



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

**ENVIRONMENTAL CHECKLIST FORM
AND DISCUSSION OF IMPACTS**

Project Title: Z05-0011/Iverson Winery

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

Contact Person: Winnifred L. Wilson, Senior Planner

Phone Number: (530) 621-7609

Project Owner's Name and Address: Michael and Melodie Iverson, 8061 Perry Creek Road, Fair Play, CA 95684

Project Applicant's Name and Address: Same

Project Agent's Name and Address: Same

Project Location: North side of Perry Creek Road, approximately 400 feet east of the intersection with Fairplay Road, in the Fair Play area.

Assessor's Parcel No(s): 094-070-13

Zoning: Estate Residential Five-acre (RE-5) **Section:** 28,33 **T:** 9N **R:** 12E

General Plan Designation: Agricultural Lands (AL-A), Medium-Density Residential (MDR), Commercial (C)

Description of Project: The subject property ("Project") is a request to rezone the northern 23.90 acres from Estate Residential Five-acre (RE-5) to Planned Agriculture (PA), and the southern 1.79 acres from Estate Residential Five-acre (RE-5) to Commercial (C) while the middle 5.79 acres remain unchanged under Estate Residential Five-acre (RE-5) zoning. The total acreage for the subject property is 31.48 acres. The rezone of the northern portion to PA would allow a winery and accessory uses such as a tasting room and special events by right. The subject property currently has 8.8 acres of planted grapes for a winery. The central 5.79 acre-portion will remain under RE-5 zoning because a rezone for that central portion to PA will not be consistent with its current MDR land use designation (*Table 2-4, General Plan, Land Use Element*). However, the proposed zone change from RE-5 to PA for the northerly 23.90 acres will be consistent with the General Plan designation of AL-A, while the rezone from RE-5 to C for the southerly 1.79 acres will be consistent with the Commercial General Plan land use designation.

Surrounding Land Uses and Setting:

| | <u>Zoning</u> | <u>General Plan</u> | <u>Land Use</u> (e.g., Single Family Residences, Grazing, Park, School) |
|--------|---------------|---------------------|---|
| North: | RE-5 | RR-A | S/SF Residences/winery & vineyards |
| East: | RE-5 | RR-A,MDR | S/F residences/winery & vineyards |
| South: | MP | HDR | Mobile home park/retail use |
| West: | RE-5/C | RR-A/C | Winery/restaurant |

Briefly Describe the environmental setting: The topography of the project site is undulating and steep in some places with steep gradients sloping down towards the northeast and southwest. Elevations range from approximately 2,160 feet along the northern periphery of the project site to 2,360 feet toward the southeast where several adjacent single family residences are located. The entire subject property is enclosed with a perimeter 8-foot deer fence with a metallic gate at the entrance. There is an existing single-family residence, and two accessory structures in the northern 23.90 acre portion. After the rezone is approved, the applicant proposes to operate a winery in the existing 1,426 square foot structure, shown as "the shop" on the site plan and conduct wine tasting and special events in the 700 square foot barn (the latter subject to Planning Commission's approval). In addition, the applicant may propose future commercial development in the southerly 1.79 acre-portion. There is a small man-made pond, situated 180 feet northeast of the 3.2 acre northerly vineyard. The site has a paved 12-foot driveway which has a direct access to Perry Creek Road, an existing 40-foot, two-lane, County-maintained paved road to the south. Flowing southeast to northwest, is Perry Creek, a perennial stream approximately 273 feet from the project site. Approximately 201 feet west of the site boundary is Stony Creek, an intermittent stream. Planted vineyards occur in the central and southern half portions of the site while a fairly dense vegetation of ponderosa pines dominating the northern portion. Other vegetation includes black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizenii*), foothill pine (*Pinus sabiniana*), buckbrush (*Ceanothus cuneatus*), and various annual grasses.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | | | | |
|--|-------------------------------|--|----------------------------|--|------------------------|
| | Aesthetics | | Agriculture Resources | | Air Quality |
| | Biological Resources | | Cultural Resources | | Geology/Soils |
| | Hazards & Hazardous Materials | | Hydrology/Water Quality | | Land Use/Planning |
| | Mineral Resources | | Noise | | Population/Housing |
| | Public Services | | Recreation | | Transportation/Traffic |
| | Utilities/Service Systems | | Mandatory Findings of Fact | | |

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

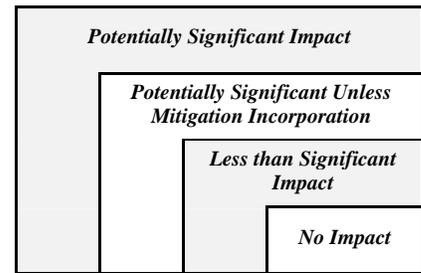
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION**, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: June 2, 2006

Printed Name: Winnifred L. Wilson, Senior Planner For: El Dorado County

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, 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.



ENVIRONMENTAL IMPACTS

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

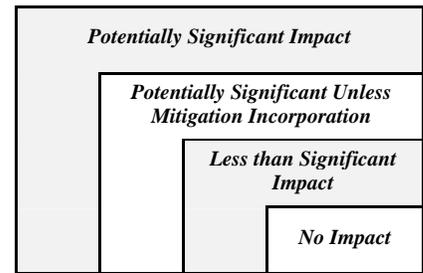
Discussion: A substantial adverse effect to visual resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

- (a) **Scenic Vista.** The project site is not adjacent to U.S. Highway 50. The project site and its vicinity are not identified by the County as a scenic view or resource (Exhibit 5.3-1, Table 5.3-1, General Plan DEIR). There would be no impact as a result of development of the Project.
- (b) **Scenic Resources.** The project site consists of a cluster of buildings (a single-family residence, a barn, and the “shop”). There are no historic buildings that would contribute to exceptional aesthetic value. There would be no impact.
- (c) **Visual Character.** The 31.48-acre site is surrounded by residential homes and vineyards in 5-acre residential lots to the north, east, and west. There is a winery, and a restaurant located 75’ adjacent to the southwest, a vineyard/single-family residence approximately 750’ northwest, a vineyard and a winery over 900’ to the northeast of the project site. To the south across Perry Creek Road is a mobile home park. The Project, consisting of planted grapes and a cluster of buildings would be consistent visually with the surrounding rural environment. Impacts would be less than significant.
- (d) **Light and Glare.** All proposed lighting shall be required to comply with Section 17.14.170 of the Zoning Ordinance and will be reviewed later under site plan review. The light and glare that may be generated from the winery and the wine tasting facility in the two existing structures would have minimal impact on the nearest adjacent residence to the southeast because of the distance.

Findings

No impacts from light and glare are expected and no mitigation is required. The Project is compatible with the surrounding uses. For this “aesthetics” category, the threshold of significance has not been exceeded.

| | | | | |
|---|---|--|--|----------|
| II. AGRICULTURE RESOURCES. <i>Would the project:</i> | | | | |
| a. | Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | X |
| b. | Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | | | X |
| c. | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | | | X |



Discussion:

A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
- The amount of agricultural land in the County is substantially reduced; or
- Agricultural uses are subjected to impacts from adjacent incompatible land uses.

(a) **Conversion of Prime Farmland.** The proposal is to rezone the northern part of the subject property, currently planted with vineyards, from RE-5 to PA zoning, and to rezone the southern part of the subject property also from RE-5 to a commercial zone. The northern 23.90 acre-portion has a General Plan designation of AL with an Agricultural District Overlay while the southern part has a General Plan designation of Commercial.

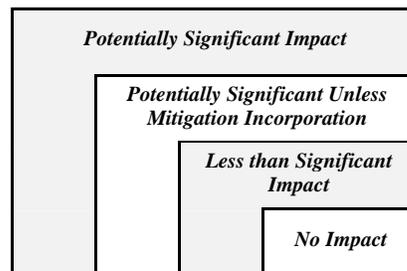
The parcel soil is classified as SbD, Shaver coarse sandy loam, 15% -30% slope, under the Shaver Series. The soils are well-drained, with medium to rapid surface runoff, and high erosion hazards. The soils are considered to be Farmland of Local Importance, as determined by the State Farmland Mapping and Monitoring Program. The rezone to PA for the northern portion of the project site would help to preserve a large part of the parcel for agricultural use. It would conform to the purpose and objectives of the Agricultural District Overlay, the Agricultural Element of the General Plan, the Right to Farm Ordinance, as well as the Winery Ordinance by promoting agricultural use, increasing agricultural land, minimizing nuisance to adjacent land, and expanding and stimulating local agricultural industry. The proposed rezone of 23.90 acre to PA would also meet the criteria set forth in County Zoning Ordinance Section 17.36.150. Overall, it would increase the acreage for Farmland of Local Importance which, between 1998 to 2000, has undergone an increase of 1,529 acres reflecting the County’s effectiveness in providing some level of protection for its agricultural lands from development pressure (Table 5.2-4, General Plan DEIR).

(b) **Williamson Act Contract.** The Project will not conflict with existing zoning for agricultural use, and will not affect any properties under a Williamson Act Contract because the site is not designated for Williamson Act.

(c) **Non-Agricultural Use.** The project parcel lies within an area identified as Farmland of Local Importance under the Farmland Mapping Program. No existing agricultural land will be converted to non-agricultural uses as a result of the Project. Section 17.06.150 of the Zoning Ordinance will require a 100’ setback from agricultural land for adjoining 5 acre-parcels created before 1983, and a 200’ setback for those created after 1983, in order to minimize land use incompatibility and protect agricultural land from urban encroachment.

Finding

No impacts to agricultural land are expected and no mitigation is required. The Project is compatible with the surrounding neighborhood with the required agricultural setbacks within the agricultural district. For this “Agriculture” category, the thresholds of significance have not been exceeded.



| III. AIR QUALITY. <i>Would the project:</i> | | | | |
|--|--|--|----------|----------|
| a. Conflict with or obstruct implementation of the applicable air quality plan? | | | X | |
| b. Violate any air quality standard or contribute substantially to an existing or 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:

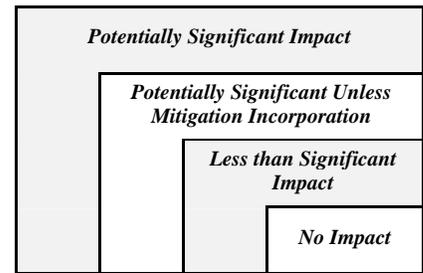
- Emissions of ROG and NO_x, will result in construction or operation emissions greater than 82lbs/day (See Table 5.2, of the El Dorado County Air Pollution Control District – CEQA Guide);
- Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1.

(a) **Air Quality Plan.** El Dorado County has adopted the El Dorado County California Clean Air Act Plan establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO_x, and O₃). This plan also contains a schedule for implementation and funding of Transportation Control Measures (TCM) to limit mobile source emissions. The Project will not conflict with or obstruct the implementation of this plan. Implementation measures from this plan are required to be implemented at the project level. In addition, a project is required to comply with the National Ambient Air Quality Standards as required under the Federal Clean Air Act as well as the State of California Ambient Air Quality Standards, which are equal to or more stringent than the National Standards.

(b – c) **Air Quality and Ambient Air Quality Standards.** El Dorado County is classed as being in “severe non-attainment” status for Federal and State ambient air quality standards for ozone (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. The El Dorado County Air Pollution Control District administers point source air pollution control. The County requires project emissions of ROG, No_x, and PM₁₀ be quantified using URBEMIS 7G or other approved model acceptable to the District. Projected 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 Perry Creek Road, currently an existing two lane, 22’ wide rural road, which is County maintained, and is designated by the General Plan as a Two Lane Rural Regional Road (60 right-of-way, 40’ roadway). It branches off from Fairplay Road, a designated County maintained Rural Minor Collector, which is presently operating at Level of Service (LOS) C with an average daily traffic of 2,388 (Department of Transportation Traffic Count Summary, 2005). Under the Winery Ordinance, §17.14.190, the rezone to PA and C, would allow, by right, wine tasting, tours, special events of up to 250 people, winery tours, and promotional events which would generate additional vehicle trips onto Perry Creek Road and Fair Play Road. All of these uses would only be allowed under the current zone of RE-5 with a special use permit. With a rezone to PA and C, these events would be permitted up to 250 people by right, subject to parking availability (17.14.190 D), or more than 250 people with a site plan review showing sufficient off-street parking.



Based on the traffic study that was done for the Mira Flores winery on Sly Park Road, this Project will not exceed the threshold of the General Plan Circulation Element. The Mira Flores Winery projected production of 10,000 cases of wine is anticipated to generate 10 trips per peak hour and 118 trips (11.8 ADT per 1000 cases). This winery is anticipated to generate only 2,500 cases, therefore will generate about 2.5 peak hour trips and approximately 29.5 ADT. The proposed wine tasting facility is served by 12' paved private driveway which connects directly to a public road (Perry Creek Road). Therefore, a Traffic Impact Analysis and Air Quality Impact Analysis will not be required for the processing of this zone change.

The off-street parking ordinance, §17.18, requires 1 parking space per 3 persons in attendance for these wine tasting, and specials events. Eighty-four cars, or a total of 168 vehicle trips, could result from special events of up to 250 people. Because of the narrow 12' driveway that may not be adequate to accommodate special event attendees, the Department of Transportation will require the applicant to widen the driveway up to 24' wide prior to occupancy of the wine tasting room, or prior to new grading or prior to new construction. Additionally, the applicant is required to dedicate off-site improvement 30 feet from center line of Perry Creek along street frontage and obtain a driveway encroachment permit prior to the occupancy of the wine tasting room or prior to new grading or prior to new construction.

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, with a total of 2,300 per day, 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.

Based on County records, the Property is not located within the Asbestos Review Area. 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.

If there is no naturally occurring asbestos or less than 20 cubic yards of earth is disturbed, to control fugitive dust emissions during construction, the applicant must still comply with AQMD Rules 223 and 223-1 Fugitive Dust-Construction Activities which include fugitive dust prevention and track out prevention. If a County grading permit is required because of future construction, or grading, the applicant would be required to submit a Fugitive Dust Plan with appropriate fees to the Air Quality Management District for review and approval prior to issuance of a building permit or grading permit. Compliance with the previously described requirements at time of grading permit issuance should reduce impacts on air quality to less than significant level.

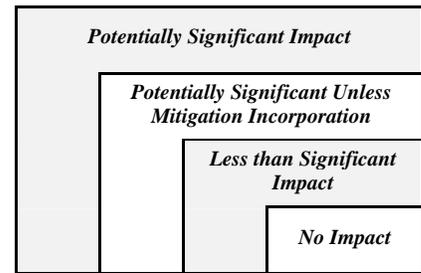
(d) **Sensitive Receptors.** Sensitive receptors include such groups as young children and the elderly, and such sites as schools, hospitals, daycare centers, convalescent homes, and high concentrations of single family residences. The nearest adjacent single-family residences to the south, east, and west of the barn and the driveway are more than 500' away. The nearest sensitive receptor, is the school at Mt. Aukum road, located over 3 miles away from the project site, and, as such, will not be impacted by exposure to substantial pollution concentrations.

Agricultural spraying shall be in compliance with sound practices associated with the agricultural industry. Complaints may be filed with the Agricultural Commission.

(e) **Objectionable Odors.** The Project is not known to cause odor impacts. Consequently, there would be no impact from the Project concerning odors. Any odor related to wine production will be confined within the existing winery facility, called the 'shop'.

Finding

A significant air quality impact is defined as any violation of an ambient air quality standard, any substantial contribution to an existing or projected air quality violation, or any exposure of sensitive receptors to substantial pollutant concentrations. As discussed above, no impacts to air quality impacts are expected and no mitigation is required. For this "Air Quality" category, the thresholds of significance have not been exceeded.



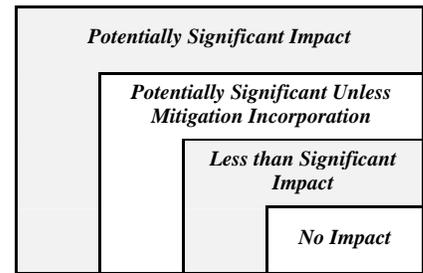
| IV. BIOLOGICAL RESOURCES. <i>Would the project:</i> | | | | |
|--|--|--|----------|----------|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies,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

Discussion:

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

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;
- Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

- (a - b) **Sensitive Habitat.** Review of the U.S. Fish and Wildlife Service Draft Recovery Plan for the Red-legged Frog indicate the project parcel is not within the core area for the species. No undisturbed streams exist on the parcel, considered to be the species natural habitat. The nearest perennial stream, Perry Creek, is approximately 273' to the northwest of the project site. 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 Project will not have an adverse effect on any sensitive or special status species or habitat.
- (c) **Wetlands.** Review of the U.S. Department of the Interior National Wetlands Inventory Maps determines that there are no wetlands, seasonal streams, or riparian habitat areas on or adjacent to the project. The nearest stream, Perry Creek, flowing to the northwest of the subject property is more than 273' away. There is a small man-made pond located more than 170 feet away from the planted vineyard, and more than 500 ' from the two existing structures which would accommodate the winery business and the wine tasting facility. There would be no impacts to wetlands as a result of the Project.
- (d) **Wildlife Interference.** The Department of Fish and Game's Migratory Deer Herd Maps indicate the project parcel is located within the critical winter range for the Ruth Deer Herd. Currently, there is an 8' deer fence around the perimeter of the subject property. While this may present some impact on migratory patterns, justification for fencing can be found both in the Zoning Ordinance and the General Plan. Agricultural use of the land, under §17.36.130(B) of the County Code, 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. In addition, under the General Plan, the Agricultural overlay allows the applicant to *conserve and protect important agricultural croplands and associated activities*. The fence around the subject property would not impede movement of deer and wildlife because the species can always negotiate around the project site. The vast range of this deer herd as well as the lack of major commercial or residential development in the Fair Play area should not result in significant effect on the movement of this herd.

- (e - f) **Biological Resources.** The requested rezone, will not conflict with the General Plan tree preservation policy nor will it conflict with the provisions of any adopted habitat conservation plan. Currently, the County does not have an adopted habitat conservation plan. The applicant does not propose to remove any more trees as the 8.8 acres of wine grape vineyard have already been planted. Once the rezone is approved, a winery and its accessory uses in the 31.48 acres will be allowed by right.

| 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 | |

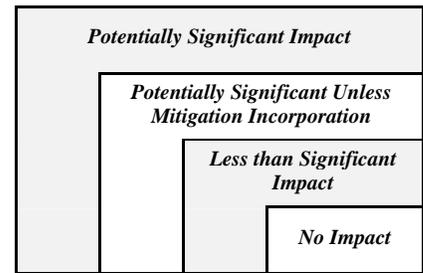
Discussion:

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) **Historic Resources** Agricultural activities do not require a grading permit. However, the proposed driveway widening, and future commercial development within the proposed commercial zone would result in soil disturbances. A record search to determine the likelihood or potential for cultural resources on the project parcel is a requirement for processing this application. A record search was requested by the applicant in July, 2005. A Cultural Resource Assessment was conducted (*Melinda a. Peak, Peak & Associates, July 2005*) which determined that no prehistoric or historic resources were found within the project area.

(d) Although no sites have been identified within the project area, it is possible that historic activities have obscured any evidence. 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.



Finding

Based upon the cultural resource study prepared for the site, it is determined that all feasible mitigation measures have been incorporated in the Project to reduce impacts on cultural resources to a level of insignificance. For this “Cultural Resources” category, the thresholds of significance have not been exceeded.

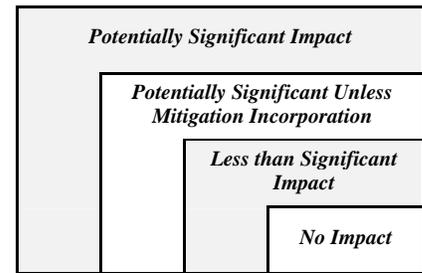
| VI. GEOLOGY AND SOILS. <i>Would the project:</i> | | | | |
|--|--|--|---|--|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | X | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo 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

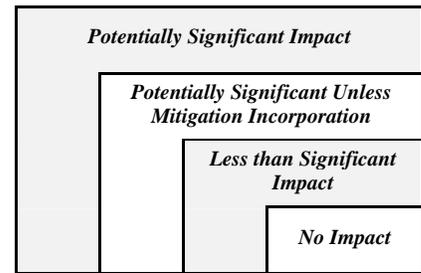
- Earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
- Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to 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) **Seismicity, subsidence and liquefaction.** 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) **Soil Erosion and Loss of Topsoil.** Agricultural activities do not require a grading permit. 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. The grading activities required for this Project would be the widening of the private roadway to access the project site, and the required improvements to Perry Creek Road prior to occupancy of the wine tasting room, or prior to grading or construction. For future commercial development allowed under the rezone to Commercial, prior to grading, the applicant 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 will need to address mitigation of sediment runoff beyond project boundaries through the use of settlement catchment installations 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 when grading occurs.
- (c - d) **Expansive Soils.** Based on the *Soil Survey of El Dorado Area, CA*, the project soil is classified as SbD, Shaver coarse sandy loam, with strongly sloping topography of 9 to 30%, under the shaver Series. The soils are well-drained, underlain by granitic rocks at a depth of more than 40 inches. Permeability is moderately rapid, erosion hazard is moderate to high, and surface runoff is medium to rapid. The soil is not considered to be expansive based on its low shrink/swell potential.
- (e) **Septic System.** 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. The applicant proposes an on-site septic system, approximately 170 feet, south of the “shop, 120’ from the proposed wine tasting room (the barn), and 100’ from the well. The 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.

Findings

No significant geophysical impacts are anticipated from the Project. For this “Geology and Soils” category, the thresholds of significance have not been exceeded.



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

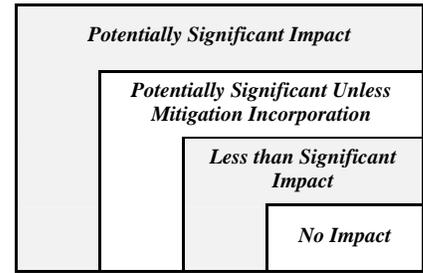
Discussion:

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

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

(a-b) **Hazardous Substances and Emissions.** The rezone would allow the development of a winery and its accessory uses by right. During the construction of any winery related buildings or commercial 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. If a future winery facility involves the storage of reportable quantities of hazardous materials (in excess of 55 gallons, 500 pounds or 200 cubic feet), then prior to building permit issuance the applicant shall submit a *Hazardous Materials/Hazardous Waste Generator Management Plan* to the Solid Waste and Hazardous Materials Division of Environmental Management for review and to include payment of applicable fees.

(c) The nearest school is located on Mt. Aukum road, more than 3 miles away from the project parcel, sufficiently far to be adversely impacted by this project.

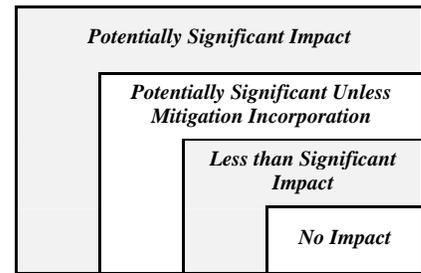


- (d) **Hazardous Materials Sites.** Based on an internet search in the State of California Hazardous Waste and Substances Sites List in the Department of Toxic Substances homepage, www.envirostor.dtsc.ca.gov/public, the project parcel is not listed as a known hazardous materials site.
- (e – f) **Public/Private Airport Hazards.** The project parcel is not located within an airport land use plan, or within two miles of a public or private airport.
- (g) **Emergency Response Plan.** 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) **Fire Hazards.** The project site is located in an area of moderate hazard for wildland fires as identified on the El Dorado County *Fire Hazard Severity Zones Map* (California Department of Forestry and Fire Protection), and as such, will expose people or structures to a less than significant risk of loss, injury or death due to wildland fires.

Finding

No impacts from hazardous conditions are expected and no mitigation is required. For this “Hazards” category, the thresholds of significance have not been exceeded.

| 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:

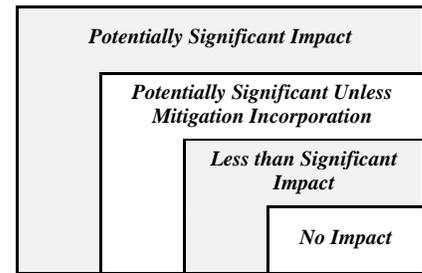
A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

- 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) **Water Quality Standards.** The Porter Cologne Water Quality Control Act requires any person discharging domestic waste to file a Report of Waste Discharge (RWD) and obtain Waste Discharge Requirements (WDRs) from the Regional Water Quality Control Board (Regional Board). However, the Regional Board waived WDRs for septic system discharges in those counties (including El Dorado County) provided they enforce the Regional Board’s *Guidelines for Waste Disposal for Land Developments*. If the proposed wastewater flows are less than 5,000 gpd (the Project falls within this category), then El Dorado County can provide oversight of the domestic wastewater system (i.e., onsite septic tank/leachfiled) otherwise, the Regional Board would require submittal of a RWD, and adoption of WDRs prior to the discharge.

Winery wastewater contains chemicals that can degrade surface and groundwater quality if not properly managed and disposed. Therefore, WDRs or a waiver must be adopted by the Regional Board before any winery wastewater of solid waste can be discharged to land. If the proposed winery crushes less than 80 tons of grapes per year, produces less than 100,000 gallons of wastewater annually, or collects and haul all process wastewater for disposal offsite, the applicant can qualify for a waiver of WDRs. Otherwise, the applicant shall submit a RWD with the Regional Board. Prior to discharging any winery related 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. The permit will be required prior to final occupancy of the wine facility.

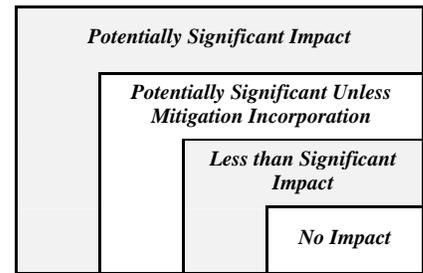
In addition, the Regional Board also requires the applicant to obtain National Pollutant Discharge Elimination System (NPDES) if there is future construction involving more than one acre of soil disturbance. However, the applicant is not certain the type of commercial development in the proposed commercial zone at this time.



- (b) **Groundwater.** 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 31.48-acre project parcel has an existing well producing 7 gallons per minute (gpm). 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 Project. The applicant has already planted 8.8 acres of wine grapes. Irrigating the vineyards is adequately handled by the existing well.
- (c – f) **Erosion Control Plan.** 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, tasting room, and other uses allowed by right under the rezoned area will require a permit, and the 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 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 that meet the satisfaction of the designated Department of Transportation inspector. Compliance with this ordinance will reduce any potential impacts to a less than significant level when grading occurs.
- (g – i) **Flooding.** The Flood Insurance Rate Map, Panel No. 060040-1000B, dated October 18, 1983, establishes that the project site is not within a mapped 100-year floodplain.
- (j) **Inundation.** 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.
- (k) 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.

Finding

As discussed above, the Project would include an implementation measure to reduce impacts from “Hydrology” to a level of insignificance. No significant water quality, erosion or ground water impacts are expected. For this “Hydrology” category, the thresholds of significance have not been exceeded.



| | | | | |
|--|--|--|--|----------|
| IX. LAND USE PLANNING. <i>Would the project:</i> | | | | |
| a. Physically divide an established community? | | | | X |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | | X |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | | | | X |

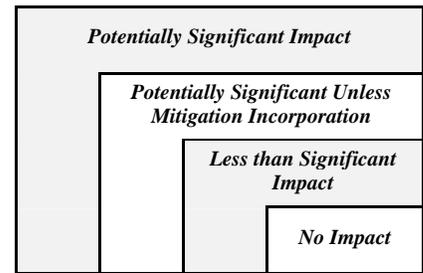
Discussion:

A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
- Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
- Result in conversion of undeveloped open space to more intensive land uses;
- Result in a use substantially incompatible with the existing surrounding land uses; or
- Conflict with adopted environmental plans, policies, and goals of the community.

- (a) **Established Community.** The Project will not result in the physical disruption of an established community. The subject property is located primarily in AL land use designation with an Agricultural District Overlay. The purpose of the Agricultural District is to conserve, protect and encourage the agricultural use of important agricultural lands and associated activities throughout the County (Policy 8.1.1.1). The rezone to PA from RE-5 for the northern 23.9-acre portion of the subject property would conform to the objectives of the Agricultural District Overlay, and the Agricultural Element of the General Plan for that area of the County where the relatively gentle slopes, and fertile soils are most conducive to agriculture. Moreover, the rezone of 23.90 acres to PA would increase the acreage for Farmland of Local Importance, which, between 1998 to 2000, has undergone an increase of 1,529 acres reflecting the County’s determined efforts in providing some level of protection for its agricultural lands from urban encroachment. Additionally, a rezone of the 1.79 acre from RE-5 to C would be consistent with the Commercial land use designation in that part of the area.
- (b) **Land Use Plan.** The proposed zone change from RE-5 to PA for the northern 23.90 acre-portion will be consistent with the land use designation of AL-A, while the rezone from RE-5 to C for the southern 1.79 acre-portion will be consistent with the commercial land use designation. The central 5.79 acre portion will remain under RE-5 zoning because a rezone for that portion to PA will not be consistent with its current MDR land use designation (Table 2-4, General Plan, Land Use Element).
- (c) **Habitat Conservation Plan.** The Project will not conflict with any applicable habitat conservation plan. Currently the County does not have an adopted habitat conservation plan. The project site is not located in Ecological Preserve Mitigation Area.

| | | | | |
|---|--|--|--|----------|
| X. MINERAL RESOURCES. <i>Would the project:</i> | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | | | | X |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | | | | X |



Discussion:

A substantial adverse effect on Mineral Resources would occur if the implementation of the Project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.

(a- b) **Mineral Resources.** The project site is not in an area where mineral resources classified as MRZ-2a or MRZ-2b by the State Geologist (*California Department of Conservation, California Geological Survey, Mineral Land Classification of El Dorado County, California, CGS Open-File Report 2000-03, 2001*) and the project site has not been delineated in the El Dorado County 2004 General Plan or in a specific plan as a locally important mineral resource recovery site (El Dorado County Planning Department, *El Dorado County General Plan Draft EIR (SCH #2001082030), May 2003, Exhibits 5.9-6 and 5.9-7*). There are no mining activities adjacent to or in the vicinity of the project site. There would be no impact.

Finding

No impacts to energy and mineral resources are expected and no mitigation is required.

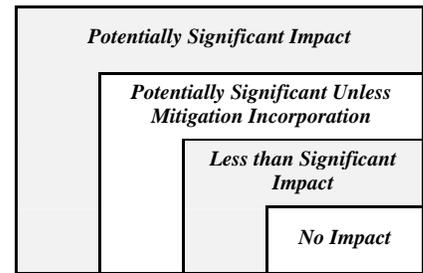
| XI. NOISE. <i>Would the project result in:</i> | | | | |
|---|---|--|--|---|
| a. | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | X |
| b. | Exposure of persons to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

Discussion:

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

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

(a, c – d) **Short-term and Long term Noise Levels:** The project may result in an increase in existing ambient noise levels in the project vicinity, primarily from traffic noise. Presently, a parcel must have either five acres of permanent crop under cultivation on a minimum 20



acre-lot to qualify for inclusion in winery activities. The applicant has 8.8 acres of grapevines planted on a total of 31.48 acre-parcel, thereby meeting these criteria. The present zoning requires a special use permit for a winery, while the rezone would allow a winery and its accessory uses by right. The accessory uses would include unlimited special events with up to 250 people in attendance. Special events, such as weddings may result in a temporary increase in ambient noise levels. While the project, as proposed, does not include a request for special events, Planning Services has to look at the maximum use that would be allowed under the rezone. All outdoor events, which have the potential to increase the ambient noise levels, are subject to the following Noise Level Performance Protection Standards contained in Table 6-2 of the General Plan. The noise standards in a rural area are applied at a point 100 feet from any adjoining residences. The adjacent residences are more than 200 feet away from the project boundary. §17.14.190(D) of the Winery Ordinance requires wineries and wine tasting facilities, located in the Agricultural District overlay (-A), to have setbacks of 50 feet from adjacent residentially zoned property. The proposed tasting room facility is located over 200 feet to the east property line, 450 feet to the west property line, 920 feet to the south property line and 1,150 feet to the north property line.

| 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 |

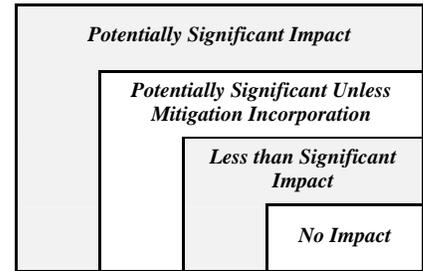
Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g.,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

Noise resulting from outdoor or amplified events on the project parcel which exceed these standards could require enforcement action from the El Dorado County Sheriff's Department.



(b) **Background Vibration.** Prior to issuance of ministerial grading and building permits for future commercial development, the applicant must demonstrate compliance with Table 6-5 of the General Plan limiting noise exposure from construction sources in Rural Regions. Property owners in the project vicinity will not be subjected to excessive ground borne noise or vibration as a result of any construction relating to the agricultural operation.

(e – f) **Airport Noise.** 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:

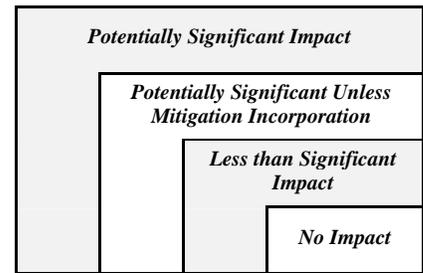
A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- 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. **Population Growth.** 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 Agricultural Land, with an Agricultural District Overlay, MDR in the central portion of the subject property and Commercial, in the southern portion. The Project is keeping with Policy 2.2.1.2, and has limited infrastructure in place to support the agricultural development while maintaining the natural state of the remaining parcel.

b – c. **Displacement of housing and people.** 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) **Population Density.** 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. Impacts on parks and libraries caused by added population from this project will be less than significant.

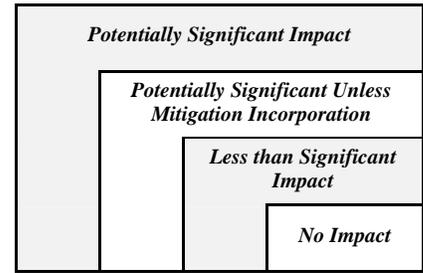
Fire Protection. The Pioneer Fire District currently provides fire protection services to the project area. As the El Dorado Irrigation District (EID) does not provide service to the site, a non-public water system, consisting of wells and storage tanks, must be reviewed and approved by the Fire District. Future buildings over 3,600 square feet are required to install an engineered fire sprinkler system, which will reduce fire flow requirements by 50 percent. Fire flow requirements are based on building type and size. Review and approval of the water system will be required prior to final occupancy under the building permit process. In addition, a minimum 20 foot wide all-weather access road to within 150 feet of all exterior portions of proposed structures shall be required, with either adequate emergency vehicle turn-around or a loop access road. Access roads must have 13.5 feet vertical clearance, 25 foot inside turning radius, and be capable of supporting a 40,000 pound load. These requirements will be applied to future construction as part of project design prior to building permit issuance.

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/wine tasting building permits to insure fire codes are met, including provisions for water storage for fire protection that may require additional storage tanks.

Police Protection. 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) **Schools.** The state allows school districts to directly levy fees on new residential and commercial/industrial development. These fees are collected at the time of building permit submittal and are designed to provide funds to acquire and construct additional facility space within impacted school districts. As part of the building permit process the winery and tasting room facilities will be assessed school fees prior to permit issuance. The project should have no impact on local school districts.

(d) **Parks.** Section 16.12.090 of County Code establishes the method to calculate the required amount of land for dedication for parkland, and an in-lieu fee amount for the subdivision of residential land. Provisions to provide parkland were not included as part of the Project in accordance with Section 16.12.090 of County Code because the Project is not for a residential subdivision. The Project will not increase the demand for parkland.



(e) **Other Facilities.** No other public facilities or services will be substantially impacted by the Project.

Finding

As discussed above, no significant impacts are expected with the Project either directly or indirectly. For this “Public Services” category, the thresholds of significance have not been exceeded.

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

Discussion:

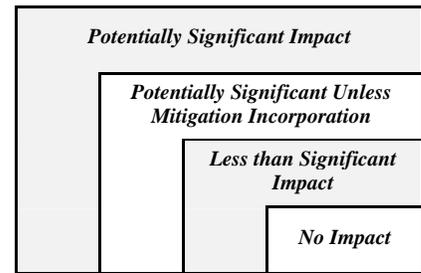
A substantial adverse effect on Recreational Resources would occur if the implementation of the Project would:

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

(a-b) **Recreation Facilities.** The Project would not substantially contribute to an increase in demand on recreation facilities or contribute to increased use of existing facilities. There would be no impact.

Finding

No significant impacts to recreation and open space resources are expected with the Project. For this “Recreation” category, the thresholds of significance have not been exceeded.



| XV. TRANSPORTATION/TRAFFIC. <i>Would the project:</i> | | | | | |
|--|---|--|--|---|---|
| a. | Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | | | X | |
| b. | Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | | | X | |
| c. | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | | | | X |
| d. | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | X | |
| e. | Result in inadequate emergency access? | | | X | |
| f. | Result in inadequate parking capacity? | | | X | |
| g. | Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | | | | X |

Discussion:

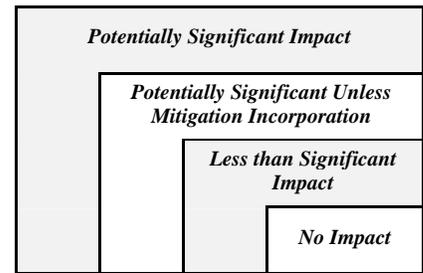
A substantial adverse effect on Traffic would occur if the implementation of the project would:

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
- Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
- Result in, or worsen, Level of Service “F” traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 5 or more units.

(a - b) **Level of Service.** Access to the site is directly off of Perry Creek, currently an existing two lane, 22’ wide rural road, which is County maintained, and is designated by the General Plan as a Two Lane Rural Regional Road (60 right-of-way). It branches off from Fairplay Road, a designated County maintained Rural Minor Collector, which is presently operating at Level of Service (LOS) C with an average daily traffic of 2,388 (Department of Transportation, Traffic County Summary, 2005). Under the Winery Ordinance, §17.14.190, the rezone to PA and C, would allow, by right, wine tasting, tours, special events of up to 250 people, winery tours, and promotional events which would generate additional vehicle trips onto Perry Creek Road and Fairplay Road. All of these uses would only be allowed under the current zone of RE-5 with a special use permit. With a rezone to PA and C, these events would be permitted up to 250 people by right, subject to parking availability (17.14.190 D), or more than 250 people with a site plan review showing sufficient off-street parking.

Based on the traffic study that was done for the Mira Flores winery on Sly Park Road, this Project will not exceed the threshold of the General Plan Circulation Element. The Mira Flores Winery projected production of 10,000 cases of wine is anticipated to generate 10 trips per peak hour and 118 trips (11.8 ADT per 1000 cases). This winery is anticipated to generate only 2,500 cases, therefore will generate about 2.5 peak hour trips and approximately 29.5 ADT. The proposed wine tasting facility is served by 12’ paved private driveway which connects directly to a public road (Perry Creek Road). Therefore, a Traffic Impact Analysis and Air Quality Impact Analysis will not be required for the processing of this zone change.

The off-street parking ordinance, §17.18, requires 1 parking space per 3 persons in attendance for these wine tasting, and specials events. Eighty-four cars, or a total of 168 vehicle trips, could result from special events of up to 250 people. Because of the narrow 12’ driveway that may not be adequate to accommodate special event attendees, the Department of Transportation will require the applicant to widen the driveway up to 24’ wide prior to occupancy of the wine tasting room, or prior to new grading or prior to new construction. Additionally,



the applicant is required to dedicate off-site improvement 30 feet from center line of Perry Creek Road along street frontage and obtain a driveway encroachment permit prior to the occupancy of the wine tasting room or prior to new grading or prior to new construction.

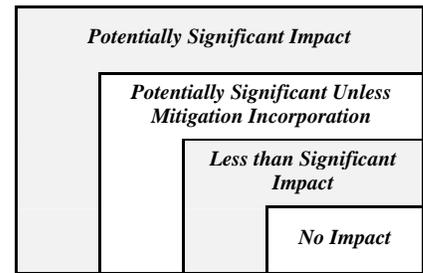
- (c) **Air Traffic.** The project will not result in a major change in established air traffic patterns as there are no publicly or privately operated airports or landing fields in the project vicinity.
- (d) **Traffic Hazards.** No traffic hazards will result from the proposed project.
- (e) **Emergency Access.** Prior to building permit final for the winery, the applicant must comply with requirements of the Pioneer Fire Protection District for emergency access, and fire safety and fire flow requirements.
- (f) **Parking Capacity.** Uses allowed by right under the winery ordinance are constrained by the amount of permanent on-site parking. No project specific site plan showing permanent parking was presented with the application. Either before building permit approval for future commercial development, or if further discretionary action is proposed, 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 also be required to comply with these standards.
- (g) **Alternative Transportation Modes.** The 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.

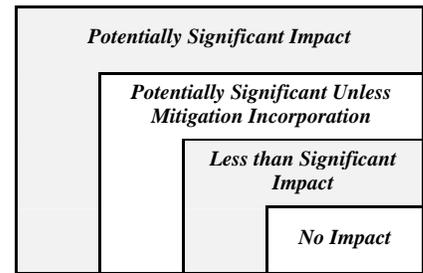
(a & e) **Waste Disposal.** The project parcel currently has 8.8 acres of vineyards, and a cluster of buildings (single-family home, the 'shop', and a barn). There may be future construction and grading based on the applicant's various options. When a winery is developed, as a use allowed by right under the rezone, it is anticipated that the winery will generate liquid waste that will require disposal off-site. The applicant must obtain a Waste Discharge Permit from the Regional Water Quality Control Board (RWQCB), Central Valley District, prior to occupancy of the winery facility. 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) **New Wastewater Treatment Plants.** No new water or wastewater treatment plants or expansion of existing facilities are proposed or are required as a result of the project.
- (c) **Stormwater Drainage.** No new storm water drainage facilities or expansion of existing facilities are proposed or are required as a result of the project.
- (d) **Potable water.** The 31.48-acre project parcel has one existing 7 gpm well and six 5,500 gallons water storage tanks. The proposed 8.8 acre- vineyard should be adequately irrigated through this system. The following mitigation will be required by Environmental Health prior to operating the winery and tasting room:

Prior to applying for a building permit for the winery or wine tasting facility, a Declaration of Small Water System Status form must be submitted to the department 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 further requirements are necessary and the applicant must contact the department for assistance.

- (f) **Landfill.** 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. It is not located within a core area for the Red-legged Frog, nor is it found to lie within its critical habitat of undisturbed creek or streambeds. Mitigation will ensure that any cultural/historical resources discovered during future 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) Other rezones or discretionary level projects involving wineries have been either proposed or approved in the vicinity of this project. Concerns from the Department of Transportation have been expressed regarding cumulative impacts on the rural roads that serve the wineries not just in the Fairplay area, but also 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 implementing measures addressing specific objectives of the RWQCB regarding water quality will ensure 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 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.
- (c) Compliance with California Building Codes, the County of El Dorado *Grading, Erosion, and Sediment Control Ordinance, Design Standards for the Site Evaluation and Design of Sewage Disposal Systems*, and the 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.

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 of 3 EIR Text, Chapter 1 through Section 5.6.
Volume 2 of 3 EIR Text, Section 5.7 through Chapter 9
Volume 3 of 3 Technical Appendices B through H
Volume 4 – Responses to Comments on Supplement to DEIR
Volume 5 - 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.)

Cultural Resources Assessment, Peak & Associates, Inc., July 2005

California Department of Conservation, California Geological Survey, Mineral Land Classification of El Dorado County, California, CGS Open-File Report 2000-03, 2001.

California Department of Toxic Substances Control Sites, envirostor database.(Cortese list).

California Department of Conservation, California.

El Dorado County Department of Transportation Five year Traffic Count Summary 2000-2004.