

RESOLUTION NO. -2017

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN BIOLOGICAL RESOURCES POLICY UPDATE, OAK RESOURCES MANAGEMENT PLAN, AND OAK RESOURCES CONSERVATION ORDINANCE; MAKING ENVIRONMENTAL FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM

Exhibit A

CEQA Findings of Fact

DRAFT

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Section 1 Introduction

The purpose of these findings is to satisfy the requirements of Sections 15091 and 15092 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the General Plan Biological Resources Policy Update, Oak Resources Management Plan (ORMP), and Oak Resources Conservation Ordinance (Project). A statement of overriding considerations consistent with Section 15093 is adopted separately. The CEQA statutes (Public Resources Code Sections 21000, et seq.) and Guidelines (Title 14, California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. When a certified Final EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale for each finding (Section 15091 of the CEQA Guidelines):

- 1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- 2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- 3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

No findings are required for impacts that are less than significant and require no mitigation.

Section 15092 of the CEQA Guidelines states that after consideration of a Final EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether to approve the project. A project that would result in a significant environmental impact can be approved only if the agency has eliminated or substantially lessened all significant effects on the environment where feasible.

Only when specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects, can a project with unmitigated significant impacts be approved. Section 15093 requires the lead agency to document and substantiate any such determination in a "Statement of Overriding Considerations." A Statement of Overriding Considerations is being adopted separately from these findings.

Section 2 Project Location, Description, and Objectives

The amendments to General Plan objectives, policies, and implementation measures would be applicable to development projects throughout the unincorporated areas of El Dorado County. The ORMP requirements would apply to development projects at or below 4,000 feet above sea level, which is the upper elevational threshold for oak woodlands. The Project would not affect incorporated areas, such as Placerville and South Lake Tahoe, nor would it affect areas under federal jurisdiction, such as Tahoe National Forest.

Project Location

The Project is located in El Dorado County, which encompasses approximately 1,800 square miles in east-central California. The County's westernmost portion contains part of Folsom Lake east of the Sacramento County line. The County's eastern boundary is the California-Nevada state line in South Lake Tahoe. The County is topographically divided into two zones. The northeast corner of the County is in the Lake Tahoe Basin, while the remainder of the County is in the area referred to regionally as the West Slope.

This Project is limited to the unincorporated portions of the County. The areas within the County boundaries that are not under County jurisdiction and therefore not subject to regulation by the County through the General Plan and Zoning Ordinance include federal lands such as National Forest lands (Eldorado National Forest, Tahoe National Forest, Lake Tahoe Basin Management Unit), Bureau of Land Management lands, Bureau of Reclamation lands (Folsom Lake); state lands at the Marshall Gold Discovery State Historic Park and state parks along the Lake Tahoe shore; tribal lands such as the Shingle Springs Rancheria; and land within the incorporated cities of Placerville and South Lake Tahoe.

Project Description

The Project would amend the General Plan Biological Resources' policies, objectives, and implementation measures. These amendments would establish a program for managing the County's biological resources impacts and create a clear, defensible, feasible, and reasonable approach for such impacts. This program is identified under amended Policy 7.4.2.8, which would establish a comprehensive Biological Resources Mitigation Program to govern evaluation, impact assessment, and mitigation for biological resources within the County with the objective of conserving:

1. Habitats that support special-status species;
2. Aquatic environments including streams, rivers, and lakes;
3. Wetland and riparian habitat;
4. Important habitat for migratory deer herds; and
5. Large expanses of native vegetation.

The Project also proposes adoption of the ORMP, which would function as the oak resources component of the County's biological resources mitigation program, as identified in the amendments to General Plan Policy 7.4.2.8. The ORMP identifies:

- Standards for oak woodland and native oak tree impact determination;
- Mechanisms to mitigate oak woodland and native oak tree impacts;
- Technical report submittal requirements, minimum qualifications for technical report preparation;
- Mitigation monitoring and reporting requirements; and
- Projects or actions exempt from mitigation requirements.

The ORMP also establishes an in-lieu fee payment option for impacts to individual native oak trees and oak woodlands, identifies Priority Conservation Areas (PCAs) where oak woodland conservation efforts may be focused, and outlines minimum standards for identification of oak woodland conservation areas outside the PCAs.

An Oak Resources Conservation Ordinance that incorporates the standards outlined in the ORMP will be considered in conjunction with adoption of the ORMP. It includes definitions, descriptions of the types of projects that would be exempt from the mitigation requirements consistent with the ORMP, requirements and procedures for issuance of oak tree and oak woodland removal permits, and provisions for enforcement and monitoring.

Project Objectives

The Project objectives are to revise several General Plan policies related to biological resources, adopt an ORMP and its implementing ordinance as outlined below (and described in the Draft EIR, Chapter 3 (Project Description), Section 3.3, Project Objectives).

General Plan Policy Revisions

- Develop biological resource policies that are self-implementing and do not need further clarification, interpretation, or policy determination.
- Clearly define what resources are covered and the types of development activities affected by the policies.
- Streamline the County's environmental review process related to biological resources by describing mitigation options that are clearly defined to govern evaluation, impact assessment, and mitigation for biological resources within the County.
- Establish policies that comply with state and federal law and are defensible and effective.

Oak Resources Management Plan (ORMP)

- Adopt an ORMP to define mitigation requirements for impacts to oak woodlands, individual native oak trees, and Heritage Trees, and to outline the County's strategy for oak resource management and conservation.
- Adopt an ORMP that complies with Implementation Measure CO-P and constitutes the oak portion of the County's Biological Resources Mitigation Program (General Plan Policy 7.4.2.8).
- Establish a plan for voluntary conservation that landowners, the County, and others can use to seek grants and cost-sharing from state and federal programs for oak woodland conservation in El Dorado County.

Project Approach Options

Dudek's Policy Options memo dated July 18, 2014 (Legistar File 12-1203, Attachment 5C) outlined four major approaches to resolving the County's need to develop a program that would meet the intent of the Integrated Natural Resources Management Plan (INRMP), included in current General Plan Policy 7.4.2.8, while addressing the challenges that the County encountered in attempting to establish the INRMP. Based on the County's review of these approaches, the Board of Supervisors (Board) selected the Mitigation/Conservation approach (Option 3 from the Policy Options memo). The selected approach and the amended policies that resulted from this approach meets the overall intent of the INRMP of "conserv[ing] and restor[ing] contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the county." Specifically, it:

- Addresses cumulative biological impacts,
- Utilizes all of the hard work and expense developing Phase 1 of the INRMP (e.g., resource inventory, wildlife movement analyses, PCAs, Important Biological Corridors (IBCs), etc.)
- Will result in establishment of a county-wide habitat conservation system that addresses the habitat and movement needs (including a critical north-south corridor that will connect large blocks of habitat on the north and south sides of U.S. Highway 50) of the County's special-status species, as well as wetlands and riparian areas and special-status vegetation communities, while still being consistent with external wildlife movement corridors outside of and adjacent to the County as identified by the California Department of Fish and Wildlife (CDFW), Penrod, etc.

Further, it accomplishes these goals without requiring the County to bear the burden of procuring the conservation lands, and being solely responsible for monitoring and managing the conservation lands and holding the endowment to do so. The County's biological resource expert advises that the amended policies provide all the benefits that would have occurred under Phase 2 of the INRMP without the financial burden and risks associated with the County owning and managing conservation lands.

In regards to habitat fragmentation and connectivity, as discussed in Final EIR Master Response 3, the goal is to retain large patches of habitat that provide high habitat value for the largest number of

species. Neither the INRMP nor the Project would result in retention of ribbons of connected habitat that criss-cross all areas of the County. Instead, connectivity would be ensured through the protections afforded to the County's identified IBCs. In addition, amended Policy 7.4.2.8 requires each development project and each 4-, 6-, and 8-lane roadway project to assess potential impacts to, and mitigate impacts to, wildlife movement. In combination, the habitat conservation required under amended Policy 7.4.2.8, the protection of IBCs required under amended Policy 7.4.2.9, and the oak woodland conservation required under the ORMP would ensure that large areas of high-wildlife-value habitat are retained and that the retained habitat areas are connected in a meaningful way to facilitate ongoing wildlife movement through and between these habitat areas.

In addition to meeting the need for habitat conservation to offset the effects of increased habitat loss and fragmentation elsewhere in the County, the Project meets the objectives defined by the County for this General Plan Amendment. Specifically, the County identified a need for a clear, feasible, and reasonable approach to managing biological resource impacts by developing:

- Policies that are self-implementing and do not need further clarification, interpretation or policy determination;
- Policies that clearly define what resources are covered and the types of development activities affected by the policies;
- Mitigation options that are clearly defined; and
- Policies that comply with State law and are defensible and effective.

Because amended Policy 7.4.2.8 clearly sets forth the requirements for assessing existing biological resource conditions, evaluating potential impacts to existing resources, and minimum standards for mitigating such impacts, it meets the County's defined objectives. In contrast, the current General Plan policy that requires development of the INRMP is not self-implementing and does not provide a clear definition of what resources are covered and what development activities would be subject to the INRMP. Rather, if the current policy is maintained, it would necessitate that the County embark on another long-range planning process to reach these objectives and would maintain the County's obligations to acquire, conserve/restore, and manage conservation lands in perpetuity, exposing the County to financial liabilities and property management risks. The consequences of continuing the efforts to implement the existing biological resources policies in the General Plan, particularly Policy 7.4.2.8 (INRMP), include significant allocation of staff resources, substantial financial investment, further delay in implementing the policies, and continued impediments to current and future development projects (as detailed in the Planning Commission staff memo dated April 27, 2017, Legistar File 12-1203, Attachment 22A).

Background and History

Since the adoption of the 2004 General Plan, the County has been involved in ongoing efforts to implement the biological resources policies in the General Plan. Detailed background and history of these efforts are included in the Planning Commission staff memo dated April 27, 2017 (Legistar File 12-1203, Attachment 22A), Dudek Background Memo dated May 1, 2014, and Dudek Options Memo dated July 18, 2014 (Legistar File 12-1203, Attachment 5B and Attachment 5C, respectively); and the project webpage on the County website at:

<http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx>

Section 3 Final Environmental Impact Report

The Biological Resources Policy Update and Oak Resources Management Plan Final EIR consists of the public and agency comments received during the Draft EIR public review period, and the responses to each of those comments. All written comments received on the Draft EIR during the public review period (June 30, 2016 through August 15, 2016) are addressed in this Final EIR. The Final EIR also includes those pages from the Draft EIR that have been revised in response to the comments.

Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the County's findings and determinations consists of the following documents and testimony, at a minimum:

- The Notice of Preparation (NOP) released on July 17, 2015 and comments received on the NOP; the second NOP released on November 23, 2015 and comments received on the second NOP; the Notice of Availability (NOA) released on June 30, 2016; and all other public notices issued by the County in relation to the Biological Resources Policy Update and ORMP
- Draft EIR (State Clearinghouse No. 20151072031), associated appendices to the Draft EIR, and technical materials cited in the Draft EIR
- Final EIR, including comment letters, responses, and technical materials cited in the Final EIR
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the El Dorado County Planning Commission and Board of Supervisors
- Staff reports and technical memorandums associated with Planning Commission and Board of Supervisors meetings on the Project, attached to Legistar File No. 12-1203

The Record

For the purposes of CEQA and the findings hereinafter set forth, the administrative record consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials that constitute the record of proceedings upon which these decisions are based is as follows:

El Dorado County Community Development Agency, Long Range Planning
2850 Fairlane Court, Building C, Placerville, CA 95667
(530) 621-4650

Section 4 Discretionary Actions

The discretionary actions for approval of the Project are as follows:

- Adoption of amendments to the County's General Plan policies, objectives, and implementation measures
- Adoption of Oak Resources Management Plan (ORMP)
- Adoption of Oak Resources Conservation Ordinance

Section 5 Relationship to State Law and Local Regulations

State law requires all cities and counties in the state to "adopt a comprehensive, long-term general plan for the physical development of the county" (Government Code Section 65300). The general plan is considered to be the County's "constitution," containing development and conservation policies and a vision that will guide its long-term growth. State law mandates that the general plan address land use, housing, circulation, open space, conservation, noise, and public safety, as well as any other issues that may be of interest to the County. General plans are typically updated routinely in order to ensure the plan remains relevant. The land use element of a general plan identifies the allowable types, density, and intensity of land uses through its list of residential, commercial, agricultural, industrial, and other land use designations. The general plan land use diagram (map) identifies the locations of these existing and future land uses, as well as the communities within which they will be located.

Land within the County is subject to regulation under the General Plan, zoning, and subdivision ordinances. The adopted El Dorado County 2004 General Plan states the following:

It is the explicit intent of the Plan, through the appropriate application of these planning concept areas, to: (1) foster a rural quality of life; (2) sustain a quality environment; (3) develop a strong diversified, sustainable local economy; (4) plan land use patterns which will determine the level of public services appropriate to the character, economy,

and environment of each region; and (5) accommodate the County's fair share of the regional growth projections while encouraging those activities that comprise the basis for the County's customs, culture, and economic stability (El Dorado County 2004, p. 6).

Unincorporated areas of the County fall within areas designated as Community Regions under the General Plan, where growth will be directed and facilitated; Rural Centers, where growth and commercial activities under the General Plan will be directed to serve the larger Rural Regions; and Rural Regions, where the General Plan calls for resource-based activities to be located, and which, under the General Plan, are to be enhanced while accommodating reasonable growth.

Specific objectives and policies in the 2004 General Plan (as amended in 2015) applicable to consideration of the impacts of the General Plan Amendments and adoption of the ORMP are listed in the Biological Resources Policy Update and Oak Resources Management Plan Draft EIR (pp. 5-6 through 5-9). Applicable General Plan policies are also listed in each of the Draft EIR Chapters 5 through 9. The General Plan objectives and strategies are discussed in the Final EIR, Chapter 2, Master Response 1 (pp. 2-2 through 2-5).

The County's Zoning Ordinance regulates the actual use of land. Residential, commercial, agricultural, industrial, and other zones describe the allowable uses and minimum development standards that apply to a given piece of land. The subdivision ordinance establishes the procedure by which private land may be divided for sale. California Planning and Development Law requires the County's zoning and subdivision ordinance be consistent with the adopted General Plan. In December 2015, the County adopted a comprehensive update to the Zoning Ordinance to ensure the ordinance is consistent with the General Plan.

The County has adopted Community Design Guidelines, a Design and Improvement Standards Manual, and Mixed Use Design Guidelines. These documents identify design elements and minimum requirements for projects with the intent of ensuring that development within the County contributes to the overall community character. For example, the Community Design Guidelines recommend that "natural topography and trees should be retained when possible," and that "natural features and views should be maintained and protected through use of adequate open space" (El Dorado County 1981). The County requires that projects be subject to a Design Review process when the property is located in a Design Review District.

There are no federal regulations applicable to the Project.

Section 6 Terminology of Findings

For purposes of these findings, the term "avoid or substantially lessen" will refer to the effectiveness of one or more of the mitigation measures to reduce a significant environmental effect. When an impact remains significant or potentially significant assuming implementation of the mitigation, the findings will

generally find that the impact is “significant and unavoidable.” In the process of adopting the mitigation measures identified in the Final EIR, the Board has also made a determination regarding whether the mitigation in the EIR is “feasible.” Pursuant to the CEQA Guidelines, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In the process of considering the Final EIR for certification, the Board has recognized that impact avoidance is not possible in many instances. This is because, under the statutory requirements of Planning and Zoning Law (Government Code Section 65300, et seq.), a general plan is intended to provide for additional growth and that growth cannot be accommodated within the county without significant and unavoidable changes to existing conditions. To the extent that significant adverse environmental impacts will not be reduced to a less than significant level with the adopted mitigation, the Board has found that specific economic, social, and other considerations ([including general plan policy reasons](#)) support approval of the Project. Those findings are reflected herein in the findings on impacts and mitigation measures below.

Section 7 Legal Effect of Findings

These findings satisfy the requirements of Sections 15091, 15092, and 15093 of the CEQA Guidelines. In doing so, they disclose the final disposition of the significant impacts identified in the Final EIR and the reasons for not adopting any of the Project alternatives. Each of the determinations herein are made as separate, independent, and severable determinations, meaning that if more than one determination supports a finding of infeasibility or rejection of an alternative, each individual determination, on its own, independently substantiates the ultimate finding. Adoption of the statement of overriding considerations allows the Board to approve the Project, even though it would result in significant and unavoidable impacts.

Section 8 Mitigation Monitoring and Reporting Program

As required by Public Resources Code Section 21081.6, and Sections 15091(d) and 15097 of the CEQA Guidelines, the County, is adopting a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is designed to ensure that, during all phases of the Project, the County implements the adopted mitigation measures. The County has taken the approach of including all feasible mitigation measures in the adopted General Plan Biological Resources Policy Update, ORMP, and Oak Resources Conservation Ordinance as policies or code provisions.

The County prepares an annual report on the implementation of the General Plan as set out in its own Policy 2.9.1.1 and in Government Code Section 65400. This annual report will include information on the status of the Oak Resources Conservation Ordinance and its implementation. The annual report will function as the MMRP for this Project.

Section 9 Project Benefits

The Project's benefits are described by the objectives listed in Section 2 above. Additional benefits are described in the separate statement of overriding considerations.

Section 10 Findings on Alternatives

In accordance with State CEQA Guidelines Section 15126.6 (Consideration and Discussion of Alternatives to the Project), the Draft EIR contains a comparative impact assessment of two potentially feasible alternatives to the Project, including a No-Project alternative (DEIR Section 10.4, pp. 10-3 through 10-4). With the exception of the No-Project alternative, the remaining alternative selected for analysis in the Draft EIR potentially meets the following basic criteria set out in Section 15126.6(a) of the CEQA Guidelines:

- The alternative "...feasibly attain(s) most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project". With the exception of the No-Project Alternative, the alternative meets most or all of the objectives of the Project.
- The alternative is "potentially feasible". The feasibility of an alternative is determined based on a variety of factors, including effectiveness in reducing significant effects, availability of infrastructure, general plan consistency, and impracticality or undesirability from a policy standpoint.

The selection of alternatives to the Project was governed by the "rule of reason." Accordingly, an EIR need not consider every conceivable alternative to a project. The process of selecting the alternatives and the reasons for rejecting other alternatives from further analysis is described in Chapter 10, *Alternatives*, of the Draft EIR which is hereby incorporated by reference. The Draft EIR identified 9 alternatives; however, 7 were rejected for the reasons discussed in the Draft EIR, Chapter 10 (Alternatives). The remaining two alternatives listed and described below represent a reasonable range of alternatives for purposes of CEQA analysis.

1. Alternative #1 – No Project
2. Alternative #2 – Minimum Oak Woodland Retention Requirement

Public Resources Code Section 15091(a) states that "No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." The possible findings include: "Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR." (CEQA Section 15091(a)(3)). Based on the

Biological Resources Policy Update and Oak Resources

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impacts identified in the EIR and the reasons described below, the Board rejects the two alternatives as infeasible.

Alternative 1 – No Project/No General Plan Amendment or Oak Resources Management Plan

Description:

CEQA requires that the EIR include consideration of the No Project Alternative. The No Project Alternative consists of continued implementation of the existing biological resources policies, including the oak canopy retention and replacement standards and inch-for-inch tree replacement (Policy 7.4.4.4 Option A). The oak mitigation in-lieu fee (Policy 7.4.4.4 Option B) and completion of the INRMP (Policy 7.4.2.8) would still be required. (Draft EIR, Chapter 10 (Alternatives), pp. 10-3 and 10-4).

In 2006, staff was working on implementing General Plan Policies 7.4.4.4 (Option A), 7.4.4.5, 7.4.5.1, and 7.4.5.2 regarding oak woodlands, and identified various ambiguities and internal inconsistencies that required clarification. In July 2006, staff presented these issues to the Planning Commission for discussion and proposed that interim guidelines be developed to assist in the interpretation of these policies.

In September 2006, staff presented the Planning Commission with Draft Interim Interpretive Guidelines for Oak Woodlands that were released for public review. On November 9, 2006, the Planning Commission approved the adoption of the Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 (Option A) and the Biological Resources Study and Important Habitat Mitigation Program. These interim guidelines are currently being used to define mitigation requirements for impacts to oak resources.

As noted in the Planning Commission staff memo dated April 27, 2017 (Legistar File 12-1203, Attachment 22A, p. 8), the County's so far unsuccessful effort to implement the existing biological policies is well documented. Consultant contracts alone have cost the County over \$1.7 million, plus hundreds of hours of County staff and PAWTAC/ISAC time spent over the past 10 years towards these efforts. While INRMP Phase 1 baseline data remains useful, the County's inability to move forward with INRMP Phase 2 (the actual implementation of the INRMP) has unintentionally become an impediment to the County's ability to achieve General Plan goals and objectives not only as related to biological resources policies but also as related to policies addressing development within Community Regions. The resulting gridlock, delay and substantial monetary and staff/consultant resources associated with previous efforts to implement the INRMP demonstrates the infeasibility of implementing the INRMP as envisioned under current Policy 7.4.2.8.

Having received, reviewed and considered the entire record, both written and oral, relating to the Project, and associated Draft and Final EIR, and having weighed the pros and cons, the Board hereby

rejects Alternative 1 and finds that specific general plan policy and biological considerations (in no particular order) make Alternative 1 infeasible and undesirable for each of the following separate, independent, and severable reasons.

Reasons for Rejection:

General Plan Policy Reasons

Alternative 1 is infeasible on general plan policy grounds (See *Defend the Bay v. City of Irvine*, 119 CA 4th 1261, 1212 (2004)). The INRMP was identified as a mitigation measure in the 2004 General Plan EIR. Since the amended policies eliminate the requirement for an INRMP, the Board can only approve the Project if it finds that the INRMP is now infeasible. “A project with significant environmental impacts may be approved only if the decision-making body finds (1) that identified mitigation measures and alternatives are infeasible and (2) that unavoidable impacts are acceptable because of overriding considerations.” *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 982. “As statutorily defined, ‘Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (§ 21061.1; see also, Guidelines, § 15364 [same definition but with addition of “legal” factors].)” *California Native Plant Soc. v. City of Santa Cruz*, supra, at 981. “‘Feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors. *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 418. Pub. Resources Code, § 21061.1.

The General Plan Statement of Vision for future growth in the County recognizes that there has to be a balance between maintaining and protecting the County’s natural resources (including biological resources) with the need to provide housing and economic development. The General Plan Strategies describes methods to achieve the vision and goals of the General Plan and addresses housing and economic development. The General Plan Concepts and Objectives also emphasize the need to accommodate the County’s fair share of the regional growth projections and affordable housing while encouraging economic stability (2004 General Plan, Introduction, p. 6; see also the 2013 – 2021 Housing Element and Economic Development Element in the General Plan). These all are relevant to the balancing analysis that the Board has to go through with regard to competing General Plan policies.

While mitigation measures can be found to be infeasible based on economic, legal, social, and technological reasons, a mitigation measure that is impractical or undesirable from a policy standpoint may also be rejected as infeasible. Such policy considerations are permissible under Public Resources Code § 21081, subd. (a)(3), which calls for a determination that “economic, legal, social, technological, or other considerations ... make infeasible the mitigation measures or alternatives identified in the environmental impact report.” (*Italics added.*) *California Native Plant Soc, Id.*, at 1001–02. The gridlock, delay, and substantial monetary resources associated with the efforts to implement Biological Resources Policy Update and Oak Resources

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the INRMP serve as legitimate “other considerations” for re-examining the existing polices and mitigation measure.

Alternative 1 would prevent the County from implementing the goals and policies of its adopted General Plan because existing policies 7.4.2.8, 7.4.2.9, 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2, are ambiguous, inconsistent, and subject to various interpretations. As noted in the Planning Commission staff memo dated April 27, 2017 (Legistar File 12-1203, Attachment 22A), the County has spent substantial amounts of time and money over nearly a decade attempting to implement the existing policies without success. In 2006, the County adopted Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 Option A (canopy retention) and Biological Resources Study and Important Habitat Mitigation Program (adopted November 9, 2006). These guidelines were intended to be short-term until the policies were amended to remove the inconsistencies and ambiguities.

The continued delay in adopting an in-lieu fee payment option (Policy 7.4.4.4 Option B), has been impacting development, both public and private, that cannot meet the on-site retention requirements (Policy 7.4.4.4 Option A). This has the potential to push development in an unintended direction (i.e., out to the rural areas) which is contrary to the goals and policies of the General Plan. In addition, development projects that are otherwise consistent with the General Plan have either been delayed or have needed to modify their design or phase their projects, causing increased project costs.

The El Dorado County General Plan’s Implementation Program identifies measures that the County will initiate and adopt in order to implement the goals and policies of the General Plan; however, under Alternative 1 (No Project), the County would still need to engage in future planning and analysis efforts to achieve Implementation Measures CO-M, CO-P, and CO-U as summarized below:

CO-M: Develop and implement an Integrated Natural Resources Management Plan consistent with Policy 7.4.2.8.

CO-P: Develop and adopt an Oak Resources Management Plan.

CO-U: Mitigation under Policy 7.4.1.6 shall include providing sufficient funding to the County’s conservation fund to acquire and protect important habitat at a minimum 2:1 ratio. The cost associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. For larger development projects, onsite preservation and/or restoration of important habitat shall be required at a 1:1 ratio. Impacts on important habitat and mitigation requirements shall be addressed in a Biological Resources Study and an Important Habitat Mitigation Program.

Biological Reasons

Alternative 1 would result in similar levels of development and resultant biological habitat conversion, including associated impacts, as described in the 2004 General Plan EIR and the Targeted General Plan Amendment-Zoning Ordinance Update (TGPA-ZOU) EIR (both posted on the County website at the following links.

2004 General Plan CEQA Findings of Fact

http://www.edcgov.us/Government/Planning/StaffReport7-2004/Att1_ ExB_Findings.aspx

TGPA-ZOU Final EIR CEQA Findings of Fact, Resolution No. 195-2015 adopted December 15, 2015, Exhibit A (Legistar File 11-0356, Attachment 27, Executed Resolution 195-2015 (12-15-15))

<https://eldorado.legistar.com/View.ashx?M=F&ID=4190367&GUID=9F49390D-7E50-4EAB-97FF-2BB2E1604D61>

Alternative 1 could potentially provide for a greater level of protection of biological resources within the County's Community Regions by limiting the amount of habitat loss and adverse visual effects within those regions, but would not necessarily reduce the degree of habitat fragmentation that occurs. While this alternative might reduce impacts within Community Regions, it would not reduce the total amount of habitat loss that would occur county-wide through 2025 and 2035 as a result of General Plan buildout. Rather, it would be likely to reduce the amount of development that could occur within the Community Regions, thus displacing some of that development into the County's Rural Regions.

This would be incompatible with the General Plan's strategies, concepts and goals for arranging land uses by intensity, with higher-intensity, more urban and suburban uses in the Community Regions, which allows for the more rural communities to support lower intensity land uses and retain their rural character. Specifically, this alternative would conflict with General Plan Goal 2.1., Policy 2.1.1.2, Objective 2.1.3, and Objective 2.2.1 that encourage concentration of high-intensity uses in Community Regions and Rural Centers to preserve the remaining Rural Regions as open space and natural resource areas including agriculture and timber (See 2004 General Plan, Introduction, pp. 5-7 and Land Use Element, pp. 11-15).

Therefore, the impact of the No Project Alternative to the County's biological resources would be the same as the Project: significant and unavoidable.

In addition, Alternative 1 would not meet the Project objectives described for the Biological Resources Policy Update, including General Plan policy revisions and adoption of an ORMP:

- Develop biological resource policies that are self-implementing and do not need further clarification, interpretation, or policy determination.

- Clearly define what resources are covered and the types of development activities affected by the policies.
- Streamline the County’s environmental review process related to biological resources by describing mitigation options that are clearly defined to govern evaluation, impact assessment, and mitigation for biological resources within the County.
- Establish policies that comply with state and federal law and are defensible.
- Adopt an ORMP to define mitigation requirements for impacts to oak woodlands, individual native oak trees, and Heritage Trees, and to outline the County’s strategy for oak resource management and conservation.
- Adopt an ORMP that complies with Implementation Measure CO-P and constitutes the oak portion of the County’s Biological Resources Mitigation Program (General Plan Policy 7.4.2.8).
- Establish a plan for voluntary conservation that landowners, the County, and others can use to seek grants and cost-sharing from state and federal programs for oak woodland conservation in El Dorado County.

Economic Reasons

Alternative 1 is infeasible on economic grounds. The County has made a good faith effort to implement the biological resources policies as written in the adopted 2004 General Plan. As noted in the Planning Commission staff memo dated April 27, 2017 (Legistar File 12-1203, Attachment 22A), over an approximate six-year period (2006-2012), the County committed significant staff resources and convened two committees, Plant and Wildlife Technical Advisory Committee (PAWTAC) and INRMP Stakeholders Advisory Committee (ISAC), that held over 40 meetings to work on implementing the existing General Plan policies. The ambiguities, internal inconsistencies, and various interpretations of the policies, as written, and the inability for the committees to reach consensus, has prevented the County from being able to implement these policies. If the County were to proceed with Alternative 1, it would require a significant additional commitment of staff time and financial resources, at a time when the County’s budget is constrained. Based on the history of the Project, actual completion of the INRMP is uncertain; therefore, commitment of substantial financial resources is not fiscally prudent.

Alternative 2 – Minimum Oak Woodland Retention Requirement

Description:

This alternative assumes that the ORMP is modified to include a requirement that all future development on sites that contain oak woodlands achieve a minimum oak woodland retention of 30 percent. The other provisions of the ORMP and the General Plan biological resources policies, objectives, and implementation measures would remain as amended. This includes the mitigation for individual tree impacts and the mitigation requirements for losses of other habitat types. (Draft EIR, Chapter 10 (Alternatives), p. 10-4).

Having received, reviewed and considered the entire record, both written and oral, relating to the Project, and associated Draft and Final EIR, and having weighed the pros and cons, the Board hereby rejects Alternative 2 and finds that specific legal, biological, policy, and social reasons make Alternative 2 infeasible and undesirable for each of the following separate, independent, and severable reasons (in no particular order).

Reasons for Rejection:

Legal Reasons

Alternative 2 is inconsistent with the following General Plan goals, policies and implementation measures because Alternative 2 requires 30 percent retention on all parcels without exception. The mandatory retention requirement would reduce the carrying capacity of each individual parcel where woodlands are present and therefore, push development out to the rural areas, which is contrary to the goals and policies of the General Plan.

- **Goal HO-1:** To provide for housing that meets the needs of existing and future residents in all income categories.
- **Policy HO-1.5:** The County shall direct higher density residential development to Community Regions and Rural Centers.
- **Policy 2.1.1.2:** Establish Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. These boundaries shall be shown on the General Plan land use map.
- **MEASURE LU-Q: *Promote Infill Development:*** The program shall be linked to land-use, housing, air quality, transportation and circulation strategies that support development within existing communities, reduce vehicle miles traveled, increase energy efficiency, and encourage the development of affordable housing. The program shall include, but not be limited to:
 - a) Adopt criteria to be used within existing communities with developed areas currently capable of being served by public water, recycled water, and public or private sewer;
 - b) Provide incentives for residential and commercial infill development including financial incentives for pedestrian-oriented and transit-friendly design features;
 - c) Amend the zoning code to include a new Traditional Neighborhood Design zone within Commercial and Multi-Family Land Uses;

- d) Support medium and high density residential or mixed use development along commercial and transportation corridors;
- e) Develop and utilize approved standard plan types (i.e. zero-lot line, duplex with carriage house unit over garage, z-lot, bungalow, etc.) to streamline the approval process for infill projects. Standard plans shall include various housing and commercial types and styles. Standard plan(s) approved as part of a project shall be compatible with neighboring residential or commercial district patterns for which the development is located; and
- f) Develop or update, as considered necessary, applicable community plans, specific plans and design guidelines to incorporate pedestrian-oriented, transit-friendly, and or energy efficient configurations design as primary goals.

Biological Reasons

Under Alternative 2, the resulting patches of retained oak woodlands interspersed in the Community Regions would not function as a cohesive habitat block. The habitat value of the individual retained areas would be expected to be reduced compared to the existing physical conditions. (Draft EIR, Chapter 10 (Alternatives, p. 10-20). Increased on-site retention requirements under this alternative are assumed to lead to more dispersed and exurban development, resulting in smaller patches of retained oak woodlands and making it more difficult to maintain unfragmented habitat in the County's Rural Regions. As substantiated by the County's biological experts, large tracts of woodland are crucial for biological resources because they provide a variety of habitat elements and can support large populations of particular species, which are less likely to be extirpated than small populations. Large patches also minimize the amount of edge effects. In contrast, the limited data available on habitat fragmentation in oak woodlands suggests that a majority of species would benefit from preservation of large undeveloped areas in perpetuity. Thus, a single large habitat patch is usually superior to several smaller patches, especially for vertebrate species with large territories or home ranges. (Final EIR, Master Response 2, p. 2-10).

To the extent that meeting the minimum retention standard would reduce development intensities on individual parcels, it would be expected that a greater total number of parcels would be developed to accommodate the projected growth within the County. This could result in greater amounts of habitat loss and fragmentation (across all habitat types, not just oak woodlands) County-wide. (Draft EIR, Chapter 10 (Alternatives), pp. 10-20 and 10-21).

Alternative 2 would likely reduce the amount of development that could occur within the Community Regions and Rural Centers, thus displacing some of that development into the County's rural regions. This would increase development intensity and habitat loss in those areas and require infrastructure expansion in the rural areas. Therefore, Alternative 2 would result in similar impacts related to habitat

loss and fragmentation as the Project, and the overall impact would remain the same as previously analyzed in both the 2004 General Plan EIR and TGPA-ZOU EIR: significant and unavoidable.

Policy Reason

The General Plan directs most of development to occur in Community Regions (General Plan Strategies, p. 5). Due to the higher densities of existing oak woodlands within most Community Region boundaries, significantly less land would be available for development when accounting for the 30 percent oak woodland retention requirement. In order to best balance the General Plan's competing goals of directing development to Community Regions versus protecting biological resources versus supporting development of affordable housing, the Project encourages, rather than mandates, retention of oak resources by incentivizing on-site retention through lower mitigation requirements for retained oak resources. As previously discussed at length in the 2004 General Plan CEQA Findings of Fact, and incorporated herein by reference, *"Limiting the supply of land available for residential development...would increase the cost of housing in El Dorado County, and therefore reduce its affordability."* In addition, *"limiting the amount of development permitted in Community Regions... will lead residents to seek lower land prices [by developing] in outlying areas."* (2004 General Plan CEQA Findings of Fact, p. 19). As also stated in the General Plan's 2013-2021 Housing Element Update, *"Directing infill and the greatest extent of new growth to Community Regions would generally be more affordable and is more likely to result in affordable housing, as costs associated with services to and infrastructure development in support of the development would be substantially less (and thus not passed on to the renter or buyer)."* (General Plan 2013-2021 Housing Element Update, p. 4-44)

Social Reason

The minimum oak woodland retention of 30 percent potentially could constrain affordable housing development, thus, impacting the County's requirement to meet its fair share of the regional housing needs. To address concerns of constraints to affordable housing development, the County's 2013-2021 Housing Element includes Implementation Measure HO-2013-7 which directs the County to develop and adopt an incentive-based Oak Woodland Management policy, consistent with the Conservation and Open Space Element of the General Plan, to include mitigation fee waivers for in-fill developments providing dwelling units affordable to very low- to moderate-income households. (General Plan 2013-2021 Housing Element Update, p. 4-82).

Section 11 Growth Inducement

CEQA requires a discussion of the ways in which the Project would be growth-inducing. State CEQA Guidelines Section 15126.2(d) identifies a project as growth-inducing if it fosters economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding

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environment. The Project would not directly induce growth because it would not directly authorize new development. The Project could, however, indirectly induce growth by removing existing growth barriers, including development uncertainty caused by the existing policies and also providing an in-lieu fee payment option for development activities and mitigation exemptions for small lots and affordable housing. Therefore, the Project could create conditions that attract additional population or new economic activity, or provide a catalyst for future growth in the area.

By law, El Dorado County is required to adopt “a comprehensive, long-term general plan for the physical development of the county” (Government Code Section 65300). According to Government Code Section 65583, the General Plan’s Housing Element is required to include:

An identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.

On a regular basis (now every eight years), the Sacramento Area Council of Governments (SACOG) prepares the Regional Housing Needs Allocation and adopts the associated Regional Housing Needs Plan (RHNP) that establishes the share of projected future housing growth that El Dorado County must accommodate in its General Plan. Unincorporated El Dorado County’s regional housing share under the 2013–2021 RHNP is 3,948 dwelling units. The housing element was adopted on October 29, 2013 to account for the new allocations. Note that SACOG’s Metropolitan Transportation Plan 2035 neither regulates local land use authority nor precludes a local jurisdiction from planning and approving growth that is different in terms of total units or geographic extent (SACOG 2012).

Typically, the growth-inducing potential of a project is considered significant if it fosters growth or a concentration of population in excess of the existing setting or baseline. Growth may be induced through the provision of infrastructure or service capacity that would accommodate new development. Based on CEQA’s definition of growth inducement, a general plan is inherently growth-inducing because it must accommodate, at minimum, the projected housing demand.

The current General Plan and the Project provide the framework to guide public officials in making decisions relative to development in El Dorado County over the next 20 years. As discussed in Section 4.3, Development Projections of the Draft EIR, projected growth under the General Plan includes an estimated 17,500 additional dwelling units (the actual number will depend on market conditions, the application of General Plan transportation policies and related requirements to individual development projects, and the availability of the public water and sewer facilities necessary to maximize residential density, among other factors, such as avoidance of special-status species habitat). This future growth

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will occur in the locations identified in the General Plan's land use map. The Project is, therefore, growth inducing.

Section 12 Cumulative Impacts

Cumulative impacts are discussed in Section 11.6 of the Draft EIR. In the context of the amended General Plan Biological Resources Policy update, ORMP, and Oak Resources Conservation Ordinance, the impact analysis presented in chapters 5 through 9 of the Draft EIR considers the impacts from the past, present, and planned future developments in the County at the planning horizon years of 2025 and 2035. Section 11.7 (Capital Improvement Program Development Projections) of the Draft EIR discusses the potential effects that increased development in the Community Regions could have on the impacts and resources evaluated in this EIR.

CEQA Guidelines Section 15091 (Findings), subsection (a) states that *"No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding."*

Section 15091(a) further states that:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

Each impact identified in the EIR as significant and unavoidable and the feasibility of the potential mitigation measures, including reasons why they substantially lessen the environmental effect, when applicable, are discussed below. Comments suggesting additional mitigation measures and/or alternatives were responded to in the Final EIR. The response to comments explained why the suggested mitigation measures and/or alternatives would be infeasible, and/or ineffective, and/or not warranted by the scope of the potential impacts. The Board affirms the conclusions and determinations contained within the Final EIR as to the rejection of the additional mitigation measures and/or alternatives. The following impacts are described in the EIR under the section(s) listed below, and are incorporated by reference.

Impact: Land Use

Summary Description: Buildout of the General Plan, inclusive of the Project, is expected to result in a substantial increase in the level of development found throughout the county compared to existing conditions. This development would degrade the existing land use character of the county in some areas. In particular, local community character could be degraded as ongoing development results in a loss of oak woodland habitat and other natural vegetation communities throughout the County. Specific to the County's western boundary near the City of Folsom, buildout of the General Plan, inclusive of the Project, is expected to affect natural vegetation communities on both the north and south sides of Highway 50, with impacts to oak woodlands occurring only on the north side of the highway. The Project would require that buildout of the General Plan occur in compliance with the amended biological resources policies, ORMP, and its implementing ordinance, which would ensure that many of the impacts to oak resources are mitigated. However, the amended policies, ORMP, and implementing ordinance would not avoid the significant changes to land use and community character associated with buildout of the General Plan.

In addition to buildout of the General Plan, inclusive of the Project, the EIR also evaluated whether there would be increased cumulative impacts from reasonably foreseeable development projects (Cumulative Projects), as discussed in the Draft EIR, Section 11.6 (Cumulative Impacts), pp. 1-5 and 11-6. The County is currently considering applications for the approval of seven development projects proposed in the western portion of the county. In addition, one project in the City of Folsom near the County boundary is also under review. The seven projects within the County are development projects that have not yet been approved. Because these projects would require General Plan Amendments, some impacts associated with each are not reflected in the analysis of impacts associated with General Plan buildout. Inclusion in this analysis does not imply that these General Plan Amendments will be approved by the County; however, these projects are considered to be "reasonably foreseeable" under CEQA and therefore are appropriate to evaluate as part of the cumulative scenario.

The Cumulative Projects (with the exception of the Central El Dorado Hills Specific Plan project, which is surrounded by existing development) considered together with buildout of the General Plan, inclusive of the Project, would convert substantial portions of the county from undeveloped uses in rural areas to developed uses, creating suburban and urban areas that may conflict with more rural land uses and would contribute to the cumulative loss of rural character. In addition to the loss of vegetation communities due to buildout of the General Plan, inclusive of the Project, the reasonably foreseeable development projects (Cumulative Projects) within El Dorado County would affect an additional 2,294 acres of natural vegetation communities, including 1,457 additional acres of oak woodland. The Folsom South of Highway 50 project would affect an additional 3,634 acres of natural vegetation communities adjacent to the County's western boundary and adjacent to areas within the County that are anticipated to be developed by 2035 (Draft EIR, Chapter 11, Other CEQA Considerations, Section 11.6, p. 11-8). In

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the cumulative scenario, impacts to community character, particularly for the area near the County's western boundary and the region between the El Dorado Hills and Cameron Park community regions, would be significant. Consistent with the analysis in Chapter 4, buildout of the General Plan under the Project would substantially contribute to these impacts, and the impact would remain significant and unavoidable.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Development under the General Plan, including the Project, will result in substantial additional residential, commercial, industrial, and other development within the unincorporated county over the next decades. By its nature, this development will substantially alter or degrade the existing land use character of the County by placing built structures within what are now undeveloped or natural areas.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65300 requires that the legislative body of each county and city "shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan, as amended by the Project, provides for the long-term development of the County. Government Code Section 65580, et seq. requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the county's share of the regional housing need. No potentially feasible mitigation measures were identified in the Draft EIR; however, some commenters on the Draft EIR proposed potential mitigation measures and/or alternatives that, if proposed, were considered but rejected as infeasible as set forth in the Final EIR response to comments. Additionally, the rejected measures and alternatives would materially and adversely interfere with the County's ability to discharge its obligations under state law by potentially lowering densities, reducing housing opportunities and increasing development costs.

Impact: Biological Resources

Summary Description: Buildout of the General Plan under the Project would also result in significant and unavoidable impacts to biological resources. Although the Project does not include any development activities and would not alter the land use or zoning designations or allowable development density and intensity of any property, development that occurs subject to the amended General Plan policies, ORMP, and Oak Resources Conservation Ordinance would contribute to loss of habitat, habitat fragmentation, adverse effects on special-status wildlife and plant species, and loss of wildlife movement corridors. The Final EIR identifies the projected amount of land cover types within the

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County that would be converted to developed land by 2035. A total of 12,713 acres of natural vegetation communities could be impacted through buildout of the General Plan inclusive of the Project (Final EIR, Chapter 4, Text Changes to the Draft EIR, Table 6-15, p. 6-70). This would include 4,848 acres of oak woodland that could be impacted by buildout of projects that are not exempt from the ORMP (Final EIR, Chapter 4, Text Changes to the Draft EIR, Table 6-6, p. 6-48). In addition, the ORMP exemptions could allow for the loss of up to 138,704 acres of oak woodland (Draft EIR, Chapter 6, Biological Resources, p. 6-65).

The reasonably foreseeable development projects (Cumulative Projects), inclusive of the Project, would also convert additional natural vegetation communities within the County and the City of Folsom to developed land uses. It is expected that they could affect an additional 5,929 acres of natural vegetation communities, including 2,000 acres of oak woodland (Draft EIR, Chapter 11, Other CEQA Considerations, p. 11-9). For each of the Cumulative Projects, Table 11-2 (Draft EIR, pp. 11-9 through 11-10) indicates the acreage of new impact to each applicable land cover type. For some projects, the General Plan buildout projections already assume development on the project site or a portion of the site. The data in Table 11-2 reflects only the acreage that was not already assumed to be developed as part of General Plan buildout by the year 2035.

In total, under the cumulative scenario 18,642 acres of natural vegetation communities, including 6,848 acres of oak woodland, could be converted to developed uses (Final EIR, Chapter 4, Text Changes to Draft EIR, p. 11-10). When the ORMP exemptions are also considered, in the cumulative scenario a total of 145,552 acres of oak woodland could be lost (Final EIR, Chapter 4, Text Changes to Draft EIR, p. 11-10). Although mitigation for the loss and fragmentation of habitat, including sensitive habitats, and adverse effects on special-status species and wildlife movement would be required for projects within the County, the mitigation would not avoid or compensate for these impacts sufficiently to reduce the impacts to a less-than-significant level. The ORMP includes different mitigation ratios for different levels of on-site oak woodland retention and under the ORMP, mitigation would be required for the impacts to 6,305 acres of oak woodland impacts within the County (543 acres of woodland impacts in the cumulative scenario would occur within the City of Folsom) (Draft EIR, Chapter 11, Other CEQA Considerations, p. 11-10). Table 11-3 (Draft EIR, Chapter 11, Other CEQA Considerations, p. 11-11) identifies the range of on-site oak woodland retention and off-site oak woodland conservation that may occur as development proceeds in the cumulative scenario.

For clarification, the following table provides a summary of the cumulative scenarios described in the above paragraph.

	SCENARIO	Maximum potential loss of oak woodlands due to non-exempt development (acres)	Maximum potential loss of other vegetation communities (excluding oak woodland) (acres)	Maximum potential total vegetation community loss (acres)	Notes
1	2025 Buildout	3,502	5,862	9,364	Per GIS data
2	Additional loss between 2026 and 2035	1,346	2,003	3,349	Per GIS data
3	Total maximum potential losses at 2035 Buildout	4,848	7,865	12,713	Sum of rows 1 and 2
4	Additional loss from cumulative development	2,000	3,929	5,929	Per GIS data
5	Total losses at 2035 buildout plus cumulative development	6,848	11,794	18,642	Sum of rows 3 and 4
6	Additional potential loss of oak woodland due to exempt activities	138,704	0	138,704	Per GIS data of areas and development types that may qualify for exemption(s)
7	Maximum total potential vegetation loss	145,552	11,794	157,346	Sum of rows 5 and 6

Although mitigation would be required for development projects within the County, many project types would be exempt from the ORMP mitigation requirements. As noted above, the ORMP exemptions could allow for the loss of up to 138,704 acres of oak woodland (which is over half of the County's oak woodland inventory), and there is no feasible mitigation to reduce this potential loss. Thus, the cumulative impacts to biological resources remain significant and unavoidable and the Project would result in a cumulatively considerable contribution to these impacts.

This impact is significant and unavoidable, although its effect is lessened by mitigation measures that will be incorporated into the Project.

Finding(s):

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect(s) as identified in the Final EIR.
2. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

The following mitigation measure will substantially lessen the impact of the Project by safeguarding the long term viability and effectiveness of the mitigation program. However this impact will not be reduced to a less-than-significant level. Mitigation Measure BIO-1 would ensure that monitoring of preserved areas is maintained in perpetuity and that monitoring costs would be borne by the individual development project or projects that caused the impact.

MM BIO-1: *Conservation Area Monitoring*. The Biological Resource Mitigation Program developed by the County under Policy 7.4.2.8 shall include requirements for periodic monitoring of preserved lands by individual development project applicants or their designee to assess effectiveness of the Program for protection of special-status and native species. Prior to final approval of an individual development project, the applicant shall demonstrate to the County that they have a comprehensive monitoring strategy in place for preserved lands, and that funding is secured to implement the monitoring strategy in perpetuity.

The Project's cumulative impacts related to the loss and fragmentation of wildlife habitat would remain significant and unavoidable because of the unavoidable loss of oak woodlands and other vegetation communities associated with General Plan buildout. The Draft EIR discussed potential mitigation strategies to reduce this impact including limiting the Agricultural Activities Exemption, requiring a minimum level of habitat retention on every parcel, and reducing allowable development intensity. The Draft EIR found these options not feasible (Draft EIR, Chapter 6, Biological Resources, p. 6-65).

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65300 requires that the legislative body of each county and city "shall adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan, inclusive of the Project, provides for the long-term development of the County. Government Code Section 65580, et seq. requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the County's share of the regional housing need.

In addition, avoidance of this impact is infeasible for general plan policy reasons. The Project best balances the General Plan's competing goals of directing development to Community Regions (including many areas along the U.S. Highway 50 corridor) where available infrastructure, public/community

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services and major transportation corridors exist (General Plan Policies 2.1.1.2 and HO-1.5) versus supporting development of affordable housing (Policy HO 1.2) versus protecting biological resources.

No other potentially feasible mitigation measures were identified in the Draft EIR; however, some commenters on the Draft EIR proposed potential mitigation measures and/or alternatives that, if proposed, were considered but rejected as set forth in the Final EIR response to comments. Additionally, the rejected measures and alternatives would materially and adversely interfere with the County's ability to discharge its obligations under state law by potentially lowering densities and impacting the County's ability to meet its share of the regional housing need.

Impact: Forestry

Summary Description: The oak woodland areas of the County covered under the ORMP do not meet the definition of timberland, and impacts to recreation and water quality values would be less than significant. However, oak woodlands do meet the definition of forest land and the loss of these woodlands with buildout of the General Plan under the Project would result in a significant loss of forest lands. The reasonably foreseeable development projects (Cumulative Projects), inclusive of the Project, would affect land that includes oak woodlands and as these woodlands meet the definition of forest lands, the projects would convert forest land to non-forestry uses. In the cumulative scenario, impacts related to direct or indirect loss of forest resources would remain significant and unavoidable, and the Project would make a cumulatively considerable contribution to this impact.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

The Project's cumulative impacts related to direct or indirect loss of forest resources would remain significant and unavoidable, and the Project would make a cumulatively considerable contribution to this impact. Avoidance of this impact is infeasible for legal reasons. Government Code Section 65300 requires that the legislative body of each county and city "shall adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan, inclusive of the Project, provides for the long-term development of the county. Government Code Section 65580, et seq. requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the county's share of the regional housing need.

No other potentially feasible mitigation measures were identified in the Draft EIR; however, some commenters on the Draft EIR proposed potential mitigation measures and/or alternatives that, if proposed, were considered but rejected as set forth in the Final EIR response to comments. Additionally, the rejected measures and alternatives would materially and adversely interfere with the County's ability to discharge its obligations under state law by potentially lowering densities and impacting the County's ability to meet its share of the regional housing need.

Impact: Greenhouse Gases

Summary Description: Oak woodlands provide for sequestration of substantial amounts of carbon. Conversion of oak woodlands to developed uses results in a one-time release of that sequestered carbon, which contributes to the total greenhouse gas (GHG) inventory in the region. As shown in Table 8-3 (Draft EIR, p. 8-18), the loss of 4,848 acres of oak woodlands as a result of buildout of the General Plan, inclusive of the Project, through 2035 would result in the release of 707,629 metric tons of carbon dioxide equivalents (MT CO₂E). This assumes that no on-site retention of oak woodlands occurs as development proceeds. With varying levels of on-site retention possible, as discussed in Chapter 8 of the Draft EIR, and averaged over the 19-year buildout timeline, the Project would result in between 20,494 and 37,244 MT CO₂E emissions annually from release of sequestered carbon to the atmosphere. This would substantially contribute to the regional GHG inventory and contribute to climate change effects.

With the addition of the reasonably foreseeable development projects (Cumulative Projects), an additional 2,000 acres of oak woodlands could be impacted, resulting in a loss of 293,291 additional MT CO₂E emissions from release of sequestered carbon to the atmosphere. In addition, the Cumulative Projects would develop residential, commercial, and office land uses that would increase GHG emissions as a result of the additional vehicle traffic and increased energy consumption associated with these development projects. In the cumulative scenario, the GHG emissions associated with release of sequestered carbon as well as increased vehicle traffic would result in a significant and unavoidable impact, and the Project would make a cumulatively considerable contribution to this impact.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15019(a)(3))

Basis for Finding(s):

The Project's cumulative impacts related to the GHG emissions associated with release of sequestered carbon as well as increased vehicle traffic would result in a significant and unavoidable impact. Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires that the legislative body of each county and city "shall adopt a comprehensive, long-term general plan for

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the physical development of the county or city and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65583 requires that the General Plan housing element "shall identify adequate sites for housing...for the existing and projected needs of all economic segments of the community" and plan for sufficient development to meet the county's "share of the regional housing need in accordance with Section 65584."

No other potentially feasible mitigation measures were identified in the Draft EIR; however, some commenters on the Draft EIR proposed potential mitigation measures and/or alternatives that, if proposed, were considered but rejected as set forth in the Final EIR response to comments. Additionally, the rejected measures and alternatives would materially and adversely interfere with the County's ability to discharge its obligations under state law by potentially lowering densities and impacting the County's ability to meet its share of the regional housing need.

Impact: Visual Resources

Summary Description: Buildout of the General Plan includes development in several areas adjacent to Highway 50 and stretching out to the south away from the highway. These development areas would make a significant and unavoidable cumulative impact due to reduced natural aesthetic qualities of the Highway 50 corridor. In addition to impacts at specific viewpoints, buildout of the General Plan under the Project would result in a significant impact to the overall visual character throughout the County as a result of the conversion of oak woodlands and natural communities to developed uses. This would decrease the prevalence of natural habitat and resources and increase the presence of built-environment and ornamental landscaping elements. The reasonably foreseeable development projects (Cumulative Projects) would result in similar impacts by converting 5,929 acres of natural vegetation communities, including 2,000 acres of oak woodlands, to developed uses. Combined, buildout of the General Plan under the Project and the Cumulative Projects would result in a significant and unavoidable cumulative impact to visual character. The Project would therefore result in a significant and cumulatively considerable contribution to these impacts.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

The Project's cumulative impacts related to buildout of the General Plan would result in a significant and unavoidable cumulative impact to visual character. Avoidance of this impact is infeasible for legal reasons. Government Code Section 65300 requires that the legislative body of each county and city "shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The El Dorado County General Plan provides for the long-term development of the county. Government Code Section 65583 requires that the General Plan housing element "shall identify adequate sites for housing...for the existing and projected needs of all economic segments of the community" and plan for sufficient development to meet the county's "share of the regional housing need in accordance with Section 65584." This requires the County to authorize future development.

In addition, avoidance of this impact is infeasible for general plan policy reasons. The Project best balances the General Plan's competing goals of directing higher-density development, including housing opportunities for all income categories, to Community Regions (including many areas along the U.S. Highway 50 corridor) where available infrastructure, public/community services and major transportation corridors exist (General Plan Policies 2.1.1.2 and HO-1.2) versus protecting visual or aesthetic resources in areas along the U.S. Highway 50 corridor.

No other potentially feasible mitigation measures were identified in the Draft EIR; however, some commenters on the Draft EIR proposed potential mitigation measures and/or alternatives that, if proposed, were considered but rejected as set forth in the Final EIR response to comments. Additionally, the rejected measures and alternatives would materially and adversely interfere with the County's ability to discharge its obligations under state law by potentially lowering densities and impacting the County's ability to meet its share of the regional housing need.

Impact: Regional Oak Woodland Cumulative Impacts

Summary Description: More than one million acres of California's oak woodlands have already been developed and approximately 750,000 additional acres of California's oak woodlands are at risk of development before 2040 (California Oaks Foundation 2006). This represents approximately 20 percent of the statewide inventory; however, development pressures on oak woodlands are not uniform throughout the state. Specifically, analysis has found that 80 percent of the oak woodlands that are at risk are within the Sacramento and San Joaquin regions, noting that the central valley and sierra foothills woodlands are particularly at risk for development. Additionally, climate change effects may reduce and shift the range of some types of oak woodlands (Gaman 2008). It is expected that there will be a significant and unavoidable cumulative loss of oak woodlands statewide and particularly within the

Sacramento Region as identified by the California Oaks Foundation in the *Oaks 2040: The Status and Future of Oaks in California* report, Gaman, Tom and Firman, Jeffrey, 2006).

Buildout of the General Plan under the Project could result in a loss of up to 4,848 acres of oak woodland due to development, and an additional 138,704 acres of oak woodland due to activities that would be exempt from the provisions of the ORMP. This would represent a significant and cumulatively considerable contribution to the cumulative loss of oak woodlands in the project region and statewide. However, it is expected that impacts to oak woodlands would be less under the Project than was projected in the Oaks 2040 Report. The Oaks 2040 report concluded that “by 2040, 80 percent of El Dorado County’s oak woodlands may be developed.” In comparison, the analysis in the EIR finds that a total of 145,552 acres of oak woodlands within the County may be at risk, which represents approximately 60 percent of the total inventory of oak woodlands within the ORMP area. The ORMP requires mitigation in the form of conservation of existing oak woodlands, woodland restoration, and tree replanting. Implementation of the mitigation requirements in the ORMP would ensure that at least 5,945 acres of oak woodlands within the County are permanently protected under deed restrictions and conservation easements. The Project would therefore result in a significant, unavoidable and cumulatively considerable effect on regional oak woodlands.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

The Project’s cumulative impacts related to buildout of the General Plan would result in a significant contribution to the cumulative loss of oak woodlands in the project region and statewide. Avoidance of this impact is infeasible for legal reasons. Government Code Section 65300 requires that the legislative body of each county and city “shall adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq. requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the county’s share of the regional housing need.

No other potentially feasible mitigation measures were identified in the Draft EIR; however, some commenters on the Draft EIR proposed potential mitigation measures and/or alternatives that, if proposed, were considered but rejected as set forth in the Final EIR response to comments. Additionally, the rejected measures and alternatives would materially and adversely interfere with the County’s

ability to discharge its obligations under state law by potentially lowering densities and impacting the County's ability to meet its share of the regional housing need.

Section 13 Significant Irreversible Environmental Changes

State CEQA Guidelines Section 15126.2 requires that the EIR for a general plan amendment must address any significant irreversible environmental change that would result from implementation of that amendment. Specifically, per the Guidelines (Section 15126.2[c]), such an impact would occur if the use of nonrenewable resources during the initial and continued phases of the Project would involve a large commitment of nonrenewable resources; irreversible damage can result from environmental accidents associated with the project; and the consumption of irretrievable resources is not justified.

Approval and implementation of project-related activities would be typical of these sorts of land use planning and regulatory actions. They would result in an irretrievable commitment of nonrenewable resources such as fossil fuel-based energy supplies and construction-related materials. The energy resource demands would be used for construction, heating and cooling of buildings, transportation of people and goods, heating and refrigeration, lighting, and other associated energy needs.

Implementing the Project would result in environmental changes because the physical environment would be altered through continued commitments of land and construction materials to urban and rural development. There would be an irretrievable commitment of labor, capital, and materials used in construction and a permanent loss of open space over time. Nonrenewable resources would be committed primarily in the form of fossil fuels and would include oil, natural gas, and gasoline used to support the additional development associated with implementation of the current General Plan.

Implementing the Project would also result in the consumption of other nonrenewable or slowly renewable resources including lumber and other forest products, sand and gravel, asphalt, steel, copper, and water. Although alternative energy sources such as solar, geothermal, or wind energy are in use in the county, the proportion of energy generated by these sources is so much smaller than the proportion generated by fossil fuel sources that it is unlikely that real savings in nonrenewable energy supplies (e.g., oil and gas) could be realized in the immediate future.

Development in unincorporated El Dorado County as envisioned by the Project and current General Plan would result in the construction of structures, facilities, or infrastructure on lands that are currently undeveloped. Development of lands generally would result in their future and permanent commitment to urban, suburban, or rural uses.

Section 14 Findings Regarding Project Impacts and Mitigation Measures

Public Resources Code Section 15091 (Findings), subsection (a) states that “No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding.”

Section 15091(a) further states that:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Each impact identified in the EIR as significant and unavoidable and the feasibility of the potential mitigation measures, including reasons why potential mitigation measures substantially lessen the environmental effect, when applicable, are discussed below. Comments suggesting additional mitigation measures and/or alternatives were responded to in the Final EIR. The response to comments explained why the suggested mitigation measure and/or alternatives would be infeasible, and/or ineffective, and/or not warranted by the scope of the potential impacts. The Board affirms the conclusions and determinations contained within the Final EIR as to the rejection of the additional mitigation measures and/or alternatives. The following impacts are described in the EIR under the section(s) listed below, and are incorporated by reference.

Impact LU-2: Substantially alter or degrade the existing land use character of the County.

Summary Description: The conversion of oak woodland to developed uses would alter land use character in a given community by decreasing the prevalence of natural habitat and resources associated with individual native oak trees/native oak woodlands and increasing the presence of built environment and ornamental landscaping elements. In general, these effects would be experienced at the individual community level. However, to the extent that conversion of oak woodlands to developed land uses occurs within the viewshed of Highway 50, the effects within individual communities could be

combined to result in a cumulative degradation of land use character for the County overall. This impact is significant and unavoidable.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Government Code Section 65300 requires that the legislative body of each county and city “shall adopt a comprehensive, long-term general plan for the physical development of the county or city.” This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). The additional development associated with General Plan buildout, including the Project, will result in degradation of the existing land use character of the County. The impact would remain the same as that identified in 2004 when the General Plan was adopted: Significant and Unavoidable (Impact 5.1-2, pp. 45-46, El Dorado County General Plan CEQA Findings of Fact, July 19, 2004).

The Draft EIR discussed potential mitigation strategies to reduce this impact including requiring a minimum level of habitat retention on every parcel, required design review for every development project, and reducing allowable development intensity. The Draft EIR found these options not feasible. (Draft EIR, Chapter 5, Land Use and Planning, pp. 5-16 and 4-17).

The Board finds that there are no feasible mitigation measures that the Board could adopt at this time that would reduce Impact LU-2 to a less-than-significant level.

Impact BIO-1: Result in the loss and fragmentation of wildlife habitat

Summary Description: The Project would result in some reduced impacts to special-status species by ensuring a greater amount of habitat preservation and creation than is required under the existing General Plan policies, although not to a less-than-significant level. Overall, the impact would remain the same as that identified in 2004 when the General Plan was adopted: Significant and Unavoidable. (Impact 5.12-1, pp. 118-126, El Dorado County General Plan CEQA Findings of Fact, July 19, 2004)

Finding(s):

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Consistent with the methodology and assumptions of the 2004 General Plan EIR and the 2015 TGPA-ZOU EIR, this EIR independently identified Impact BIO-1 based on implementation of the Project under both short-term (2025) and long-term (2035) General Plan development scenarios and identified substantial adverse effects related to the loss and fragmentation of wildlife habitat associated with General Plan buildout, inclusive of the Project.

The Draft EIR found that General Plan implementation through 2035 would result in the loss of up to 4,848 acres of oak woodlands and 7,865 acres of other vegetation communities on parcels designated for residential, commercial, retail, and industrial development. These projections assume no on-site retention of vegetation communities (including oak woodlands) occurs. Further, the Draft EIR found that most impacts to oak woodlands from future development are expected to occur on properties generally within the Community Regions along the Highway 50 corridor and west of the City of Placerville. In particular, several properties that currently support oak woodlands habitats within the communities of El Dorado Hills, Cameron Park, and Shingle Springs are projected to be developed under both the 2025 and 2035 scenarios.

The ORMP would require mitigation for oak woodlands impacts, other than as permitted under the ORMP exemptions. The ORMP establishes mitigation ratios for oak woodlands impacts of 1:1, 1.5:1, or 2:1, depending on the extent to which oak woodlands is retained on site for each individual project. Mitigation would include conservation of existing woodlands, replacement planting, and/or in-lieu fee payment which would be used for conservation. The total amount of mitigation anticipated under the ORMP ranges between 2,181 acres (if all projects retain 50% or more of their existing oak woodlands) and 8,724 acres (if all projects retain less than 25% of their existing oak woodlands).

The Agricultural Activities Exemption and County Road Exemption, which are the same as currently allowed, and the other exemptions included in the ORMP could allow for loss of up to 138,704 acres of oak woodlands. This total likely overestimates the acreage of oak woodlands that would be impacted under exempt activities and actions given the datasets analyzed (e.g., transmission line buffers, fire safe project areas), and the assumption that all woodland areas within the parcels for which exemptions may apply would be impacted. However, oak woodlands impacts associated with ORMP exemptions would result in the loss and fragmentation of oak woodlands wildlife habitat without mitigation and there is no feasible mitigation to reduce this potential loss, thus the impact would be significant and unavoidable.

This impact is substantially lessened, but not reduced to a less-than-significant level, by the following mitigation measure incorporated into the Project upon its adoption.

Mitigation Measure BIO-1: *Conservation Area Monitoring*. The Biological Resource Mitigation Program developed by the County under Policy 7.4.2.8 shall include requirements for periodic monitoring of preserved lands by individual development project applicants or their designee to assess effectiveness of the Program for protection of special-status and native species. Prior to

final approval of an individual development project, the applicant shall demonstrate to the County that they have a comprehensive monitoring strategy in place for preserved lands, and that funding is secured to implement the monitoring strategy in perpetuity.

Mitigation Measure BIO-1 would reduce this impact by ensuring that monitoring of preserved areas is maintained in perpetuity and that monitoring costs would be borne by the individual development project or projects that caused the impact. While this would not reduce the extent of habitat loss and fragmentation resulting from anticipated development associated with General Plan buildout, inclusive of the Project, it would provide for monitoring of preserved lands to ensure the habitat values of those lands are retained sufficiently to offset development impacts. The above mitigation measure has been incorporated into the Project. As explained in the Final EIR, impacts related to direct and indirect conversion of oak woodlands would be reduced by Mitigation Measure BIO-1, but not to a less-significant level.

Government Code Section 65300 requires that the legislative body of each county and city “shall adopt a comprehensive, long-term general plan for the physical development of the county or city.” This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). The additional development associated with General Plan buildout, including the Project, would result in the loss and fragmentation of wildlife habitat within the county.

The Draft EIR discussed potential mitigation strategies to reduce this impact including limiting the Agricultural Activities Exemption, requiring a minimum level of habitat retention on every parcel, and reducing allowable development intensity. The Draft EIR found these options not feasible. (Draft EIR, Chapter 6, Biological Resources, p. 6-65).

Overall, the Project’s impact related to the loss and fragmentation of wildlife habitat would remain significant and unavoidable because of the unavoidable loss of oak woodlands and other vegetation communities associated with General Plan buildout, inclusive of the Project. No additional mitigation measures are available beyond those incorporated into the adopted 2004 General Plan that would mitigate this overall impact.

The Board finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact BIO-1 to a less than significant level.

Impact BIO-2: Have a substantial adverse effect on special-status species.

Summary Description: Development under the General Plan, including the Project, would result in significant and unavoidable impacts to special-status species. When compared to the pattern of development and conservation under existing General Plan policies, the Project would result in reduced impacts to special-status species by ensuring a greater amount of habitat preservation and creation than is required under the existing policies. While the Project’s policies (as amended) would reduce the adverse effects of development, there would be a net decrease in the amount of special-status species

habitat within the County associated with planned development. This impact is significant and unavoidable.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Consistent with the methodology and assumptions of the 2004 General Plan EIR and the 2015 TGPA-ZOU EIR, this EIR independently identified Impact BIO-2 based on implementation of the Project under both short-term (2025) and long-term (2035) General Plan development scenarios and identified substantial adverse effects on special-status species associated with General Plan buildout, inclusive of the Project.

Significant impacts would be attributed primarily to losses of habitat for special-status species that result from existing and projected land uses and population. The 2004 General Plan EIR identified several special-status species, including plants reliant upon gabbro soils, known to inhabit areas designated in the General Plan for high- and medium-intensity land uses. Although General Plan designations for Open Space (OS) and the Ecological Preserve and IBC overlays would offer some protection for these species, these designations do not include all the existing habitat. Further, General Plan policies and implementation measures, including specified mitigations, do not provide assurance that this impact would be reduced to a less-than-significant level. As noted in the 2004 General Plan EIR: “With implementation of [Mitigation Measures 5.12-1(d) and (e) of the No Project Alternative], impacts would be reduced, but not to a less-than-significant level because the amount and location of proposed development [under the General Plan] is such that impacts on special-status species could not be avoided and the amount of habitat to support remaining populations would not be sufficient to ensure that local extirpation would not occur.” (2004 General Plan EIR, p. 5.12-87) Overall, the impact would remain the same as that identified in 2004 when the General Plan was adopted: Significant and Unavoidable.

Government Code Section 65300 requires that the legislative body of each county and city “shall adopt a comprehensive, long-term general plan for the physical development of the county.” This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). As specified in the previous paragraph, additional planned development would likely result in a substantial adverse effect on special-status species.

The Board finds that there are no feasible mitigation measures that the Board could adopt at this time that would reduce Impact BIO-2 to a less-than-significant level.

Impact BIO-3: Have a substantial adverse effect on wildlife movement.

Summary Description: Development under the General Plan, including the Project, could interfere with wildlife movement by allowing land conversion of wildlife corridors or habitat linkages that would otherwise provide avenues for the migration of animals. Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the migration of animals. Wildlife corridors contribute to population viability by assuring continual exchange of genes between populations, providing access to adjacent habitat areas for foraging and mating, and providing routes for recolonization of habitat after local extirpation or ecological catastrophes (e.g., fires). Habitat connectivity or linkages are small patches that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation. Habitat linkages provide a potential route for gene flow and long-term dispersal of plants and animals and may also serve as primary habitat for smaller, more sedentary animals, such as small rodents, reptiles, and amphibians. Habitat linkages may be continuous habitat or discrete habitat islands that function as stepping stones for dispersal.

An adverse effect on wildlife movement would be expected to occur related to loss and fragmentation of habitat associated with the Project. This impact is significant and unavoidable.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Consistent with the methodology and assumptions of the 2004 General Plan EIR and the 2015 TGPA-ZOU EIR, this EIR independently identified Impact BIO-3 based on implementation of the Project under both short-term (2025) and long-term (2035) General Plan development scenarios. The Project EIR concluded that General Plan buildout, inclusive of the Project, has the potential to adversely affect wildlife movement throughout the County as natural habitat is lost and fragmented due to development.

When compared to the pattern of development and conservation under existing General Plan policies, the Project would result in reduced impacts to wildlife movement because the Project would establish requirements for development on sites within the IBC overlay, including that development projects must achieve a “no net loss” standard for wildlife movement functions and values as determined through preparation of a wildlife movement study. The site-specific wildlife movement studies within the biological resources technical reports will evaluate site-specific methods to sustainably maintain wildlife movement within the IBCs post-development. The Project also requires wildlife movement studies for 4-, 6-, and 8-lane roadway projects and mitigation of potential impacts through habitat preservation, overcrossings,

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undercrossings, or other design features. However, as with the 2004 General Plan Policies, development allowed under the Project would result in significant and unavoidable impacts to wildlife movement due to the amount of habitat loss and fragmentation that would result from buildout of the General Plan, inclusive of the Project.

Government Code Section 65300 requires that the legislative body of each county and city “shall adopt a comprehensive, long-term general plan for the physical development of the county or city.” This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will adversely affect the movement of wildlife within the County.

The Board finds that there are no feasible mitigation measures that the Board could adopt at this time that would reduce Impact BIO-3 to a less-than-significant level.

Impact BIO-4: Result in the removal, degradation, and fragmentation of sensitive habitats.

Summary Description: In the Project EIR, “sensitive habitat” is defined as special-status vegetation communities as well as other vegetation communities that provide habitat for special-status species (DEIR, p. 6-80). Therefore, Impact BIO-4 is very similar to Impact BIO-1. This impact differs from Impact BIO-1 in that it considers habitat degradation in addition to its loss. All of the project components described as significant and unavoidable under Impact BIO-1 would also be significant and unavoidable under Impact BIO-4.

Buildout of the General Plan under the Project would result in the loss of approximately 12,713 acres of sensitive habitats. In addition, an unquantified amount of additional sensitive habitats would be degraded as General Plan buildout, inclusive of the Project, occurs. While the amended policies would require preservation and creation of habitat to offset this loss, there would be a net decrease in the amount of sensitive habitat within the County. However, as with the 2004 General Plan Policies, development allowed under the Project would result in significant adverse effects related to the extent of the overall loss of sensitive habitats. This impact is significant and unavoidable.

Finding(s):

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Consistent with the methodology and assumptions of the 2004 General Plan EIR and the 2015 TGPA-ZOU EIR, the Project EIR independently identified Impact BIO-4 based on implementation of the Project under both short-term (2025) and long-term (2035) General Plan development scenarios and identified a substantial adverse impact related to the removal, degradation, and fragmentation of sensitive habitats.

This effect is substantially lessened, but not avoided, by the following mitigation measure incorporated into the Project upon its adoption.

MM BIO-2: Require Mitigation for Valley Oak Tree and Valley Oak Woodland Impacts. The exemptions section of the ORMP and the Oak Resources Conservation Ordinance shall be revised such that no activities shall be exempt from the requirement to mitigate impacts to valley oak woodlands and individual valley oak trees. [DEIR p. 6-83]

This mitigation measure focuses on impacts to valley oak trees and valley oak woodlands because valley oak woodland is considered a sensitive habitat. While individual valley oak trees are not considered a sensitive species, they are the primary component of valley oak woodland and have relatively small representation in the County (less than 4,000 acres). Valley oaks have documented difficulty regenerating adequately to stabilize and expand populations (McCreary and Tecklin 2005, Standiford 2016). (See Draft EIR, Chapter 6 (Biological Resources), pp. 6-80 and 6-81).

Mitigation Measure BIO-2 would reduce this impact by ensuring that impacts to valley oak woodlands and individual valley oak trees would be mitigated, as outlined in the ORMP. Under this measure, the ORMP would be modified to remove all mitigation exemptions for impacts to valley oak trees and valley oak woodlands; exemptions from mitigation for specified activities would only apply to impacts to other oak woodland types. Even though this measure would reduce the Project impacts to valley oak trees and valley oak woodlands to less-than-significant, the overall impact to non-valley oak trees and non-valley oak woodlands would remain significant and unavoidable.

Government Code Section 65300 requires the legislative body of each county or city “shall adopt a comprehensive, long-term general plan for the physical development of the county or city.” This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development could lead to the removal, degradation, and fragmentation of sensitive habitats.

The above mitigation measure has been incorporated into the Project. As explained in the Final EIR, impacts related to direct and indirect conversion of oak woodlands would be reduced by Mitigation Measure BIO-2, but not to a less-significant level. Overall, the Project’s impact related to the removal, degradation, and fragmentation of sensitive habitats would remain significant and unavoidable because of the unavoidable conversion of oak woodland associated with General Plan buildout, inclusive of the Project. With the exception of the above mitigation measure, no additional mitigation measures are

available beyond those incorporated into the General Plan with its adoption in 2004 that would mitigate this overall impact.

Impact FOR-1: Result in the loss of forest land or conversion of forest land to non-forest use.

Summary Description: The Project would define the County's biological resource management and mitigation strategy by 1) establishing requirements for identification of biological resources, 2) analyzing impacts to those resources from future development within the County and 3) identifying standards for mitigation of such impacts. Because the Project does not propose any site-specific development activities, the EIR analysis focused on the potential indirect impacts to forest land resulting from General Plan buildout, inclusive of the Project. By 2035, General Plan buildout, inclusive of the Project, could result in the loss of 4,848 acres of forest land. This impact is significant and unavoidable.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Consistent with the methodology and assumptions of the 2004 General Plan EIR and the 2015 TGPA-ZOU EIR, this EIR independently identified Impact FOR-1 based on implementation of the Project under both short-term (2025) and long-term (2035) General Plan development scenarios and identified a significant and unavoidable impact related to the loss of forest land or conversion of forest land to non-forest use.

Government Code Section 65300 requires that the legislative body of each county and city "shall adopt a comprehensive, long-term general plan for the physical development of the county or city." This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development could lead to the loss of forest land or conversion of forest land to non-forest use.

The Board finds that there are no feasible mitigation measures that the Board could adopt at this time that would reduce Impact FOR-1 to a less-than-significant level.

Impact FOR-2: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use.

Summary Description: The Project would not involve changes to the existing environment, as no specific development is proposed. Rather, the Project would define the County's biological resource management and mitigation strategy. The amended policies would establish requirements for identification of biological resources and analysis of impacts to those resources from future development within the County and identify standards for mitigation of such impacts. The ORMP would also outline the County's strategy for oak woodland conservation.

However, indirect impacts to farmland or forest land could occur as a result of General Plan buildout, inclusive of the Project. Indirect impacts include adverse effects to biological resources, greenhouse gas emissions, and aesthetic values of oak woodlands resulting from conversion of farmland to non-agricultural use or conversion of forest land to non-forest use associated with development under the General Plan. General Plan buildout, inclusive of the Project, could result in the conversion of 4,848 acres of forest land to non-forest use by 2035. This impact is significant and unavoidable.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Consistent with the methodology and assumptions of the 2004 General Plan EIR and the 2015 TGPA-ZOU EIR, this EIR independently identified Impact FOR-2 based on implementation of the Project under both short-term (2025) and long-term (2035) General Plan development scenarios and identified a substantial adverse impact related to conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

While the Project would not directly involve changes to the existing environment, as no specific development is proposed, potential indirect impacts would be expected to occur associated with overall implementation of the General Plan, including the Project. Buildout of the General Plan, inclusive of the Project, by 2035 could result in the conversion of 6,442 acres of forest land to non-forest use, resulting in significant and unavoidable impacts to biological resources, greenhouse gas emissions and aesthetic values to oak woodlands (same impacts as identified under Impact FOR-1).

Government Code Section 65300 requires that the legislative body of each county or city "shall adopt a comprehensive, long-term general plan for the physical development of the county or city." This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development could involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

The Board finds that there are no feasible mitigation measures that the Board could adopt at this time that would reduce Impact FOR-2 to a less-than-significant level.

Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Summary Description: Removal of oak trees/oak woodlands, associated with development under the General Plan, including the Project, results in potential release of sequestered carbon to the atmosphere as Carbon Dioxide (CO₂) which would not have been released had there been no change in land cover. This impact is significant and unavoidable.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Consistent with the methodology and assumptions of the 2015 TGPA-ZOU EIR, this EIR independently identified Impact GHG-1 based on implementation of the Project under both short-term (2025) and long-term (2035) General Plan development scenarios and identified substantial adverse effects related to the direct or indirect generation of greenhouse gas emissions associated with development under the General Plan.

The Draft EIR evaluates the indirect GHG emissions that may be generated by continued implementation of the General Plan under the Project. The impact analysis evaluates the portion of identified GHG emissions that could result from combustion compared to the portion of GHG emissions that could result from decomposition. The total estimated GHG emissions were reduced in the Final EIR consistent with the reduction in total loss of oak woodlands projected to occur with continued implementation of the General Plan. For example, the estimated GHG emissions due to loss of oak woodlands were reduced from the original estimate of between 944,397 and 507,822 metric tons to between 707,629 and 389,382 metric tons.

The Project would contribute to GHG emissions in the region through decomposition and burning of materials removed from oak woodlands lost to development projects accounted for in the General Plan. While grasslands, chaparral and other vegetation communities each sequester some carbon, forested lands sequester much greater volumes of carbon per square foot, and therefore, this impact is significant and unavoidable. Specifically, the EIR assumes that as oak resources are removed to accommodate land development, a portion of the vegetative materials would be used for landscaping mulch, which would decompose over time. The remainder of the vegetative materials would be used for firewood, which would be burned by existing and new County residents for household heating. These

activities – decomposition and burning – would release the carbon that is currently sequestered in the oak resources to the atmosphere. The Draft EIR notes that the amount of GHG emissions from decomposition would likely be similar to or the same as occurs currently, as forest floor litter is continuously decomposing. Although residential wood-burning would not represent a new source of GHG emissions generated directly by the Project, the EIR discloses the full extent of the currently sequestered carbon that may be released to the environment and contribute to climate change effects.

Government Code Section 65300 requires that the legislative body of each county or city “shall adopt a comprehensive, long-term general plan for the physical development of the county or city.” This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The Board finds that there are no feasible mitigation measures that the Board could adopt at this time that would reduce Impact GHG-1 to a less-than-significant level.

Impact VIS-2: Substantially degrade the existing visual character or quality of the area or region.

Summary Description: Buildout of the General Plan, inclusive of the Project, could alter the existing visual character of individual communities and the County as a whole. This impact is significant and unavoidable.

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))

Basis for Finding(s):

Consistent with the methodology and assumptions of the 2004 General Plan EIR and the 2015 TGPA-ZOU EIR, this EIR independently identified Impact VIS-2 based on implementation of the Project under both short-term (2025) and long-term (2035) General Plan development scenarios and identified substantial adverse effects to the existing visual character or quality of the area or region associated with implementation of the General Plan.

Because the visual character of the County is comparable to that of community character at the general plan level, impact conclusions are the same as reached in Chapter 5, Land Use, for Impact LU-2 (Substantially alter or degrade the existing land use character of the County). Using the same analysis for visual character used for Impact LU-2, the conversion of oak woodlands and natural communities to developed uses would alter visual character in a given community by decreasing the prevalence of natural habitat and resources and increasing the presence of built-environment and ornamental

landscaping elements. In general, these effects would be experienced at the individual community level; however, to the extent that conversion of vegetation communities to developed land uses occurs within the viewshed of Highway 50, the effects within individual communities could be combined to result in a cumulative degradation of visual character for the County overall.

Government Code Section 65300 requires that the legislative body of each county or city “shall adopt a comprehensive, long-term general plan for the physical development of the county or city.” This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development could lead to substantial degradation of the existing visual character or quality of the area or region.

The Board finds that there are no feasible mitigation measures that the Board could adopt at this time that would reduce Impact VIS-2 to a less-than-significant level.

Section 15 Additional Findings

Finding Relative to Recirculation of the Draft EIR

Finding(s):

1. Recirculation of the Draft EIR was not required for the following legal reason. The revisions and additions to the EIR do not identify any new significant environmental impacts or any increase in the severity of the project’s environmental impacts. The revisions to the Draft EIR merely clarify or make insignificant modifications, consistent with Section 15088.5(b) of the CEQA Guidelines which states: “Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR” (14 CCR 15088.5(b)); thus recirculation is not warranted. The County has not declined to adopt any feasible project alternatives or mitigation measures.

Basis for Finding(s):

Recirculation of a Draft EIR is required when significant new information is added to the EIR after it has been circulated for public review. Section 15088.5(a) of the CEQA Guidelines states that “New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponent have declined to implement” (14 CCR 15088.5(a)).

Finding Relative to the EIR

1. The EIR represents the independent judgment of the County.

Basis for Finding(s):

The Final EIR, which includes the Draft EIR, was presented to and reviewed by the Planning Commission. The Planning Commission made a recommendation to the Board to certify the EIR. The Board considered the recommendation of the Planning Commission, and independently reviewed and considered the Final EIR. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County.

Findings Relative to the INRMP

Finding(s):

1. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Section 15091(a)(3))
2. Implementation of an INRMP as part of existing Policy 7.4.2.8 is infeasible for general plan policy, legal, economic, and social reasons.

Basis for Finding(s):

The Board has both the obligation and authority to set General Plan policy, as discussed in Master Response 1 in the Final EIR. As also discussed in Master Response 7 in the Final EIR, “Because policies in a general plan reflect a range of competing interests, the County must be allowed to weigh and balance the plan’s policies when applying them, and the courts have given local governments broad discretion to interpret their plan policies in light of each plan’s purposes. (Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal. App. 4th 704 [29 Cal. Rptr. 2d 182]; Greenebaum v. City of Los Angeles (1984) 153 Cal. App. 3d 391, 407 [200 Cal. Rptr. 237].)”

The Board decided to replace the INRMP, as currently required by existing Policy 7.4.2.8, because after multiple years of deliberation and attempted development of the INRMP, the Board found implementation of an INRMP to be infeasible for the following general plan policy, legal, economic and social reasons (in no particular order):

General Plan Policy Reasons:

- A. The General Plan contains policies about the protection of oaks and other trees that have been controversial and difficult to apply uniformly due to different interpretations of policy as a result of language that is too broad, ambiguous, overlapping, and confusing. For example, the terms “woodland” and “canopy” are both used in the existing policies, but they do not mean the same thing. The amended policies and ORMP remedy this by relying on the oak woodland vegetation communities (which have clear industry-standard definitions) to measure both impacts and mitigation. As noted in the Planning Commission staff memo dated April 27, 2017 (Legistar File 12-1203, Attachment 22A), the ambiguities, inconsistencies, and various interpretations of the General Plan policies related to the INRMP has created a roadblock to achieving the goals of the General Plan for oak resources conservation and mitigation.

Legal Reasons:

- A. For oak tree and oak woodland impacts, implementation of an INRMP may result in multiple layers of oak mitigation for development projects that could essentially require double mitigation, conflicting with the requirements of Nollan-Dolan “essential nexus” and “rough proportionality” standards. [*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 374 (1994)]. For example, if a project impacts one-half acre of oak woodland canopy, and included within this area of impact the project would remove 15 individual trees, the project may have to meet the existing Policies 7.4.4.4 and 7.4.5.2 mitigation requirements for both the canopy and the individual trees. Under the amended policies and ORMP, it is clear that a project only mitigates for one or the other. If a project impacts an oak woodland vegetation community, it must mitigate through conservation of that same vegetation community. If a project impacts individual native oak trees, which are defined in the ORMP as trees that occur outside of an oak woodland vegetation community – such as isolated trees in a grassland or individual oaks within a more mixed forest community – then it must mitigate on a “per tree” basis.
- B. Implementation of an INRMP would require the County to acquire, conserve/restore, manage and monitor conservation lands or easements in perpetuity, and manage the associated endowments, exposing the County to potential liabilities and property management risks.
- C. Current Policy 7.4.2.8 that requires development of the INRMP is not self-implementing and does not provide a clear definition of what resources are covered and what development activities would be subject to the INRMP.

Economic Reasons:

- A. Completion of Phase II of the INRMP would require the County embark on another long-term planning process (e.g., INRMP Phase I), with comparatively high implementation costs and commitment of staff resources and would not be completed within a reasonable period of time (minimum of 36 months).
- B. An INRMP would require long-term commitment of County financial obligations to acquire, conserve/restore conservation lands, and staff resources for management of conservation lands in perpetuity, resources that could be more effectively utilized for other County programs.
- C. An INRMP as a regulatory program would restrict land use options for some properties to a point where the only option would be to sell the land for conservation purposes.

Social Reasons:

- A. Completion of INRMP Phase I required a substantial commitment of time from County staff and stakeholders over an approximately eight year period (2004-2012). The substantial unresolved policy issues could result in a similar lengthy and challenging process to complete INRMP Phase II, requiring unnecessary expenditure of public funds.
- B. The delay in implementing an INRMP caused land use regulatory uncertainty and in some cases, was an impediment to development. For example, the lack of an in-lieu fee payment option to mitigate impacts to oak resources limited mitigation to only tree canopy retention (Option A in current Policy 7.4.4.4).

Section 16 References

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