, 2023. Malcolm Dixon Estates (TM05-1401) is located directly to the east of the project site proposing eight residential lots ranging in size from 5 to 5.6 acres, with has an expiration date of June 15, 2023. Wilson Estates (TM14-1515) is an approved subdivision map creating 28 residential lots ranging in size from 20,004 sf to 43,572 sf (approximately one acre) directly south of the project site on the opposite side of Malcolm Dixon Road. Wilson Estates was finalized on August 16, 2016 and has been built out. The Alto project (TM06-1408) is an approved subdivision map consisting of 23 residential parcels ranging in size from 1.79 acres to 2.76 acres located to the northeast of the proposed project location and has an expiration date of August 24, 2024.

## ANALYSIS

**Site Description:** The 114.03-acre project site is located in the Rural Region of the County, east and outside of the El Dorado Hills Community Region, north of Malcolm Dixon Road and generally north and northwest of the intersection of Malcolm Dixon Road and the Malcolm Dixon Cutoff Road (Exhibit A). The Community Regions of the County establishes the urban limit line on General Plan land use maps demarcating where the urban and suburban land uses will be developed. The Rural Regions of the County provide a land use pattern that maintains the open character of the County preserves its natural resources and recognizes the constraints of the land and the limited availability of infrastructure and public services. Malcolm Dixon Road is located along the southern project boundary. The access road (future Via Veritas) to the Malcolm Dixon Road Estates project (Tentative Subdivision Map TM05-1401), an approved eight-lot residential project north and east of the project site crosses the southeastern portion of the project site.

The existing surrounding setting includes low density residential uses to the east; undeveloped land and a single family home to the north; Malcolm Dixon Road, medium and high density residential uses and Green Valley Road to the south; and Salmon Falls Road and low density residential uses to the west.

The majority of the project site is undeveloped land. Six existing structures are located in the southern portion of the project site near Malcolm Dixon Road. These structures include a schoolhouse, barn, pump house, and associated outbuildings located in the southwest area of the site, and a residence and outbuildings in the southeast area of the site. The access road to the Malcolm Dixon Road Estates project crosses the southeastern portion of the project site.

The project site contains annual grasslands, oak woodlands, and scattered individual oak trees with the majority of the oak woodlands concentrated in the northern section and southwest sections of the site. There are perennial and ephemeral drainages, seven seasonal wetlands, and three springs/seeps located throughout the project site, and a pond is located in the southwestern

portion of the site. As discussed below, the project has been designed to preserve the aquatic resources and 94.8% of the oak woodland canopy.

The majority of the project site is gently to moderately sloping, with steeper slopes located in the northwest area of the site. The project site has an elevation range from approximately 620 feet to 880 feet above mean sea level.

Parcel Number 126-070-001, located south of the project site, is anticipated to be used for a portion of the proposed Malcolm Dixon Road realignment.

**Project Description:** The project is requesting a rezone (Z16-0002) to apply the Planned Development Combining Zone (-PD) overlay to the project site (Exhibit C). The project would subdivide approximately 114 acres into 42 single family residential lots with lot sizes ranging from 43,560 square feet to 46,562 square feet (Exhibit D). The Tentative Subdivision Map (TM16-1528) would create 42 residential lots on a total of 42.23 acres, one 6.22-acre roadway lot, and five open space lots totaling 65.58 acres (see Exhibit D). A Development Plan (PD16-0001) would allow for the project to utilize density bonuses by clustering residential parcels and dedicating open space pursuant to the requirements of Section 130.28.060 Residential Density Bonuses for On-site Open Space Dedication of the El Dorado Zoning Ordinance, and allow reduced setbacks of 20 foot front setbacks, 15 foot side setbacks and 30 foot rear setbacks.

The application for the project was filed on March 10, 2016 and deemed complete on April 7, 2016. This complete date precedes the updated El Dorado County Oak Resources Management Plan and Oak Resources Conservation Ordinance adopted October 24, 2017 and implemented into Title 130 El Dorado County Zoning Ordinance under Chapter 130.39 Oak Resource Conservation. Therefore, this project is subject to and would apply the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A) (Interim Oak Woodland Guidelines) in effect at the time of being deemed complete, which was April 7, 2016. Pursuant to Section 130.10.040.C.1 of the El Dorado County Zoning Ordinance applications which have been determined to be complete before the effective date of Title 130 or any amendment, shall comply with the provisions of Title 130 in effect on the date that the application is deemed complete.

The project is within the service district boundaries of El Dorado Irrigation District (EID) and the El Dorado Hills County Water District (El Dorado Hills Fire Department). All proposed lots and facilities will be served by individual on-site septic system; the project has not proposed to connect to public sewer service, water would be provided through a connection to EID water lines located within Malcolm Dixon Road.

Primary access to the site would be provided by Malcolm Dixon Road, which is a County-maintained road that borders the project site to the south. The project proposes to widen Malcolm Dixon Road along the southern boundary of the project site and to realign Malcolm Dixon Road to intersect with Via Veritas (a private road located on the project site) and the Malcolm Dixon Cutoff Road.

The project would include 42 single family residential lots, an internal multi-use trail accessible to the public from Malcolm Dixon Road, and 65.58 acres of open space. The open space would accommodate the project's oak woodland replanting requirement and would also accommodate an on-site vineyard of approximately 25 acres (Exhibit D) that would be managed by the Homeowner's Association (HOA) or similar entity. No on-site production or distribution facilities are proposed in association with the vineyard, which is further discussed below. Pursuant to the El Dorado County General Plan agricultural activities such as vineyards are not considered development and are consistent with the open space dedication.

**Rezone (Z16-0002):** The project site has a General Plan land use designation of Low Density Residential (LDR) and a Zoning designation of Estate Residential, 5-acre (RE-5). The proposed project is consistent with the General Plan, including General Plan Policy 2.2.4.1 and Zoning Ordinance Section 130.28.060, which provides for projects to receive a density bonus of 1.5 dwelling units, in addition to the number of base units allowed, for each unit of developable land set aside as open space. The purpose of the proposed rezone and subsequent development plan (Z16-0002, PD16-0001) is to apply the Planned Development (-PD) Combining Zone (Exhibit C), which implements the General Plan by providing innovative planning and development techniques, which include such practices that allow the use of flexible development standards, allow clustering of intensive land uses to minimize impacts on various natural resources, avoid cultural resources where feasible, and promote more efficient utilization of land.

**Planned Development (PD16-0001):** The -PD Combining Zone and Development Plan Permit allows for flexibility in the development standards of the project. The Development Plan requested by the project proposes a one-acre minimum lot size for the purposes of the requested density bonus, clustering techniques, reduced setbacks of 20 foot front setbacks, 15 foot side setbacks and 30 foot rear setbacks and gated private roads. Entrance gates would be located at Via Veritas and A Streets. The entrance gates are allowable through the Development Plan and would limit vehicle access to the project site but would not impede pedestrian access. The proposed project has applied clustering techniques to the residential component through reducing the minimum lot size of the proposed residential units from five acres to a one-acre minimum in order make the project more financially feasible and to preserve a significant amount of open space and oak woodland tree canopy, 65.58 acres. The open space area proposed by the project has been designed to preserve visual resources, including extensive areas of the on-site oak woodlands, to permanently conserve an area of the project site that contains a historic resource (the Live Oak Schoolhouse), to accommodate an on-site multi-purpose trail that provides for public access to the project site in order to enjoy the scenic and historic resources on the project site, and to minimize the development footprint of the project.

The -PD Combining Zone requires residential development projects to set aside 30 percent of the total site for open space, which may be used for recreational, passive, or aesthetic purposes, protection of agricultural or natural resources, pedestrian circulation, and inclusion of water features, as described at Section 130.28.050.A. of the Zoning Ordinance. Based on the project's 114.03-acre size, the project is required to provide a minimum of 34.2 acres of open space. With 65.58 acres of open space, the project exceeds the minimum open space requirement. The open space area includes existing oak woodlands, historical resources, and wetlands, as well as future proposed vineyards. While there are vineyards proposed to be located within the dedicated open

space areas, agriculture is not considered development pursuant to the El Dorado County General Plan and Zoning Ordinance.

As described at Section 130.28.050.C. of the Zoning Ordinance, the –PD Combining Zone allows for residential lots to be clustered to promote integrated site design that considers natural features of the site, creates more area for open space and recreation, avoids cultural resources, minimizes aesthetic impacts, maintains opportunities for commercial grazing, and minimizes loss of important agricultural lands. As described above, the project proposes clustering techniques in order to reduce the minimum lot size of the proposed residential units from five acres to a one-acre minimum to make the project more financially feasible and to provide a significant open space component that is used to preserve the area of the site with a historical resource (the Live Oak Schoolhouse), to preserve areas of oak woodlands and accommodate oak woodland planting, and to provide for agricultural opportunities. It is noted that the site is not designated as important farmland nor is the site currently used for grazing.

As described at Section 130.28.050.D. of the Zoning Ordinance, the –PD Combining Zone shall provide for pedestrian connections to allow internal circulation for the residents of the development to access surrounding commercial, recreational, residential, and civic uses, or on-site open space areas. The project proposes a multi-use trail that provides access to the on-site open spaces.

General Plan Policy 2.2.3.2 and Section 130.28.060 of the Zoning Ordinance provide for a density bonus where a minimum of 30 percent of the land within a residential development is set aside for commonly owned or publicly dedicated open space. The amount of bonus units earned is based on the amount of developable land within the open space. Developable land excludes lakes, rivers and perennial streams and areas encumbered by road and/or public utility improvements. In addition to the number of base units, one and one half (1.5) dwelling units may be provided for Planned Developments within a planning concept area for each unit of developable land set aside as open space. The density bonus calculation for the project is as follows:

Developable Land as Calculated Under the General Plan

65.58 open space acres – 0.51 acre (0.15 acre of perennial drainages + 0.36 acre pond) =  
65.07 acres of developable open space

Base Units Permitted Under the General Plan

114.03 acres developable land x 0.2 dwelling units per acre (Low Density Residential) =  
22.8 base units

Density Bonus Units

65.1 acres developable open space x 0.2 dwelling units per acre (Low Density Residential) x 1.5 density bonus = 19.53 density bonus units

***Total Allowed Units = 42.33 units (22.8 base units + 19.53 density bonus units)***

**Phased Tentative Subdivision Map (TM16-1528):** Exhibit D illustrates the proposed Vineyards at El Dorado Hills Phased Tentative Subdivision Map. The Tentative Subdivision Map would create 42 single family residential lots on a total of 42.23 acres, one 6.22-acre roadway lot, and five open space lots totaling 65.58 acres. The Tentative Subdivision Map would create 42 single family residential lots on the 114.03-acre project site, resulting in an average density of one dwelling unit per 2.7 acres. The residential lots will range from 43,560 square feet (1 acre) to 46,562 square feet (1.06 acre) in size. The project identifies four phases for the creation of the residential parcels. Phase I would consist of lots 9-13 and lots 41-42, Phase II would consist of lots 1-8, Phase III would consist of lots 17-33 and Phase IV would consist of lots 34-40. The size and arrangement of the lots are strategically designed to preserve existing vegetative and riparian resources and be compatible with project site topography. According to the General Plan Land Use Element Table 2-2, standard residential subdivisions in the Low Density Residential land use designation shall have a density range from 0.1 to 0.2 dwelling units per acre and parcel size ranging from 5 acres to 10 acres. Residential subdivisions utilizing the planned development concept described in General Plan Policy 2.2.4.1 may receive a density bonus of 1.5 units for each unit of developable land set aside as open space. As shown above under the Planned Development discussion, the project can accommodate 22.8 base units as well as 19.53 density bonus units, resulting in capacity for 42.33 residential units on the project site. Open space would exceed the 30 percent requirement of 34.2 acres by creating five open space lots totaling 66.58 acres. The open space lots would be commonly owned through the project HOA and the HOA would maintain the open space area. The open space lots would preserve oak woodlands, protect biological and aquatic resources, and provide for the conservation of historic resources. The onsite wetlands and drainage features would be located within the open space lots, with roadways crossing these features.

**Design Waiver:** The project is requesting a design waiver to reduce the right of way easement for a 101C road from 50 feet to 30 feet. The existing natural topography, oak tree resources and wetland features constrain development on the site, with additional roadway improvements resulting in additional environmental impacts and a decrease to the total acreage of open space dedication.

**Land Use:** The project has a proposed zoning designation of RE-5-PD. Parcels within this zoning designation are allowed typical residential uses including, but not limited to single-unit dwellings, secondary dwelling units, and guest houses subject to the rules and regulations of the El Dorado County Zoning Ordinance. The table below summarizes the land use plan proposed for the project and delineated on the Tentative Subdivision Map (Exhibit D):



<b>Lot Type</b>	<b>Number of Lots</b>	<b>Approximate Residential Lot Size (square feet)</b>	<b>Total Acreage</b>
Single Family Residential (Lots 1 – 42)	42	43,560 to 46,562	42.23
<b>Total Residential Lots</b>			
Open Space Lots (Lots A, B, C, D, E)	5	-	65.58
Roadway Lot	1	-	6.22
<b>TOTAL</b>			<b>114.03</b>

The following sections detail specific features of the project:

**Acquisition:** Parcel Number 126-070-001, located south of the project site, is anticipated to be used for a portion of the proposed Malcolm Dixon Road realignment. Ownership of the parcel is identified as: Nayeb Shiva, Payravi Ali. In order to construct the Malcolm Dixon Road realignment, a portion of this parcel must be acquired by the project applicant or the County. Acquiring the parcel may require the use of eminent domain.

The developer is required to identify the boundaries of the land to be acquired, based on approved design of the proposed road, and provide the County with funding to acquire the land, including associated court and legal costs. The County would then proceed with the eminent domain process, which includes a Board of Supervisors decision to proceed, and results in the purchase of the property at the appraised fair market value.

**Measure E:** With the passage of Measure E, which became effective on July 29, 2016 and is implemented based on County direction dated August 8, 2017, the environmental documents and conditions of approval for the project were reviewed in order to ensure the project, as conditioned, would be in compliance with the General Plan as amended by Measure E. Measure E, as reviewed and upheld by the El Dorado County Superior Court, modified paragraphs 1, 2, 5, and 7 of General Plan Policy TC-Xa and modified General Plan Policy TC Xg. The project would have no effect related to paragraphs 2 and 5 General Plan Policy TC-Xa.

The project is consistent with General Plan Policy TC-Xa. The Draft Environmental Impact Report (Draft EIR) and traffic study conducted for the project (Draft EIR Appendix H) identifies that there are three intersections to which the project will contribute additional traffic and which are forecast to operate at Level of Service F: 1) the intersection of Green Valley Road and El Dorado Hills Boulevard/Salmon Falls Road, 2) the intersection of Green Valley Road and Loch Way, and 3) the intersection of Green Valley Road and the Malcolm Dixon Road Connector (Chartraw Road). These intersections are forecast to operate at LOS F with or without the approval of this project, but the project will significantly worsen the impact as described under Impact 3.11-1 in the Draft EIR. The project would fully mitigate its impacts to these intersections through the following three measures (improvements beyond those identified below are not required as there is no nexus for mitigation to address improvements to the transportation

system beyond those addressed by the County's TIM program and those significant impacts associated with implementation of the project as addressed in the Draft EIR):

Mitigation Measure 3.11-1 requires payment of applicable TIM fees toward the improvement of the Green Valley Road at El Dorado Hills Boulevard/Salmon Falls Road intersection (Capital Improvement Program Project #73151). This improvement has been constructed and the project would pay its fair share of the improvement via applicable Traffic Impact Mitigation (TIM) fees.

Mitigation Measure 3.11-2 requires the project proponent to provide a two-way left turn lane along Green Valley Road at the Loch Way intersection. This improvement would be constructed prior to issuance of building permits for the phase of the project that includes the 11th single family residence.

Mitigation Measure 3.11-3 requires the project proponent to fund improvements that restrict the southbound left-turn movement at the Green Valley Road at the Malcolm Dixon Cutoff Road (Chartraw Road) intersection. This improvement would be funded prior to issuance of building permits to the phase of the project that includes the 9th single family residence.

Implementation of the above measures would reduce the project's impacts to these three intersections as discussed under Impact 3.11-1 on pages 3.11-17 through 3.11-23 of the Draft EIR.

**Pedestrian Circulation:** A multi-use trail would be provided throughout the project as shown on the Conceptual Site Plan (Exhibit H), with access points on Via Veritas and Malcolm Dixon Road. The multi-use trail would provide access to the open space located on open space lots A, B, C, and D.

The –PD Combining Zone requires residential development projects to set aside 30 percent of the total site for open space, which may be used for recreational, passive, or aesthetic purposes, protection of agricultural or natural resources, pedestrian circulation, and inclusion of water features, as described at Section 130.28.050.A. of the Zoning Ordinance. Based on the project's 114.03-acre size, the project is required to provide a minimum of 34.2 acres of open space. With 65.58 acres of open space, the project exceeds the minimum open space requirement

**Grading and Earthwork:** Approximately 50 acres of the project site's 114 acres would be disturbed during grading (Exhibit F). However, cut soil would be used onsite for fill, and minimal, if any, soil import or export would be needed. The site would be rough graded, which includes building pad preparation, grading of proposed roadways, and placement of erosion and sediment control features, prior to and during construction. Subdivision road improvements would be constructed in accordance with the standards of the County Design and Improvement Standards Manual, Grading and Drainage Ordinances, applicable fire codes, and as described herein. These improvements include construction of proposed public roadways, including the Malcolm Dixon Road widening and realignment, installation of wet utilities, dry utilities, and roadway surface improvements. Grading permits and improvement plans would be required by the County prior to commencement of any construction. The project was analyzed under the Oak

Woodland Management Plan (OWMP) and would remove 1.6 acres of oak tree canopy. Approximately 95 percent of the on-site canopy will be retained.

**Drainage:** The project site is located within the New York Creek watershed. Runoff from the southeast corner of the project site flows into the uppermost reaches of Dutch Ravine, which is confluent with New York Creek approximately 0.85 miles to the west. The majority of the site currently drains from east to west into lesser, unnamed tributaries that join the main New York Creek channel less than 0.4 miles west of the site.

There are perennial and ephemeral drainages, seven seasonal wetlands, and three springs/seeps located throughout the project site, and a pond is located in the southwestern portion of the site. The project proposes to retain and avoid direct impacts to these features.

The project's proposed grading will generally maintain existing drainage patterns. The majority of residential lots would drain to the rear of the lot. The project includes an on-site detention basin located in Lot C which would collect stormwater.

In accordance with Central Valley Regional Water Quality Control Board (RWQCB) requirements, the project will consider and incorporate Low Impact Development techniques to control runoff from the project site. The project's drainage system would be designed to appropriately accommodate the stormwater runoff generated from the project site to ensure post-construction run-off conditions do not exceed pre-development conditions. A final detailed drainage report is required prior to construction to design the infrastructure necessary to achieve pre- and post-development peak flow balance consistent with the Grading Ordinance, Grading Design Manual, and Drainage Manual.

**Water:** The project would be served by public water supplied by El Dorado Irrigation District (EID). Public water facilities would be installed throughout the site and would connect to the existing water line in Clarinda Street, located south of the project at the Malcolm Dixon Road/Clarinda Street intersection. All off-site water lines and infrastructure would be located within existing and proposed road and utility easements (Exhibit H).

**Recycled Water:** In 2004, the EID Board of Directors mandated the use of recycled water for all new subdivisions in the recycled water service area. The project is not within the recycled water service area pursuant to the *Wastewater Facilities Master Plan, El Dorado Irrigation District* (2013). As a result, no recycled water is being proposed to serve the project.

**Wastewater:** All proposed lots and facilities will be served by individual on-site septic system; the project has not proposed to connect to public sewer service. No off-site wastewater improvements are necessary to serve the project. The project meets the average density requirements required by County Ordinance 110.32 and the State Water Resources Control Board Onsite Wastewater Treatment Systems Policy (OWTS Policy). The project has an overall average density of 2.7 acres per unit, which exceeds all of the average minimum lot sizes identified by OWTS Policy 7.8 Table 1. A Septic Feasibility Study has been prepared for the project and demonstrates that soils and conditions present at the project site are anticipated to be adequate to accommodate the proposed septic uses (Exhibit G). Prior to Final Map, a lot-

specific exploration must be conducted for each residential lot to demonstrate the feasibility of the on-site septic as described in Mitigation Measure 3.5-3a, exploration capacity test must be conducted for each residential lot. As discussed below in Finding 2.30 the project site is not within a Community Region Boundary and is not required to connect to public wastewater treatment facilities. As such the project does not propose to connect to a public sewer system.

**Vineyard:** A vineyard up to 25 acres in size would be planted within the open space lots (Lots A, B, C, and D) (Exhibit N, Figure 2.0-5). The land would be owned by the Home Owner's Association (HOA) and would be leased to a vineyard grower that would plant operate the vineyard. No production or distribution facilities are proposed on the project site. Vineyard operations would include vineyard maintenance activities that would occur approximately one week each month from February through July each year and a one to two week harvest period that would occur in or near the fall of each year.

**Fire Safety:** Project implementation would result in the construction of residences in an area of moderate fire potential (Exhibit E). The project has a Wildland Fire Safe Plan that is approved by the El Dorado Hills Fire Department (Exhibit E). The requirement for a fire safe plan is also included as a Condition of Approval and implemented through Mitigation Measure 3.7-4. The Wildland Fire Safe Plan requires fuel management as part of the development of the project site, identifies specific building materials to be used to decrease fire potential, and also requires annual maintenance to ensure that the project site is maintained and managed in perpetuity to maintain fuel reduction zones and to ensure that future building and development do not pose fire risks and would be incorporated into the community's Covenants, Conditions and Restrictions (CC&Rs). The Wildland Fire Safe Plan requires that 50-foot fuel reduction zones be installed around the internal perimeter of the project adjacent to all open space and vineyard areas and that a 10-foot fuel hazard reduction zone is installed along both sides of all internal roads, service roads, and trails. The annual maintenance will ensure that the project site is maintained to manage potential sources of fuel for wildland fire and that fuel management is conducted in the project's open space as well as within each residential lot. Implementation of these measures would reduce the potential for project construction and operation to result in fire that could spread to adjacent areas and affect existing residences.

**Agency Review:** The project was distributed for agency review including El Dorado Hills Fire Department, Environmental Management, Transportation Department, and Air Quality Management District and review by the El Dorado Hills Area Planning Advisory Committee (APAC), a private community review committee. Comments received were considered and incorporated as conditions of approval as appropriate.

## CONSISTENCY

**General Plan Consistency:** The project is located within the Rural Region of the County directly north of the El Dorado Hills Community Region, with a General Plan designation of Low Density Residential (LDR) (Exhibit C). As proposed, with the proposed rezone and development plan the project would be consistent with the standards established by the LDR and PD standards, such as minimum and maximum density requirements. Staff has determined that

the proposed project is consistent with the applicable policies and requirements of the El Dorado County General Plan, as discussed in detail below in Section 2.0 of the Findings.

**Zoning Ordinance Consistency:** The project is zoned Estate Residential 5-Acres (RE-5) and proposes a rezone to Estate Residential 5-Acres with a Planned Development overlay (RE-5-PD) (Exhibit C). Chapter 130.28 establishes the Planned Development combining zone providing innovative planning and development techniques that allow the use of flexible development standards and density bonuses for the dedication of open space. As proposed the project would utilize the flexible development standards for setbacks, as well as the density bonus adding an additional 19 base units. With the rezone and development plan staff has determined that the proposed project is consistent with the applicable policies and requirements of the El Dorado County Zoning Ordinance as discussed below in Section 3.0 of the findings.

**Subdivision Ordinance Consistency:** The proposed clustered development is a Class I residential subdivision creating 42 residential lots and five open space lots. The proposed development would conform to the policies and standards of the General Plan and the underlying Estate Residential Five-Acre (RE-5) Zone District, subject to modifications under the Development Plan. Project development would be conducted in accordance with the applicable standards and policies of the General Plan, Grading Ordinance, and DISM, in adherence to subsequent construction permits and entitlements. The Vineyards at El Dorado Hills would be found consistent with Section 120.24.075 of the El Dorado County Subdivision Ordinance.

## **ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) has been prepared to determine if the project may have a significant effect on the environment. The Vineyards at El Dorado Hills Project EIR consisting of the Draft EIR (DEIR) and Final EIR (FEIR) identified significant impacts associated with project approval. Specifically, CEQA Guidelines Section 15091 requires lead agencies to make one or more of the following written findings:

1. Changes or alterations have been required for the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social, or other considerations make infeasible the mitigation measure or project alternative identified in the Final EIR.

As a result of the environmental analysis for the project, the County determined that impacts associated with air quality, biological resources, geology and soils, hazardous materials, hydrology and water quality, noise, and transportation and circulation were projected to have potentially significant impacts, but implementation of mitigation measures would reduce the impact to less than significant levels. Aesthetic and cultural resources were projected to be significant impacts even with implementation of recommended mitigation measures, and would remain significant and unavoidable. A Mitigation Monitoring and Reporting Program (Exhibit

Q) has been prepared and agreed to by the applicant. As such, CEQA Findings of Fact and a Statement of Overriding Considerations (Exhibit R), is required by the Board of Supervisors to certify the EIR.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourses, native plant life, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Wildlife. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to their current fee after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.<sup>00</sup> processing fee, is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## **PUBLIC OUTREACH**

Multiple opportunities have been provided for community input regarding the project. The County published the Notice of Preparation (NOP) of the Draft EIR for the project on October 11, 2017. The NOP included a detailed description of the project and invited interested entities and the public to comment on the project during a 30-day public comment period. On October 26, 2017, County Planning staff held a scoping meeting to present the project to the community and invited interested agencies and the public to comment on the scope of the Draft EIR.

On February 15, 2018, County Planning staff held an informational workshop with the Planning Commission to introduce the Planning Commission to the project. The project applicant presented the project to the Planning Commission and was available to answer questions regarding proposed characteristics of the project.

The Notice of Availability of the Draft EIR was published in November 2019. The Notice of Availability provided a description of the proposed project and a summary of significant environmental effects that may result from project implementation. The Draft EIR provided a detailed description of the proposed project, analyzed potential environmental impacts that could result from project implementation, identified mitigation to reduce potential environmental impacts to less than significant where feasible, and discussed alternatives to the proposed project. The public comment period for the Draft EIR began on November 7, 2018 and originally ended on January 7, 2019. In response to requests to extend the comment period, the Applicant coordinated with the County to extend the public review period to 90 days, ending on February 5, 2019.

In addition to community input opportunities provided by the County, the project applicant team conducted door-to-door outreach in the project vicinity to discuss the project with local residents. The project applicant team attended four El Dorado Hills Area Planning Advisory Committee meetings, including meetings on February 8, 2017, November 8, 2017, December 12, 2018, and September 11, 2019 to answer questions related to the project and discuss potential approaches to addressing concerns. As a result of the project applicant's initial outreach efforts, the project was refined to include a multi-use trail accessible to the community, street widths were widened, access to Malcolm Dixon Road was restricted, additional neighborhood turn-arounds were included, and the old schoolhouse and pond were placed within an open space lot to retain these

features on-site. Early construction of transportation improvement projects, such as at Loch Way/Green Valley Road improvements, was included through the mitigation measures and the applicant has further offered to construct the Loch Way/Green Valley Road improvements in conjunction with the first phase of the project.

### **SUPPORT INFORMATION**

#### **Attachments to Staff Report:**

Findings	
Conditions of Approval	
Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Land Use Map, Existing Zoning Map, and Proposed Zoning Map
Exhibit D.....	The Vineyards at El Dorado Hills Tentative Subdivision Map; September 2017
Exhibit E.....	Wildland Fire Safe Plan (November 20, 2015) and Fire Hazard Map
Exhibit F.....	Preliminary Grading, Drainage and Tree Preservation Plan; September 2017
Exhibit G.....	Septic Feasibility Study; Revised June 7, 2017
Exhibit H.....	Conceptual Site Plan
Exhibit I.....	El Dorado Irrigation District Facility Improvement Letter (FIL); March 21, 2016
Exhibit J.....	La Canada Tentative Map; September 2008
Exhibit K.....	Malcolm Dixon Road Estates Tentative Subdivision Map; October 17, 2012
Exhibit L.....	Wilson Estates Tentative Map; August 2014
Exhibit M.....	Alto Tentative Map; September 2008
Exhibit N.....	Draft Environmental Impact Report; September 2018
Exhibit O.....	Final Environmental Impact Report; August 2019
Exhibit P.....	Mitigation Monitoring and Reporting Program
Exhibit Q.....	Findings of Fact and Statement of Overriding Consideration