



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

**REVISED ENVIRONMENTAL CHECKLIST FORM
AND DISCUSSION OF IMPACTS**

Project Title: Z04-0012/WAC06-0001, Miraflores Vineyard

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

Contact Person: Lillian MacLeod

Phone Number: (530) 621-5355

Project Owner's Name and Address: Victor and Cheryl Alvarez; 2970 Branding Iron Ct.; Yuma, AZ 85364

Project Applicant's Name and Address: Victor and Cheryl Alvarez; 2120 Four Springs Tr.; Placerville, CA 95667

Project Agent's Name and Address: Steve Shoemake; 1327 Ora Loma Drive; Placerville, CA 95667

Project Location: On the east side of Four Springs Trail, at the intersection with Sly Park Road in the Pleasant Valley area.

Assessor's Parcel No(s): 079-010-79, 079-010-10, and 079-010-76 (Subject parcel was created as Parcel 3 of PM49-5, and is one legal parcel identified under three separate parcel numbers.)

Zoning: Estate Residential Ten-acre (RE-10)/Residential Agricultural Twenty-acre (RA-20)/Residential Agricultural Forty-acre (RA-40)

Section: 34/35 **T:** T10N **R:** R12E

2004 General Plan Designation: Natural Resource (NR)

Description of Project: Rezone the 185.16 acre parcel from RE-10/RA-20/RA-40 to Exclusive Agriculture (AE) as part of the Williamson Act Contract application, WAC06-0001. Rezoning the property to Exclusive Agriculture allows winery and accessory uses by right, such as a tasting room and special events. It is because of these potential uses that an evaluation is required to determine if significant or potentially significant impacts will be placed upon the environment as a result of the rezone.

Surrounding Land Uses and Setting:

	<u>Zoning</u>	<u>General Plans</u>	<u>Land Use</u> (e.g., Single Family Residences, etc.)
Site:	RE-10, RA-20, RA-40	NR	Vineyard
North:	RE-5	MDR-PL	Single Family residences
East:	RE-10, RA-20, RA-40	NR	Single-family residences, US Forest Service
South:	RA-20, RA-40	NR	BLM land
West:	RE-10	NR	Single-family residence

Briefly Describe the environmental setting: The property is moderate to steeply sloping. Vegetation consists of mixed conifer woodland. Tree and brush clearing has been done in conformance with the approved Timber Harvest Plan and either grape vines or stakings in anticipation of grape plantings are in place within these areas. The access road has been graded and widened and improvements have been made to the intersection at Sly Park Road. A large pond is located at the northeast corner of the intersection of Four Springs Trail and the northernmost driveway on the project parcel.

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, El Dorado County and 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.
- X** 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: February 13, 2006

Printed Name: Lillian MacLeod 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, 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.

(c) Under Timber Harvest Permit 03-519, fifty-one acres of the project parcels have been cleared of all commercial timber as well as all non-commercial material, including slash and stumps. The timber harvest was performed in preparation of proposed viticulture. The applicant plans to develop, at a maximum, 31 acres as a vineyard, with an accessory winery and tasting room at a future date. The remaining 134.16 acres will remain undeveloped. As part of the timber harvest permit process an environmental evaluation was performed addressing aesthetic impacts. A determination of “no impact” was made based on the facts that the property was already open grassland with timber, the property had previously been used for many years for cattle grazing, and a buffer strip of natural trees and vegetation would be left along the property’s frontage with Sly Park Road. A Negative Declaration was filed by the California Department of Forestry and Fire Protection, August 12, 2002. The proposed rezone will not introduce agricultural uses that are out of character with its previous use or that of the surrounding area.

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

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 Josephine silt loam (JtD). As such, it is 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. It is currently zoned RE-10, RA-20 and RA-40, which all allow agricultural use. The applicant has planted 10.5 acres of grape vines with future plans calling for another 20.5 acres of vines. 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.

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)

El Dorado County, in adopting 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. Currently, El Dorado County is classed as being in "severe non-attainment" status for Federal and State ambient air quality standards for ozone (O₃). Additionally, the County is classified as being in "non-attainment" status for particulate matter (PM₁₀) under the State's standards. The California Clean Air Act of 1988 requires the County's air pollution control program to meet the State's ambient air quality standards. Standard practices for stationary and point source air pollution control is administered by the El Dorado County Air Pollution Control District (EDCAPCD). Project related air quality impacts are divided into two categories:

- Short-term impacts related to construction activities; and
- Long-term impacts related to the project operation.

The project parcel is accessed directly off of Four Springs Trail by way of Sly Park Road, a designated rural minor arterial presently operating at Level of Service C or better. Under the winery ordinance, §17.14.190, the rezone will allow, by right, wine tasting, tours, special events of up to 250 people, and promotional events that will generate additional vehicle trips onto Sly Park Road. Under the ordinance, these events will 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. The off-street parking ordinance, §17.18, requires 1 parking space per 3 persons in attendance for these types of events. Eighty-four cars, or a total of 168 vehicle trips, could result from special events of up to 250 people. 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 rezone 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.

- (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 grading permit issuance should 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 as well as BLM and US Forest Service land. 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.

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

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.” The nearest designated stream to the development area is a tributary of Clear Creek located a minimum of 128 feet north of the project parcel. Construction of a proposed winery and tasting room, located approximately 1,450 feet from the northern property line, will have no direct impact on this streambed as they will be situated well outside the minimum setbacks under the General Plan. A recent complaint was made to the Code Enforcement Division of Development Services regarding siltation and runoff into an existing, on site pond located east of Four Springs Trail in the recently planted vineyard area. An officer responded to the complaint with a site visit on January 5, 2006 and found the complaint to be unfounded. The applicant provided evidence to the officer of monthly costs of \$16,000 to treat the water in the pond to a potable level of quality.

Review of the U.S. Department of the Interior National Wetlands Inventory Maps indicates a designated wetland on site, classified as upper perennial, riverine, unconsolidated bottom, permanently flooded (R3UBH). The wetland area conforms to the Camp Creek streambed running along the northwestern boundary line of APN 079-101-10. The applicant plans to keep this area undeveloped and undisturbed reducing any possible impacts on the streambed to less than significant.

(d) The Department of Fish and Game’s Migratory Deer Herd Maps indicate the vineyard and proposed winery and tasting room sites are located within the critical winter range for the Mendocino deer herd. The applicant is planning on deer-fencing his vines. 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 applicant will leave brush and tree-protected corridors open between fenced vineyard units to allow for deer and wildlife passage. In addition, approximately 108 acres in the southern portion of the parcels will remain undisturbed for wildlife purposes insuring the proposed project will have a less than significant effect on the movement of this herd.

(e - f)
 The proposed rezone will not conflict with the General Plan tree preservation policy nor will it conflict with the provisions of any adopted habitat conservation plan.

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 – c)

An archaeological study to determine the likelihood or potential for cultural resources on the project parcel was a requirement for processing the timber harvest permit. A study was previously performed in 1992 by Mark Stewart, a California Department of Forestry Archaeological Training Certificate holder, which subjected the proposed vineyard and development areas to intensive survey. Four sites and some artifacts were noted at that time. The current archaeological survey, performed again by Mark Stewart on August 7, 2002, indicated that the four sites were still existent; however, the artifacts have since been removed. Of the four sites, three were determined to be not significant due to their condition and common occurrence throughout the County. The fourth site will remain undisturbed. The archaeological survey was further reviewed by Gerrit L. Fenenga Ph.D., Associate State Archaeologist, who concluded on July 28, 2003 that there would be no adverse effect from the project on prehistoric or historic resources that exist on site. Therefore, impacts on cultural and historic resources will be less than significant.

(d) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the steps outlined in Section 15064.5 of the CEQA Guidelines shall be implemented immediately. This is a standard subdivision and grading requirement that applies to all discretionary projects and ministerial permits.

VI. GEOLOGY AND SOILS. <i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Discussion:

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

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property 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 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado *Grading, Erosion, and Sediment Control Ordinance* (Ord. 3983, adopted 11/3/88). 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 Department of Transportation 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.
- (c - d)
Based on the *Soil Survey of El Dorado Area, CA*, the project soil is classified as JtC and JtD, Josephine silt loam, with topography of 5 to 30 percent slopes. This soil classification consists of well-drained soils that are underlain by vertical schists, slates, and metamorphic rock at a depth of more than 40 to 60 inches. Permeability and erosion hazard are moderate, and surface runoff is medium. The soil is not considered to be expansive based on its low shrink/swell potential.
- (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.

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

Discussion:

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

- 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 Measure 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.
- (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.
- (e - f)
 The project parcel is not located within an airport land use plan, or within two miles of a public or private airport.
- (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.
- (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 will reduce impacts from fire hazards to less than significant:

Mitigation Measure 2:

Prior to building permit issuance for a winery facility, a non-public water system must be reviewed and approved by the El Dorado County Fire Protection District. Prior to final occupancy of the winery, a minimum 20 foot wide all-weather access road to within 150 feet of all exterior portions of the structure shall be required, with either adequate emergency vehicle turn-around or a loop access road. Access roads must have 13.5 feet of vertical clearance, a 25 foot inside turning radius, and be capable of supporting a 40,000 pound load.

VIII. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements?		X		
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or -off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?			X	

VIII. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i>				
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 will 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 Measure 3:

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 proposed 51 acre development area has two existing wells producing 50 gallons per minute (gpm) and 5 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.

(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 250 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 Department of Transportation 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 RWQCB may be required. Compliance with the grading ordinance and RWQCB permit requirements will reduce any potential impacts to a less than significant level.

(g - h)

The Flood Insurance Rate Map, Panel No. 060040-0775B, dated October 18, 1983, establishes that the project site is not within a mapped 100-year floodplain.

- (i) The California Dam Safety Act requires dam owners to submit inundation maps to the California Office of Emergency Services showing the extent of inundation resulting from a potential dam failure. This Act also requires that local jurisdictions adopt emergency evacuation and control procedures for areas located below dams to limit loss of life, injury, and property. El Dorado County has adopted a Multi-Hazard Functional Plan to be implemented by the County's Office of Emergency Services. This Plan and the EIR adopted for the General Plan identify those dams that have the potential to inundate residential areas. 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.
- (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 having 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.

- (b) The proposed rezone from RE-10/RA-20/RA-40 to Exclusive Agriculture is consistent with the Natural Resource (NR) 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, JtC and JtD are considered unique soils of local importance as farmland. The rezone to Exclusive Agriculture would insure that the parcel remains devoted to agricultural uses.

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 parcel is not mapped as a known Mineral Resource Zone (MRZ) by the State of California Division of Mines and Geology and does not contain any mineral resources of known local or statewide economic value.

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		

XI. NOISE. <i>Would the project result in:</i>				
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 10.5 acres of grapevines 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. The proposed tasting room facility is located over 250 feet to the east, 550 feet to the south, and over 920 feet to the west of the nearest residentially zoned property under different ownership. The winery facility is located even farther from these property lines. 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 will be mitigated as follows:

Mitigation Measure 4:

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.

(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.

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 Natural Resource (NR), 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.

(b - c) The proposed project will neither displace people nor existing housing, which will prevent the construction of replacement housing elsewhere.

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 & d - e)

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 insure fire codes are met, including adequate provisions for water storage facilities for fire suppression.

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 will be less than significant.

- (c) 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. As part of the building permit process the winery and tasting room facilities will be assessed school fees prior to permit issuance.

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.

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 Planning 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 Four Springs Trail by way of Sly Park Road, a County maintained road classified as a rural minor arterial. Four Springs Trail is a 30 foot wide, non-exclusive road easement located entirely within the project parcel where it directly accesses Sly Park Road. On June 10, 2005, the applicant recorded an irrevocable offer of dedication (IOD) to the County for that portion of Four Springs Trail located entirely within the project parcel under Parcel Map 49-5, Document No. 2005-0047932 (Exhibit 1). 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.” On July 14, 1859, the Board of Supervisors ordered that portion of Sly Park Road from Pleasant Valley to Sly Park Lake opened to a width

of 60 feet. Unfortunately, no formal easement was recorded along the affected parcels to formalize this order. The applicant has irrevocably offered dedication of 40 feet of right-of-way under Parcel Map 49-5 (Exhibit 2), and the Department of Transportation has determined no further dedication is required. To access the future winery and tasting room facilities, traffic will impact the applicants' property, only, by utilizing public roads that have been irrevocably offered in dedication to the County. Therefore, this property will not require a special use permit for potential wine tasting use.

Beyond the project parcel's boundaries, Four Springs Trail and private roads that connect off of it access other parcels under different ownership. 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 Measure 5:

The applicant shall be subject to an encroachment permit, Std. Plan 103D, with a minimum width of 24 feet for the Four Springs Trail entrance to Sly Park Road. Construction shall be completed under permit 154203, prior to final occupancy of the winery.

Mitigation Measure 6:

Prior to holding any special events, the applicant shall improve Four Springs Trail from the encroachment off Sly Park 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 1 foot shoulders on each side.

Mitigation Measure 7:

Prior to final occupancy of the winery, the applicant shall post a sign on Four Springs Trail 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* Sly Park Road, in the vicinity of the project parcel, measures 3,739 Average Daily Trips (ADT), 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 Sly Park Road, but Pleasant Valley and Mt. Aukum Roads, as well.

The *Traffic Impact Assessment* prepared by kD Anderson on June 18, 2004 determined that "most of the traffic is expected along Pleasant Valley Road and Mt. Aukum Road. About ten wineries exist along Mt. Aukum road south of Somerset and about three wineries exist along Sly Park Road / Pleasant Valley Road in the project area. Wine tasting excursions up Mt. Aukum Road are likely to be the primary trip to the winery, and this winery would likely be added the existing winery route in El Dorado County. The local wineries and the circular route to Placerville and El Dorado Hills make Pleasant Valley Road a secondary route to and from the winery. Sly Park Road is likely to have some visitor traffic from 'locals' as well as campers from Jenkinson Lake to the east. About 50 percent of the traffic is expected along Mt. Aukum Road while 40 percent is expected along Pleasant Valley Road. The remaining 10 percent is expected along Sly Park Road." Based on this analysis, along with comparisons to winery traffic studies conducted in Napa Valley, the *Assessment* concluded that impacts on these roadways from uses allowed under the winery ordinance would increase ADT by a maximum of 1.6 percent on Mt. Aukum Road, 0.7 percent on Pleasant Valley Road, and 0.3 percent on Sly Park Road. It also concluded that peak hour ADT would increase by a maximum of 1.5 percent on Mt. Aukum Road, 0.8 percent on Pleasant Valley Road, and 0.4 percent on Sly Park Road.

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. The *Assessment* concluded that the potential uses under the rezone would not trigger an increase in ADT of 2 percent or greater on either of the studied roadways. It further found that the 10 peak hour trip parameter would not be exceeded since accessory uses of a 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.

- (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.
- (d) The applicant has made improvements to Four Springs Trail that includes widening the road, re-graveling the surface, and relocating the intersection with Sly Park Road 50 feet to the west while improving the access to a right-angled approach. The improvements have provided increased sight distance visibility that meets and exceeds the California Department of Transportation *Highway Design Manual* standards for “Minimum Safe Stopping Distance”. However, under the *Traffic Impact Assessment*, tree removal was recommended along Sly Park Road to further improve visibility to the east for traffic exiting Four Springs Trail. The applicants have already complied with this recommendation and removed the trees.

Neighbors of the project have complained that the project will have a negative impact on the Clear Creek Bridge of Sly Park Road, which lies about 2500 feet west of the project. The Clear Creek Bridge is considered functionally obsolete because of the 18.7 foot bridge roadway widths, which results in a Caltrans rating of 3 (functionally obsolete) or lower for the deck geometry. However, the bridge currently functions at a LOS C, and the increased traffic from the winery, as determined in the *Traffic Impact Assessment* will not degrade the level of service. The General Plan allows LOS to be reduced to LOS D for Rural Centers and Regions, which the parcel is located in. Thus this project will not degrade LOS for regional roads and bridges.

Under Civil Code 845, an owner of land in which any non-County maintained, right-of-way easement is attached shall maintain it in repair either under a maintenance entity, or privately in proportion to the owner’s use. Mitigation measures 6, 7 and 8 address the degree of improvements that will be required of the applicant prior to utilization of the winery or tasting room facilities on that portion of Four Springs Trail within the project parcel.

- (e) Prior to building permit final for the winery, the applicant must comply with requirements of the El Dorado County Fire Protection District for emergency access listed under Mitigation Measure 2.
- (f) Uses allowed by right under the winery ordinance are constrained by the amount of permanent on-site parking. A project specific site plan showing seven permanent parking spaces for the proposed 2,100 square foot tasting room was presented with the application. 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.
- (g) The proposed project does not conflict with the adopted General Plan policies, and adopted plans or programs supporting alternative transportation.

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

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 undeveloped except for grape vine plantings and an accessory barn. When 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.

(b) No new water or wastewater treatment plants or expansion of existing facilities are proposed or are required as a result of the project.

- (c) No new storm water drainage facilities or expansion of existing facilities are proposed or are required as a result of the project.
- (d) The 185.16 acre project parcel has two existing 50 gpm and 5 gpm wells. The total 51 acre vineyard and development area should be adequately irrigated through this system. The following mitigation will be required by Environmental Health prior to operating the winery and tasting room:

Mitigation Measure 10:

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) In 1997, El Dorado County signed a 30-year contract with the Lockwood Landfill Facility for continued waste disposal services. This facility has more than sufficient capacity to serve the County for the next 30 years.

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) There is no substantial evidence contained in the whole record that the project will have the potential to degrade the quality of the environment. The project parcel does not lie within any of the five Ecological Preserves established by the County and the Department of Fish and Wildlife Service for rare or endangered plants, nor does it lie within the core area for the Red-legged Frog. Future proposed development is more than 100 feet from the nearest perennial stream or wetland. Adequate open space areas will insure deer migration corridors or habitat are not impacted, and the one known cultural/historical resource will be left undisturbed. Mitigation will insure that any cultural/historical resources discovered during the development process will be protected, as well. Further, the proposed agricultural use is allowed by right under the Zoning Ordinance and is in conformance with the General Plan land use designations.

(b & c)

Other rezones or discretionary level projects involving wineries have been either proposed or approved in the vicinity of this project. General concerns from the Department of Transportation have been expressed regarding cumulative impacts on the rural roads that serve as access to the wineries throughout the County. 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 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 El Dorado County Fire Protection District to oversee any improvements needed to maintain and insure public health, safety and welfare. 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 Measure 9:

Subsequent to approval of the subject rezone by the Board of Supervisors, Planning Services shall record Notices of Restriction on APN's 079-010-10, 079-010-76 and 079-010-79 consisting of Mitigation Measures 1 through 8. The applicant shall be responsible for all recordation fees.

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 (Ordinance No. 3883, amended Ordinance Nos. 4061, 4167, 4170)

El Dorado County Design and Improvement Standards

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

Soil Survey of El Dorado Area, California

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

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

Timberland Conversion Permit No. 03-519 Negative Declaration, August 28, 2003.

Traffic Impact Assessment for Mira Flores Winery, kD Anderson Transportation Engineers, June 18, 2004.

Archaeological Survey, California Department of Forestry, Mark Stewart, August 7, 2002.