

# CONTRACT ROUTING SHEET

Date Prepared: 9-26-16

Need Date: 11-02-16

**PROCESSING DEPARTMENT:**

Department: Community Development Agency  
Dept. Contact: Claudia Wade  
Phone #: 530-621-5977  
Department  
Head Signature: [Signature]

**CONTRACTOR:**

Name: N/A  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

**CONTRACTING DEPARTMENT:** CDA, Long Range Planning

Service Requested: Resolution Review and Approval

Contract Term: N/A Contract Amendment Value: \_\_\_\_\_

Compliance with Human Resources requirements? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Compliance verified by: \_\_\_\_\_

**COUNTY COUNSEL:** (Must approve all contracts and MOU's)

Approved: Reso only ✓ Disapproved: \_\_\_\_\_ Date: 10-25-16 By: D. Livingston [Signature]

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

The final hearing for the Major Update to the Capital Improvement Program (CIP) and Traffic Impact Mitigation (TIM) Fee Program is scheduled for December 6, 2016, Legistar #14-0245. The attached Resolution XXX-2016 is for certifying the Final Environmental Impact Report for Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County; making environmental findings of fact; adopting a statement of overriding considerations; and approving the mitigation monitoring and reporting program.

\* Cocest T480

Resolution requires County Counsel review and approval – initials confirm approval. [Initials]

**RISK MANAGEMENT:** (All contracts and MOU's except boilerplate grant funding agreements)

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: 10-27-16 By: [Signature]

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

NOTHING FOR RISK

EDC HR/RISK  
'16 OCT 25 PM 02:12

EL DORADO COUNTY COUNSEL  
2016 SEP 30 PM 3:37

**OTHER APPROVAL:** (Specify department(s) participating or directly affected by this contract).

Departments: \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_



COUNTY OF EL DORADO  
COMMUNITY DEVELOPMENT AGENCY  
OFFICE OF THE DIRECTOR

INTEROFFICE MEMORANDUM

Date: September 19, 2016

To: Don Ashton, Chief Administrative Officer  
Joe Harn, Auditor/Controller

From: Steve Pedretti, Director

Subject: Delegation of Signature Authority for Thursday and Friday, September 22 and September 23, and on Tuesday through Friday, September 27 through September 30, 2016

I will be out of the office on Thursday and Friday of this week, September 22 and September 23, and again next week on Tuesday through Friday, September 27 through September 30, 2016. During my absence, I am delegating my signature authority to Kate Sampson, Assistant Director, Administration & Finance Division.

A handwritten signature in cursive script, appearing to read "K. Sampson", is written over a horizontal line.

Kate Sampson, Assistant Director  
Community Development Agency, Administration & Finance Division

Please call Lauri Stutts at Extension 7593 or Kate Sampson at Extension 4008 should administrative assistance be needed during my absence.

Thank-you,

A handwritten signature in cursive script, appearing to read "Steve M. Pedretti", is written over a horizontal line.

Steve Pedretti, Director  
Community Development Agency

SMP:lks

cc: Community Development Agency, Long Range Planning  
Kate Sampson, Assistant Director, Administration & Finance Division  
Greg Stanton, Director, Environmental Management  
Bard Lower, Director, Transportation  
Roger Trout, Director, Development Services  
Ruth Young, Chief Financial Officer  
Karen Feathers, CAO's Office  
Melanie Young, Auditor/Controller's Office



## RESOLUTION NO. 189-2016

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR WESTERN SLOPE ROADWAY CAPITAL IMPROVEMENT PROGRAM AND TRAFFIC IMPACT MITIGATION FEE PROGRAM FOR EL DORADO COUNTY MAKING ENVIRONMENTAL FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

**WHEREAS**, because of that mandate, El Dorado County's General Plan and the various elements thereof must be periodically updated with current data, recommendations, and policies; and

**WHEREAS**, the Board of Supervisors adopted a General Plan on July 19, 2004, which identifies planned land uses and infrastructure for physical development in the unincorporated areas of the County of El Dorado; and

**WHEREAS**, General Plan Goal TC-1 states: "To plan for and provide a unified, coordinated, and cost efficient countywide road and highway system that ensures the safe, orderly, and efficient movement of people and goods."; and

**WHEREAS**, General Plan Policy TC-Xb states: "To ensure that potential development in the County does not exceed available roadway capacity, the County shall: A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified; B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and C. Annually monitor traffic volumes on the county's major roadway system depicted in the Circulation Diagram."; and

**WHEREAS**, on September 30, 2014, the Board initiated the Major CIP and TIM Fee Program Updates as required General Plan Policy TC-Xb; and

**WHEREAS**, the Board held eight study sessions, two Planning Commission Sessions, one presentation at the El Dorado County Transportation Commission, five public outreach meetings, and ten focus group meetings between February 2015 and December 2016 that have informed the public on the Major CIP and TIM Program Update progress; and

**WHEREAS**, on December 7, 2015, the Board endorsed a revised list of road and circulation improvement projects to be constructed over the next 20 years that will accommodate forecasted growth, remove the employment cap on the El Dorado Hills Business Plan, and implement General Plan Policy TC-1 u which states: "The County shall amend the circulation diagram to include a new arterial

roadway from the west side of the El Dorado Hills Business Park to U.S. 50"; and

**WHEREAS**, the revised list of road and circulation improvement projects will necessitate an update to General Plan Figure TC-1 and General Plan Policies; and

**WHEREAS**, on December 7, 2015, the Board of Supervisors adopted Resolution of Intention 204-2015 to amend selected policies of the General Plan; and authorize staff to proceed with the preparation of all necessary documentation and environmental review requirements pursuant to the requirements of the California Environmental Quality Act (CEQA); and

**WHEREAS**, a Program Environmental Impact Report (EIR) has been prepared pursuant to CEQA to analyze the potential environmental impacts of the proposed Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County (hereafter referred to as the Project); and

**WHEREAS**, on February 5, 2016, the County commenced the environmental review process with issuance of a CEQA Notice of Preparation (NOP) for a 45-day review period soliciting written comments regarding the scope and content of the EIR for the proposed Project; and

**WHEREAS**, the County held a public scoping meeting to receive oral and written comments on the NOP in Placerville on March 3, 2016; and

**WHEREAS**, on March 24, 2016, the County issued a Notice of Availability (NOA) of a draft program EIR (SCH# 2016022018) for the Project for a 45-day public review period ending on July 5, 2016; and

**WHEREAS**, the County received public and agency written comments on the draft environmental documents during the public comment period; and

**WHEREAS**, in accordance with CEQA, all comments received on the draft program EIR during the public comment period were responded to and included in a Final EIR; and

**WHEREAS**, on October 27, 2016, the final EIR was provided, at a noticed public hearing, to the Planning Commission and was released for public review; and

**WHEREAS**, on October 27, 2016, the Planning Commission voted to recommend that the Board of Supervisors certify the final EIR; and

**WHEREAS**, on December 6, 2016, the Board of Supervisors held a noticed public hearing, pursuant to CA Government Code Sections 65090-65096 as applicable, to review and consider and receive testimony on the final EIR; and

**WHEREAS**, on December 6, 2016, the Board of Supervisors' deliberations were conducted as part of a public meeting held in accordance with CEQA and the Ralph M. Brown Act; and

**WHEREAS**, the final EIR identifies certain significant and unavoidable environmental impacts caused by the Project; and

**WHEREAS**, the Board of Supervisors desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental impacts that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the Project that the Board believes justifies the occurrence of those impacts; and

**THEREFORE, BE IT RESOLVED**, the Board of Supervisors of the County of El Dorado have received, reviewed, and considered the entire record, both written and oral, relating to the Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado, and associated Draft, Final Environmental Impact Report and finds as follows:

1. Pursuant to Section 15090 of the CEQA Guidelines, the Board of Supervisors hereby certifies that: a) the final EIR has been completed in compliance with CEQA; b) the final EIR was presented to the Board of Supervisors, and the Board reviewed and considered the information contained in the final EIR prior to approving the Project; and c) the final EIR reflects the independent judgment and analysis of the Board of Supervisors of the County of El Dorado; and
2. As set forth in Section 15043 of the CEQA Guidelines, a public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that: a) There is no feasible way to lessen or avoid the significant effect (see Section 15091) and b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project (see Section 15093). The Board of Supervisors hereby makes the decision to approve the Project with the findings and considerations as set forth more fully in Exhibit A (CEQA Findings of Fact) and Exhibit B (CEQA Statement of Overriding Considerations); and
3. Exhibit A of this Resolution provides findings of fact required under Section 15091 of the CEQA Guidelines for significant effects of the project, feasibility of mitigation measures, and feasibility of alternatives. The Board of Supervisors hereby adopts these various Findings of Fact attached hereto as Exhibit A and incorporates said findings herein by reference; and
4. Exhibit B of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The Board of Supervisors has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable adverse environmental effects. The Board of Supervisors, therefore, finds the economic, legal, social, technological, and other benefits of the project outweigh the adverse environmental effects of the project; therefore, the adverse environmental effects are deemed to be “acceptable” and the Board of Supervisors hereby adopts the Statement of Overriding Considerations attached hereto as Exhibit B; and
5. The Board of Supervisors has considered three alternatives for the Project: 1) No Project, 2) No Project: No Build, and 3) No Parallel Capacity Facilities, and found that the Project alternatives are infeasible for the reasons described in the Findings of Fact, and has concluded based on substantial evidence in the record that the Project the Board of Supervisors is approving, as set forth in Resolution No. 190-2016 (GPA resolution) and Ordinance No. 5045, and as reviewed in the final EIR can be feasibly implemented in light of economic, legal, social, technological, and other reasons, as discussed herein; and
6. After considering the EIR and in conjunction with making these findings, the Board of Supervisors hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County, Chapter 130 of the El Dorado County Code of Ordinances, may result in significant effects on the environment. However, the County has determined that any remaining significant effects on the environment, as set forth in Exhibit A, are found to be unavoidable under Section 15091 and acceptable under Section 15093; and
7. Exhibit C of this Resolution provides the Mitigation Monitoring and Reporting Program. Subsection (b) of CEQA Guidelines Section 15097 (14 California Code of Regulations 15097) provides that when the project at issue is the adoption of a general plan, “the monitoring plan shall apply to policies or any other portion of the plan that is a mitigation measure.” The subsection further provides that “[t]he annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of

... a county general plan.” Given this format, the Board of Supervisors has determined that no additional information or documentation is necessary or required. The Board of Supervisors hereby adopts Mitigation Monitoring and Reporting Program attached hereto as Exhibit C; and

- 8. Each finding and overriding consideration by itself constitutes a separate, independent, and severable overriding consideration warranting approval of the project, despite the unavoidable impact.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote of said Board:

Attest:  
James S. Mitrisin  
Clerk of the Board of Supervisors

Ayes:  
Noes:  
Absent:

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chair, Board of Supervisors

**RESOLUTION NO. 189-2016  
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
WESTERN SLOPE ROADWAY CAPITAL IMPROVEMENT PROGRAM AND  
TRAFFIC IMPACT MITIGATION FEE PROGRAM UPDATE; 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**

Lead Agency:

**County of El Dorado**  
**Community Development Agency**  
2850 Fairlane Court  
Placerville, CA 95667  
Contact: Claudia Wade  
(530) 621-5977

September 2016

## TABLE OF CONTENTS

I	Introduction.....	2
II	Project Location, Description and Objectives.....	4
III	Final Environmental Impact Report.....	6
IV	Discretionary Actions.....	6
V	Terminology of Findings.....	6
VI	Legal Effect of Findings.....	7
VII	Mitigation Monitoring and Reporting Program.....	7
VIII	Findings for Impacts Identified as Insignificant.....	7
IX	Findings for Impacts Identified as Significant but Mitigable.....	8
X	Findings for Impacts Identified as Significant and Unavoidable.....	24
XI	Findings Regarding Alternatives.....	27
XII	Findings on Cumulative Impacts.....	30



## I 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 Western Slope Roadway CIP and TIM Fee Program Update. The Statement of Facts and Findings is a set of findings that the Lead Agency identifies as significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three findings for each impact, and explains the reasoning behind the agency's findings.

The following statement of facts and findings has been prepared in accordance with CEQA and Public Resources Code Section 21081. *CEQA Guidelines* Section 15091 (a) provides 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.*

There are three possible finding categories available for the Statement of Facts and Findings pursuant to Section 15091 (a) of the *CEQA Guidelines*.

- (1) Changes or alterations have been required in, or incorporated into, the project which avoids or substantially lessens 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.*

The findings relevant to the Western Slope Roadway CIP and TIM Fee Program Update are presented in Sections V and VI. 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." Where a project will cause unavoidable significant impacts, the Lead Agency may still approve the project where its benefits outweigh the adverse impacts. As provided in the Statement of Overriding Considerations (attached in Exhibit B), the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The County of El Dorado, the CEQA Lead Agency, finds and declares that the Western Slope Roadway CIP and TIM Fee Program Update EIR has been completed in compliance with CEQA and the CEQA

## El Dorado County

Guidelines. The County of El Dorado finds and certifies that the Final EIR was reviewed and information contained in the EIR was considered prior to any approval associated with the proposed Western Slope Roadway CIP and TIM Fee Program Update.

Based upon review of the Final EIR, the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed project and represents the independent judgment of the County.

## II PROJECT LOCATION, DESCRIPTION, AND OBJECTIVES

The proposed project is the update of the Capital Improvement Program (CIP) list and Traffic Impact Mitigation (TIM) Fee for El Dorado County. The project area, the western, developed area of El Dorado County (known as the Western Slope), includes the parts of unincorporated El Dorado County that are outside the Tahoe basin, west of Echo Summit. The majority of proposed CIP projects would be generally near and along US Highway 50 (US 50), between the border of Sacramento and El Dorado counties and the community of Pollock Pines. Some of the proposed roadway and bridge repair/maintenance projects would be located more than two miles from US 50.

The CIP is the long-range plan for all individual capital improvement projects and funding sources in the County. The CIP provides strategic direction for capital projects over a current year, 5, 10, and 20 year horizon. It is used as a planning tool and updated periodically (as required by the County's General Plan Policy TC-Xb and Implementation Measure TC-A). The TIM Fee Program is used to fund needed improvements including roadway widening, new roadways, roadway intersection improvements, and pedestrian, bicycle, and transit facilities as appropriate, to accommodate travel demand from future land use growth during a defined time period (currently based on 20 years of growth). The TIM Fee funded improvements are a part of the CIP and the proposed TIM Fee Update would provide funding for traffic improvements necessary for all roadways as a result of growth in the county to operate at an acceptable Level of Service (LOS) under 2035 General Plan 20 year time horizon conditions, in accordance with the County's General Plan.

Typical non-TIM Fee funded improvement projects include bridge replacement/maintenance of off-system bridges, improvements to bicycle lanes/bike routes, sidewalks, pedestrian access and trails, safety improvements such as crosswalks or signage for pedestrians at intersections, drainage improvements, traffic safety improvements such as realignments, and improvements that increase capacity of roadways with existing operational deficiencies, such as road widenings or traffic signal interconnects.

The CIP and TIM Fee Program Update would also require an amendment to the County's General Plan Transportation and Circulation Element as a result of the CIP and TIM Fee Program Update. These changes are proposed in order to ensure that the CIP and TIM Fee Program Update are consistent with the General Plan. These proposed changes also include clean-up items, clarifications, and corrections to the Transportation and Circulation Element and Figure TC-1 as summarized below. If the General Plan Amendment to the Transportation and Circulation Element is approved, its provisions would be implemented in the context of the whole General Plan.

A primary objective is to maintain the required LOS of El Dorado County's roadway network. Based on General Plan requirements and previous County Board of Supervisors direction, the CIP and TIM Fee Program Update is intended to fulfill the following goal and objectives:

Goal: *Consistent with the County's General Plan Policy TC-Xb and Implementation Measures TC-A and TC-B, develop and maintain a 10- and 20-Year CIP as well as a 20-Year TIM Fee Program that maintains the required level of service (LOS) on the County's roadway network.*

## El Dorado County

### Objectives:

- *Plan a balanced transportation system that meets the needs of current and future County residents and visitors;*
- *Manage and plan for an increase in vehicle trips on local and state roads and highways throughout the County to facilitate a safe, efficient flow of vehicle traffic;*
- *Finance and construct necessary roadway improvements to provide a safe and reliable transportation network to accommodate growth pursuant to the County General Plan while maintaining acceptable level of service standards as required by the General Plan;*
- *Develop a legally-defensible 20 year CIP that is consistent with the General Plan and supports its implementation.*
- *Develop a legally-defensible TIM Fee Program that supports CIP implementation and is consistent with the Mitigation Fee Act (AB 1600).*
- *Reduce the TIM Fees to the extent possible while still achieving the objectives above.*

### III FINAL ENVIRONMENTAL IMPACT REPORT

The Western Slope Roadway CIP and TIM Fee Program Update Final EIR consists of the revised DEIR and the revisions made in response to comments on the DEIR. The Final EIR is a single document and its contents supersede those of the DEIR on which it is based.

**Record of Proceedings:** For the purposes of CEQA and the findings hereinafter set forth, the administrative records consist 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 which constitute the record of proceedings upon which these decisions are based is as follows:

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

### IV DISCRETIONARY ACTIONS

Approval of the proposed CIP and TIM Fee Program Update and the General Plan amendment (which is necessary in order to ensure that the Program is consistent with the General Plan) is at the discretion of the County Board of Supervisors. Since El Dorado County is the lead agency for the update to the CIP and TIM Fee Program and for most of the CIP projects on the CIP list, the County would be the lead agency and project sponsor overseeing the project's approval and implementation. Thus the following discretionary actions for approval of the CIP and TIM Fee Program Update and the General Plan amendment are as follows:

- Adoption of the General Plan Amendment, including amended land use designations
- Adoption of the CIP and TIM Fee Program Update
- Adoption of Ordinance No. 5045 and Resolution No. 191-2016 to adopt the CIP and TIM Fee Program Update

## **V 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 of Supervisors has also made a determination regarding whether the mitigation proposed 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. To the extent that significant adverse environmental impacts will not be reduced to a less than significant level with the adopted mitigation, the Board of Supervisors has found that specific economic, social, and other considerations support approval of the Western Slope Roadway CIP and TIM Fee Program Update. Those findings are reflected herein in the findings on impacts and mitigation measures below.

## **VI 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 findings made herein are made as separate, independent, and severable findings. Adoption of the statement of overriding considerations (as contained in Exhibit B) allows the Board of Supervisors to approve the Western Slope Roadway CIP and TIM Fee Program Update, even though it would result in significant and unavoidable impacts.

## **VII MITIGATION MONITORING AND REPORTING PROGRAM**

As required by the 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) (contained in Appendix D of the Final EIR). The MMRP is designed to ensure that, during all phases of the project, the County implements the adopted mitigation measures when applicable for future transportation improvement projects. The mitigation measures adopted in the Western Slope Roadway CIP and TIM Fee Program Update EIR findings are listed in Sections IX and X of these findings. Each mitigation measure identifies the parties responsible for implementation.

### **A. ENFORCEMENT**

CEQA requires mitigation measures to be “fully enforceable” through the use of permit conditions, agreements, or other measures within each Lead Agency’s authority (Public Resources Code 21081.6(b)). The adopted mitigation measures are programmatic first-tier mitigation that can and should be implemented by the County and/or other sponsor agencies during future project-specific design and environmental review. The Lead Agency for each future project is responsible for assuring the project-specific mitigation measures it adopts are enforceable.

### **B. IMPLEMENTATION AND REPORTING**

El Dorado County shall designate a staff person to serve as Coordinator for overall implementation and administration of this MMRP, and its application to future projects. The Coordinator will prepare an annual progress report on mitigation measure implementation. Mitigation measures will typically occur at, or prior to, the following milestones:

## El Dorado County

- *During individual environmental review.* These are measures that need undertaking during individual project-level environmental review of CIP and TIM Fee Program transportation projects. These measures include items such as assessment of identification of specific project level noise reduction measures, and measures to reduce impacts on biological resources.
- *Prior to issuance of a grading permit.* These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
- *During project construction.* These measures are those that need to occur as the project is being constructed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.
- *Following construction.* These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.).

## VIII FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines § 15126.4(a)(3)).

Section 4.0 of the EIR including Section 4.10 (Less than Significant Environmental Factors) explains why certain impacts were not found to be less than significant and therefore were not discussed in detail in the Program EIR, pursuant to CEQA Guidelines Section 15128.

## IX FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE

The County of El Dorado hereby finds that mitigation measures have been identified in the Western Slope Roadway CIP and TIM Fee Program Update EIR that will avoid or substantially lessen the following environmental impacts to a less than significant level. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the EIR. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows.

***Class II impacts are those which are significant but can be mitigated to less than significant by implementation of mitigation measures.***

### A. AESTHETICS (CLASS II)

1. **Impact AES-1.** Proposed transportation improvement projects under the updated CIP and TIM Fee Program are not located within any of the designated State scenic highway sections. While implementation of the transportation improvement projects would be predominantly at grade level or would repair or replace existing structures and would not degrade views from important scenic viewpoints, some proposed road widening projects on scenic roadways may result in moderate intrusions on the aesthetics of these roadways. Increases in the dimensions of existing routes could entail the removal of existing vegetation that lines scenic roadways, altering the foreground of scenic views. This would be a Class II, *significant but mitigable* impact.

- a. **Mitigation** - The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP.

## El Dorado County

Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**AES-1(a)** Where a particular transportation improvement project under the CIP and TIM Fee Program Update affects adjacent landforms, the project sponsor shall ensure that recontouring provides a smooth and gradual transition between modified landforms and existing grade.

**AES-1(b)** Where a particular transportation improvement project under the CIP and TIM Fee Program Update removes existing vegetation and/or trees, when feasible the project sponsor shall ensure that landscaping is installed to restore natural features along corridors after widening, interchange modifications, realignment, or construction of ancillary facilities. Associated landscape materials and design shall enhance landform variation, provide erosion control, and blend with the natural setting.

**AES-1(c)** The project sponsor shall ensure that a project in a scenic view corridor will have the minimum possible impact, consistent with project goals, upon foliage, existing landscape architecture and natural scenic views.

**AES-1(d)** For projects in visually sensitive areas, the project sponsor shall apply development standards and guidelines from the most current General Plan and County ordinances to maintain compatibility with surrounding natural areas, including site coverage, building height and massing, building materials and color, landscaping, and site grading.

**b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to pages 4.1-6 through 4.1-8 of the Final EIR.

**2. Impact AES-2.** Development of proposed transportation improvement projects under the CIP and TIM Fee Program Update would contribute to the alteration of the Western Slope of El Dorado County’s character from primarily rural (or semi-rural) to a somewhat more suburban condition. This would be a Class II, *significant but mitigable* impact.

**a. Mitigation** - The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**AES-2(a)** When feasible, roadway extensions and widenings shall avoid the removal of existing mature trees to the extent possible. The loss of trees that are protected by local agencies shall be replaced consistent with development standards and guidelines from the current (at the time of project approval) General Plan

and County ordinances and incorporated into the landscaping design for the roadway.

**AES-2(b)** Roadway lighting shall be minimized to the extent possible, and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of hoods, low intensity lighting, and using as few lights as necessary to achieve the goals of the project.

**AES-2(c)** Bus shelters and other ancillary facilities constructed as part of roadway improvements under the CIP and TIM Fee Program Update shall be designed in accordance with the County's architectural review requirements and per standards in accordance to the El Dorado County Transit Authority (EDCTA) that are in place at the time of project approval. Such facilities shall incorporate colors and wood materials complementary to the natural surroundings.

**b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to pages 4.1-5 through 4.1-8 of the Final EIR.

**3. Impact AES-3.** Development of proposed transportation improvement projects under the CIP and TIM Fee Program Update would contribute new sources of light and glare. This would be a Class II, *significant but mitigable* impact.

**a. Mitigation** - Implementation of mitigation measure AES-2(b) above would reduce potential impacts.

**b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to page 4.1-10 of the Final EIR.

## **B. AIR QUALITY (CLASS II)**

**1. Impact AQ-1.** Construction activities associated with transportation projects under the proposed CIP and TIM Fee Program Update would create fugitive dust and ozone precursor emissions and have the potential to result in temporary adverse impacts on air quality in El Dorado County. Impacts would be Class II, *significant but mitigable*.

**a. Mitigation** - The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**AQ-1(a)** Require the prime contractor to provide an approved plan demonstrating that heavy-duty (i.e., greater than 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor,

will achieve, at a minimum, a fleet-averaged 20% NOx reduction compared to the most recent Air Resource Board (ARB) fleet average. Successful implementation of this measure requires the prime contractor to submit a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. Usually the inventory includes the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. In addition, the inventory list is updated and submitted monthly throughout the duration of when the construction activity occurs.

**AQ-1(b)** Stipulate that the prime contractor ensure emissions from all off-road diesel powered equipment used on the project site do not exceed the requirements of the current (at the time of project approval) EDCAQMD Rule 202. As an enforcement component of the measure, the prime contractor is required to agree to a visual survey of all in-operation equipment conducted on a periodic basis. In addition, a summary of the visual results is submitted throughout the duration of the construction activity. Usually, the summary includes the quantity and type of vehicles surveyed as well as the dates of each survey. EDCAQMD and other qualified officials may conduct periodic site inspections to determine compliance. In the case where any equipment found exceeds the opacity requirement, it would require immediate repair and notification of noncompliant equipment to EDCAQMD.

**AQ-1(c)** Idling times will be minimized by shutting off equipment when it is not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage will be provided for construction workers at all access points.

**AQ-1(d)** All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.

**b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to pages 4.2-10 through 4.2-11 of the Final EIR.

## **C. BIOLOGICAL RESOURCES (CLASS II)**

- 1. Impact B-1.** Implementation of transportation improvements proposed by the CIP and TIM Fee Program Update may result in impacts to special status plant and animal species. Impacts would be Class II, *significant but mitigable*.



El Dorado County

- a. Mitigation** - The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**B-1(a) Biological Resources Screening and Assessment.**

Prior to final design approval of individual projects, the sponsor agency shall have a qualified biologist conduct a field reconnaissance of the environmental limits of the project in an effort to identify any biological constraints for the project, including special status plants, animals, and their habitats, as well as protected natural communities including wetland and terrestrial communities. If the biologist identifies protected biological resources within the limits of the project, the sponsor agency shall first prepare alternative designs that seek to avoid and/or minimize impacts to the biological resources. If the project cannot be designed without complete avoidance, the sponsor agency shall coordinate with the appropriate regulatory agency (i.e. USFWS, NMFS, CDFW, USACE) to obtain regulatory permits and implement project - specific mitigation prior to any construction activities. If restoration is necessary to mitigate impacts, sensitive plants and habitat, impacts should be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration and a restoration plan shall be prepared and submitted to the jurisdiction overseeing the project for approval.

**B-1(b) Non-Listed Special Status Animal Species Avoidance and Minimization.**

Depending on the species identified in the BRA (under Mitigation Measure B-1(a)), measures shall be selected from among the following to reduce the potential for impacts to non-listed special status animal species that may be discovered during construction activity:

- For non-listed special-status terrestrial amphibians and reptiles, coverboard surveys shall be completed within three months of the start of construction and if species are collected, relocation of the species to suitable site shall be completed.
- Pre-construction clearance surveys shall be conducted prior to start of construction (including staging and mobilization). If necessary, all non-listed special-status species shall be relocated from the site either through direct capture or through passive exclusion (e.g., American badger). A report of the pre-construction survey shall be submitted to the lead agency for their review and approval prior to the start of construction.
- A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal to recover special status animal species unearthed by construction activities.

- Upon completion of the project, a qualified biologist shall prepare a Final Compliance report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted within 30 days of completion of the project.
- b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.
- c. Supportive Evidence** – Please refer to pages 4.3-22 through 4.1-24 of the Draft EIR.
- 2. Impact B-2.** Implementation of transportation improvements proposed by the CIP and TIM Fee Program Update may result in impacts to sensitive habitats, including federally protected wetlands. This impact would be Class II, *significant but mitigable*.
- a. Mitigation** - The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**B-2(a) Jurisdictional Delineation.**

Prior to approval of individual projects, the sponsor agency shall retain a qualified biologist to perform an assessment of the project area to identify wetlands, riparian, and other sensitive aquatic environments. If wetlands are present the qualified biologist shall perform a wetland delineation following the 1987 Army Corps of Engineers Wetlands Delineation Manual and any current and applicable regional supplements to the Delineation Manual. The wetland delineation shall be submitted to the USACE for verification.

**B-2(b) Wetlands, Riparian, or Other Sensitive Aquatic Environments.**

If wetlands, riparian, or other sensitive aquatic environments are found within the project limits, the sponsor agency shall design or modify the project to avoid direct and indirect impacts on these habitats, if feasible. Additionally, the sponsor agency shall minimize the loss of riparian vegetation by trimming rather than removal where feasible. Techniques to avoid impacts to environmentally sensitive areas should include the use of orange construction barrier fencing and temporary fencing to identify environmentally sensitive areas and stabilizing exposed soils/slopes after construction activity with erosion control treatments.

**B-2(c) Restoration of Habitat.**

If wetlands or riparian habitat are disturbed as part of an individual project, the sponsor agency shall compensate for the disturbance to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site -specific information and determined through coordination with state, federal, and

local agencies as part of the permitting process for the project. The sponsor agency shall develop and implement a restoration and monitoring plan that describes how the habitat shall be created and monitored over a minimum period of time.

**b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to pages 4.3-24 through 4.3-26 of the Final EIR.

**3. Impact B-3.** Implementation of transportation improvements proposed by the CIP and TIM Fee Program Update may impact wildlife movement, including fish migration, and/or impede the use of a native wildlife nursery. This impact would be Class II, *significant but mitigable*.

**a. Mitigation** - The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measure, or one of equal or greater efficacy:

**B-3(a) Design Measures.**

Prior to design approval of individual projects that contain movement habitat such as the use of long segments of fencing and lighting, the sponsor agency shall incorporate economically viable design measures, as applicable and necessary and as determined by a qualified biologist, to allow wildlife or fish to move through the transportation corridor, both during construction activities and post construction. Such measures may include appropriately spaced breaks in a center barrier, the use of hoods to direct light away from natural habitat, using low intensity lighting, or other measures that are designed to allow wildlife to move through the transportation corridor. If the project cannot be designed with these design measures (i.e. due to traffic safety, etc.) the sponsor agency shall coordinate with the appropriate regulatory agency (i.e. USFWS, NMFS, CDFW) to obtain regulatory permits and implement alternative project-specific mitigation prior to any construction activities.

**b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to pages 4.3-26 through 4.3-27 of the Final EIR.

**D. CULTURAL RESOURCES (CLASS II)**

**1. Impact CR-2** – Implementation of proposed transportation improvements could disturb unknown human remains during construction activity. Impacts would be Class II, *significant but mitigable*.

**a. Mitigation** – The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially

## El Dorado County

significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measure, or one of equal or greater efficacy:

### **CR-2 Implement Stop-Work and Consultation Procedures Mandated by Public Resources Code 5097.**

In the event of discovery or recognition of any human remains during construction or excavation activities, the sponsor agency shall cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the following steps are taken:

- The El Dorado County Coroner has been informed and has determined that no investigation of the cause of death is required.
- If the remains are of Native American origin, the following steps will be taken:
  - The coroner will contact the Native American Heritage Commission who will assign a Most Likely Descendant (MLD). The coroner will make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.
  - The sponsor agency or its authorized representative will retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:
    - The Native American Heritage Commission is unable to identify a MLD.
    - The MLD identified fails to make a recommendation.
    - The sponsor agency or its authorized representative rejects the recommendation of the MLD, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

**b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to page 4.4-14 through 4.4-15 of the Draft Program EIR.

## **E. GEOLOGY AND SOILS (CLASS II)**

El Dorado County

1. **Impact G-1.** Some projects under the proposed CIP and TIM Fee Program Update could be at risk from seismic activity. Although fault rupture and seismically induced liquefaction do not pose a substantial threat in El Dorado County, ground-shaking may affect some projects. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** – The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**G-1 Geotechnical Standards.**

The project sponsor shall ensure that bridge-related projects are designed and constructed to the latest (at the time of project approval) geotechnical standards. In most cases, this will necessitate site-specific geologic and soils engineering investigations performed by a qualified geotechnical expert to satisfy or exceed state and/or code requirements for high groundshaking zones. This can be accomplished through the placement of conditions on the project by the project sponsor during individual environmental review.

**G-2 Slope Stabilization.**

If a project involves cut slopes over 15 feet in height, the County shall ensure that specific slope stabilization studies are conducted. If stabilization is necessary, possible stabilization methods include buttresses, retaining walls and soldier piles which should be implemented prior to construction and/or operation of the transportation improvement project.

b. **Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

c. **Supportive Evidence** – Please refer to page 4.5-7 through 4.5-9 of the Final EIR.

2. **Impact G-3.** Some projects under the proposed update to the CIP and TIM Fee Program may be located on unstable soils. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation** – The lead agency shall perform initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement Mitigation Measure G-2 above, or one of equal or greater efficacy.

b. **Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

c. **Supportive Evidence** – Please refer to page 4.5-10 of the Final EIR.

**E. GREENHOUSE GAS EMISSIONS (CLASS II)**

El Dorado County

- 1. Impact GHG-1.** Construction of the transportation improvement projects included in the proposed update to the CIP and TIM Fee Program would generate temporary short-term GHG emissions. Impacts would be Class II, *significant but mitigable*.

- a. Mitigation** – The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measure, or one of equal or greater efficacy:

**GHG-1**

The project sponsor shall ensure that applicable GHG-reducing diesel particulate and NOX emissions measures for off-road construction vehicles are implemented during construction. The measures shall be noted on all construction plans and the project sponsor shall perform periodic site inspections. Applicable GHG reducing measures include the following:

- Configure on-site construction parking to minimize traffic interference and to ensure emergency vehicle access;
- Provide temporary traffic control during appropriate phases of construction activities to improve traffic flow;
- Use best efforts to minimize truck idling to not more than two minutes during construction;
- Apply non-toxic soil stabilizers (according to manufacturers' specifications) to all inactive areas;
- During construction, replace ground cover in disturbed areas as quickly as possible;
- When feasible, during the period of construction, install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip;
- When feasible, during the period of construction, reduce traffic speeds on all unpaved roads to 15 mph or less;
- When feasible, pave all construction access roads onto the site from permanent roadways;
- On Caltrans projects, the most current (at the time of project approval) Caltrans Standard Specifications 10-Dust Control, 17-Watering, and 18-Dust Palliative shall be incorporated into project specifications when appropriate;
- When feasible, avoid project designs requiring significant amounts of material, such as excavated soil and construction debris, to be transported from the site to disposal facilities; and
- When feasible, employ a balanced cut/fill ration on construction sites, thus reducing haul-truck trip emissions.

- b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

- c. Supportive Evidence** – Please refer to pages 4.6-11 through 4.6-12 of the Draft Program EIR

**F. HYDROLOGY AND WATER RESOURCES (CLASS II)**

El Dorado County

1. **Impact W-1.** Implementation of proposed transportation improvements under the CIP and TIM Fee Program Update could result in soil erosion and contaminants in runoff, which could degrade surface and groundwater quality. This impact is considered Class II, *significant but mitigable*.

- a. **Mitigation** – The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**W-1(a)                    Application Plans.**  
Fertilizer/pesticide application plans for any new right-of-way landscaping shall be prepared to minimize deep percolation of contaminants. The plans shall specify the use of products that are safe for use in and around aquatic environments.

**W-1(b)                    Post-Construction Measures.**  
For any widening or roadway extension project, the improvement shall design post-construction measures per the Phase II MS4 Permit in place at the time of project approval to direct runoff into subsurface percolation basins and traps or other methods that would allow for the removal of urban pollutants, fertilizers, pesticides, and other chemicals and encourage groundwater recharge to the MEP. Qualifying projects shall also be designed to meet the MS4 Hydromodification Management requirements in place at the time of project approval to the MEP.

**W-1(c)                    Stormwater Pollution Prevention Plan (SWPPP).**  
For any project that would disturb one acre or more or is part of a larger common plan of development, a SWPPP shall be developed per State and County standards prior to the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific BMPs designed by a qualified professional to control the discharge of material from the site and into the creeks and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers. For any project disturbing less than one acre, and ESCP shall be prepared per County standards in place at the time of project approval.

- b. **Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.
- c. **Supportive Evidence** – Please refer to pages 4.7-12 through 4.7-14 of the Final EIR.

El Dorado County

2. **Impact W-2.** Implementation of proposed transportation improvements facilitated by the CIP and TIM Fee Program Update could be subject to flood hazards due to storm events and/or dam failure. Impacts are considered Class II, *significant but mitigable*.

- a. **Mitigation** – The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**W-2(a) Minimizing Flood Risk.**

If a project is located in an area with high flooding potential due a storm event or dam inundation, the structure shall be elevated at least one foot above the 100-year flood zone elevation and bank stabilization and erosion control measures shall be implemented along creek crossings.

**W-2(b) Flood Risk Communication Strategy.**

For projects within a dam failure inundation hazard zone, a comprehensive flood risk communication strategy shall be developed, which would include an evacuation plan and/or an Emergency Action Plan and promote dam failure risk awareness and safety.

- b. **Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.
- c. **Supportive Evidence** – Please refer to pages 4.7-14 through 4.7-15 of the Draft Program EIR.

**G. NOISE (CLASS II)**

1. **Impact N-1.** Construction activity associated with transportation improvement projects envisioned by the proposed CIP and TIM Fee Program Update would create temporary noise level increases and vibration in discrete locations along existing roadways in the Western Slope of El Dorado County. Impacts would be Class II, *significant but mitigable*.

- a. **Mitigation** – The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**N-1(a)** The project sponsor shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites, appropriate measures shall be implemented to ensure consistency with local noise ordinance requirements relating to construction. Specific techniques may include, but are not limited to, restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.



**N-1(b)** If a particular project within 800 feet of sensitive receptors requires pile driving, the County or project sponsor shall require the use of pile drilling techniques instead, where feasible. This shall be accomplished through the placement of conditions on the project during its individual environmental review.

**N-1 (c)** Project sponsors shall ensure that equipment and trucks used for project construction utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).

**N-1(d)** Project sponsors shall ensure that impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for project construction be hydraulically or electrical powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.

**N-1(e)** Locate stationary noise sources as far from sensitive receptors as possible. Stationary noise sources that must be located near existing receptors will be adequately muffled.

**b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.

**c. Supportive Evidence** – Please refer to pages 4.8-6 through 4.8-9 of the Draft Program EIR.

**2. Impact N-2.** Implementation of the proposed update to the CIP and TIM Fee Program would increase traffic-generated noise levels in El Dorado County on highways and roadways that could expose sensitive receptors to noise in excess of normally acceptable levels. This is a Class II, *significant but mitigable*, impact.

**a. Mitigation** – The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP. Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

**N-2(a)** The project sponsor shall complete detailed noise assessments using applicable guidelines at the time of project approval (e.g., the California Department of Transportation Traffic Noise Analysis Protocol for roadway projects). The noise survey shall be sufficient to indicate

existing and projected noise levels, to determine the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards. This shall be accomplished during the project's individual environmental review as necessary.

**N-2(b)**

Where new or expanded roadways or transit are found to expose receptors to noise exceeding normally acceptable levels, the individual project sponsor shall consider various sound attenuation techniques. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) will be considered. Long expanses of walls or fences should be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided. Whenever possible, a combination of elements should be used, including open grade paving, solid fences, walls, and landscaped berms. Determination of appropriate noise attenuation measures will be assessed on a case-by-case basis during a project's individual environmental review pursuant to the regulations of the applicable lead agency.

- b. Findings** – Implementation of the measures would reduce potential impacts to a less than significant level.
- c. Supportive Evidence** – Please refer to pages 4.8-9- through 4.8-11 of the Final EIR.

**X FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE**

The County of El Dorado hereby finds mitigation measures that have been identified in the Western Slope Roadway CIP and TIM Fee Program Update EIR that will lessen the following significant environmental impacts but not to a less than significant level. These findings are based on the discussion of impacts in the detailed issue area analyses in Section 4.0 of the EIR.

*The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:*

**A. CULTURAL RESOURCES (CLASS I)**

- 1. Impact CR-1.** Implementation of proposed transportation improvements under the CIP and TIM Fee Program Update could disturb known and unknown cultural resources. Impacts to archaeological and paleontological resources would be Class II, significant but mitigable and impacts to historical resources would be Class I, *significant and unavoidable*.

- a. Mitigation** – The lead agency shall perform an initial review to determine the appropriate level of CEQA analysis necessary for each project identified in the CIP.

## El Dorado County

Should that initial review conclude that the project would result in the potentially significant impact described herein, El Dorado County (or the project sponsor) shall implement the following mitigation measures, or one of equal or greater efficacy:

- CR-1(a)** Improvement projects involving earth disturbance, the installation of pole signage or lighting, or construction of permanent above ground structures or roadways shall ensure that the following elements are included in the project's individual environmental review:
1. Prior to construction, a map defining the project site shall be prepared on a project by project basis for improvements which involve earth disturbance, the installation of pole signage or lighting, or construction of permanent above ground structures. This map will indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known archaeological, paleontological or historical resources are located within the impact zone.
  2. A preliminary study of each project area, as defined in the Area of Potential Effects (APE), shall be completed to determine whether or not the project area has been studied under an earlier investigation, and to determine the impacts of the previous project.
  3. If the results of the preliminary studies indicate additional studies are necessary; development of field studies and/or other documentary research shall be developed and completed (Phase I studies). Negative results would result in no additional studies for the project area.
  4. Based on positive results of the Phase I studies, an evaluation of identified resources shall be completed to determine the potential eligibility/significance of the resources (Phase II studies).

Based on the evaluations of the Phase II studies, if necessary Phase II mitigation studies shall be coordinated with the Office of Historic Preservation (OHP), as the research design will require review and approval from the OHP. In the case of prehistoric or Native American related resources, the Native American Heritage Commission and/or local representatives of the Native American population shall be contacted and permitted to respond to the testing/mitigation programs.

- CR-1 (b)** If development of the proposed improvement requires the presence of an archaeological, Native American, or paleontological monitor, the County shall ensure that a Native American monitor, certified archaeologist, and/or certified paleontologist, as applicable, has an opportunity to monitor the grading and/or other initial ground altering activities. The schedule and extent of the monitoring will depend on the grading

schedule and/or extent of the ground alterations. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

**CR-1(c)** The project sponsor shall ensure that materials recovered over the course of any given improvement are adequately cleaned, labeled, and curated at a recognized repository. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

**CR-1(d)** The project sponsor shall ensure that mitigation for potential impacts to significant cultural resources includes one or more of the following:

- Realign the project right-of-way (avoidance; the most preferable method).
- Cap the site and leave it undisturbed.
- Address structural remains with respect to the most current (at the time of project approval) National Register of Historic Places (NRHP) guidelines (Phase III studies).
- Relocate structures per current (at the time of project approval) NRHP guidelines.
- Create interpretative facilities at the site.
- Develop measures to prevent vandalism.
- These measures can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

**CR-1(e)** The project sponsor shall ensure that mitigation for potential impacts to significant historical structures examine preservation alternatives designed to prevent impacts such as adjacent construction and or rehabilitation.

**b. Findings** – Implementation of the measures would reduce impacts to archaeological and paleontological resources to a less than significant level. However, impacts related to historic structures would remain significant and unavoidable.

**c. Supportive Evidence** – Please refer to pages 4.4-11 to 4.4-14 of the Final EIR.

## **XI FINDINGS REGARDING ALTERNATIVES**

### **A. LEGAL REQUIREMENTS FOR ALTERNATIVES**

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives...which would substantially lessen the significant environmental effects of such projects.” “Feasible” means “capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social, and technological factors” (CEQA Guidelines § 15364). The concept of feasibility also encompasses whether a particular alternative promotes the Project’s underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates

## El Dorado County

whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decisionmakers. When CEQA findings are made after EIR certification, the lead agency decisionmaking body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (See *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that impact. (See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515.) Nevertheless, Section 6.0 of the EIR and these Findings of Fact do consider the ability of potentially feasible alternatives to substantially reduce all of the Project’s significant impacts, even those impacts reduced to less-than-significant levels through adoption of mitigation measures.

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6(a)). In all cases, the consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed project; and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological, or other considerations that make the alternative infeasible. (Pub. Res. Code §§21002, 21002.1; CEQA Guidelines §15092.)

The proposed Western Slope Roadway CIP and TIM Fee Program Update alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen project impacts, or because they were required under CEQA Guidelines (e.g., the No Project alternative). The project and alternatives are described in more detail in the Western Slope Roadway CIP and TIM Fee Program Update EIR and Appendices thereto.

Four alternatives are considered for the proposed Western Slope Roadway CIP and TIM Fee Program Update: Alternative 1: 2035 No Project, Alternative 2: No Project – No Build, Alternative 3: No Parallel Capacity Projects, and Alternative 4: Historical Growth. These alternatives are described below.

**Alternative 1: 2035 No Project.** The No Project alternative represents the continued implementation of the currently approved CIP and TIM Fee Program without any update to the project list. No further transportation projects would be added to the existing CIP project list and no updated TIM Fee projects would be implemented. Further, no CIP or TIM Fee projects on the existing CIP list would be removed from the current project list. Implementation of the No Project alternative would lead to a net increase in the amount of transportation improvement projects constructed throughout the Western Slope. The No Project alternative would not remove 28 projects currently on the CIP list and not add three new CIP projects (thus a net increase of 24 projects compared to the proposed CIP and TIM Fee Program Update). In addition, the actual TIM Fees would be the same as the current fees (thus no adjustment). Analysis of this alternative is based on the estimated year 2035 population projections envisioned under the current General Plan (which includes the 2015 amendments).

**Alternative 2: No Project - No Build.** The No Project - No Build alternative assumes there would be no update to the CIP or TIM Fee Program and no further construction of any CIP projects that are planned within the currently approved CIP and TIM Fee Program. Therefore, no further transportation improvement projects would be constructed within the Western Slope of El Dorado County and the physical conditions of transportation facilities would remain as is under the 2015 baseline. Analysis of this alternative is based on the estimated year 2035 population projections envisioned under the current General Plan (which includes the 2015 amendments).

## El Dorado County

**Alternative 3: No Parallel Capacity Projects.** The No Parallel Capacity Projects alternative assumes that the proposed parallel facility projects would be removed from the project list and not implemented under the Western Slope Roadway CIP and TIM Fee Program Update. “Parallel Capacity Project” refers to an alternate roadway that serves the same corridor as another (typically primary) roadway. Thus, for the No Parallel Capacity Projects alternative, the following five projects would not be included on the CIP list: Saratoga Way Extension, Country Club Drive Extension (three segments), Country Club Drive Realignment, Diamond Springs Parkway, Latrobe Connection, and Headington Road Extension.

**Alternative 4: Historical Growth.** The Historical Growth alternative assumes that growth in the Western Slope through the year 2035 would occur in a similar manner as the historical growth based on actual building permit data compiled by the County from 2000 to 2011 for residential development in the Western Slope area. The historical growth data indicated that there was a 1.03% growth rate in that time frame. Both the proposed CIP and TIM Fee Program Update and the Historical Growth alternative assume the same growth rate of 1.03% per year. However, the distribution of that growth between 2000 and 2011 included approximately 58% of development occurring in the Community Regions and approximately 42% occurring in the Rural Regions and Rural Centers. Thus, under this alternative, the distribution of growth in the Western Slope would occur in a different manner as opposed to the estimated distribution under the proposed CIP and TIM Fee Program Update which assumes the distribution of growth would be approximately 75% in the Community Regions and 25% in the Rural Region and Rural Centers.

## B. FINDINGS ON ALTERNATIVES

The following project alternatives identified in the Environmental Impact Report are rejected for the following reasons. Evidence supporting the below analysis is presented in EIR Section 6.0.

The No Project Alternative (Alternative 1) would not be considered environmentally superior overall. This alternative would result in a net increase of transportation projects and therefore would result in the more construction-related impacts and impacts associated with ground disturbance compared to the CIP and TIM Fee Program Update. In addition, total VMT, emissions of air pollutants, GHG emissions, and traffic congestion impacts would be greater with this alternative as compared to the CIP and TIM Fee Program Update.

The No Project – No Build Alternative (Alternative 2) would not be considered environmentally superior overall. Although it would entail the fewest projects (as it would not construct any projects) and therefore result in the fewest construction-related impacts and impacts associated with ground disturbance, many of the transportation improvements under the CIP and TIM Fee Program Update would not occur. As a consequence, total VMT, emissions of air pollutants, GHG emissions, and traffic congestion impacts would be greater with this alternative as compared to the CIP and TIM Fee Program Update. Further implementation of this alternative and achievement of maintaining required LOS throughout the County may not be feasible as no projects would be built to accommodate growth in the County.

Alternative 3, the No Parallel Capacity alternative, would be considered environmentally superior overall. It would entail the elimination of all parallel capacity projects. Therefore, impacts related to ground disturbing activities such as biological and cultural impacts and water quality impacts would be reduced. Impacts to aesthetic resources would also be less because of the reduction in the amount of new roadways in the County. Further, construction impacts relating to air quality and GHG emissions, as well as construction generated noise, would be less than the proposed CIP and TIM Fee Program Update due to an overall reduction in VMT. Operational air quality and GHG emissions and traffic generated noise would also be slightly less than the proposed CIP and TIM Fee Program Update as a result of decreased VMT. However, by eliminating the parallel capacity projects, more traffic would be routed to US 50 going through the County, therefore potentially increasing highway congestion.

## El Dorado County

Under Alternative 4, the Historical Growth alternative, growth would be distributed in a manner in which there would be less residential development in the existing urban areas of the County, and more growth would be concentrated in the rural areas. However, the project list included under the CIP and TIM Fee Program Update would not change (the project list would just be reprioritized). This alternative would perform generally similar to the proposed project under most categories and is considered to be environmentally equivalent to the proposed project. VMT may be slightly reduced under this alternative, overall a reduction of 32,445 VMT from 4,863,521 and thus impacts related to air quality emissions, GHG emissions, and traffic congestion would be slightly improved. Additionally, since this alternative would not reduce or increase the amount of transportation improvement projects, there would be no change to the amount of habitat impacted or aesthetic and cultural resources impacted and impacts to geologic hazards, hydrology and water quality, and noise would not be changed.

Based on the information presented herein, the No Parallel Capacity alternative (Alternative 3) is determined to be the environmentally superior alternative when considering overall environmental impact relative to the project goals of the CIP and TIM Fee Update. However, as discussed above, elimination of parallel capacity projects would route more traffic onto US 50. Despite reducing overall VMT within the County, by eliminating alternative routes and routing more traffic to US 50, this alternative would not achieve the goal to maintain the required LOS on certain portions of the County's roadway network. Therefore, implementation of this alternative and achievement of maintaining required LOS throughout the County may not be feasible.

## **XII FINDINGS ON CUMULATIVE IMPACTS**

### **A. INTRODUCTION**

Section 4.0 of the EIR includes an analysis of both project-specific and cumulative impacts of the proposed project, as required by CEQA. This EIR analyzes the effects of cumulative buildout of the Western Slope Roadway CIP and TIM Fee Program Update. The proposed project considers probable future projects included in the range of transportation projects designed to meet the plan goals and current and projected future needs, and the Final EIR analyzes the cumulative impacts of these projects. The cumulative effects of all probable future circulation system improvements are included in the analysis of the proposed project's impacts.

In Section 4.0, thresholds of significance for cumulative impacts are the same as those for direct, project-specific impacts, as authorized by CEQA case law. (*See Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059.) When project-specific impacts are judged to be significant, they also by definition are considered "cumulatively considerable" incremental contributions to significant cumulative impacts. (See CEQA Guidelines Section 15130(a).) Mitigation measures adopted for project-specific impacts in Sections IV and V of these findings also are feasible options for mitigating the proposed project's incremental contribution to significant cumulative effects. (See CEQA Guidelines Section 15130(b)(5).)

### **B. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT'S INCREMENTAL CONTRIBUTION HAS BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS (CLASS II IMPACTS)**

- Impact AES-1; Mitigation Measures AES-1(a)-(d)
- Impact AES-2; Mitigation Measures AES-2(a)-(c)
- Impact AES-3; Mitigation Measure AES-2(b)
- Impact AQ-1; Mitigation Measures AQ-1(a)-(d)
- Impact B-1; Mitigation Measures B-1(a)-(b)
- Impact B-2; Mitigation Measures B-2(a)-(c)
- Impact B-3; Mitigation Measure B-3

El Dorado County

- Impact CR-2; Mitigation Measure CR-2
- Impact G-1; Mitigation Measures G-1 and G-2
- Impact G-3; Mitigation Measures G-2
- Impact GHG-1; Mitigation Measures GHG-1
- Impact W-1; Mitigation Measures W-1(a)-(c)
- Impact W-2; Mitigation Measures W-2(a)-(b)
- Impact N-1; Mitigation Measures N-1(a)-(e)
- Impact N-2; Mitigation Measures N-2(a)-(b)

**C. FINDINGS FOR SIGNIFICANT CUMULATIVE IMPACTS FOR WHICH PROJECT'S INCREMENTAL CONTRIBUTION HAS NOT BEEN MITIGATED TO LESS THAN SIGNIFICANT LEVELS (CLASS I IMPACTS)**

- Impact CR-1; Mitigation Measures CR-1(a)-(e)



**RESOLUTION NO. 189-2016  
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
WESTERN SLOPE ROADWAY CAPITAL IMPROVEMENT PROGRAM AND  
TRAFFIC IMPACT MITIGATION FEE PROGRAM UPDATE; MAKING  
ENVIRONMENTAL FINDINGS OF FACT; ADOPTING A STATEMENT OF  
OVERRIDING CONSIDERATIONS; AND APPROVING THE MITIGATION  
MONITORING AND REPORTING PROGRAM**

**Exhibit B**

**CEQA Statement of Overriding Considerations**

Lead Agency:  
**County of El Dorado**  
**Community Development Agency**  
2850 Fairlane Court  
Placerville, CA 95667  
Contact: Claudia Wade  
(530) 621-5977

September 2016

# TABLE OF CONTENTS

## CEQA STATEMENT OF OVERRIDING CONSIDERATIONS

SECTION A. ....	2
GENERAL INTRODUCTION .....	2
SIGNIFICANT AND UNAVOIDABLE IMPACTS.....	2
Cultural Resources (Section 4.4).....	2
SECTION B. ....	2
SPECIFIC FINDINGS .....	2
Project Benefits Outweigh Unavoidable Impacts.....	2
Balancing Competing Goals.....	2
SECTION C. ....	3
OVERRIDING CONSIDERATIONS .....	3
SECTION D. ....	3
CONCLUSION .....	3

## **SECTION A.**

### **INTRODUCTION**

When approving a project that is evaluated in a Final Environmental Impact Report (EIR) and that would result in significant, unavoidable environmental impacts, the County must adopt a Statement of Overriding Considerations that balances the project's economic, legal, social, technological, or other benefits against its unavoidable environmental risks. (CEQA Guidelines Section 15093)

The Western Slope Roadway CIP and TIM Fee Program Update does not propose any site-specific development projects. It is analyzed at a program level from the point of view of the future implementation of the General Plan. The baseline for the analysis uses existing conditions, in accordance with CEQA Guidelines Section 15125. This section states that: "(the) environmental setting will normally constitute the baseline physical conditions by which a lead agency determines when an impact is significant." Accordingly, the Western Slope Roadway CIP and TIM Fee Program Update EIR has examined the potential impacts in comparison to existing conditions.

The Board of Supervisors has considered the information contained in the Final EIR prepared for this project, and has fully reviewed and considered the public testimony and record of this proceeding. The Board of Supervisors has carefully balanced the benefits of adoption of the Western Slope Roadway CIP and TIM Fee Program Update against the unavoidable adverse impact identified in the Final EIR. It has also adopted as part of the project the mitigation measures identified in the Final EIR. Notwithstanding the disclosure of impacts identified in the Final EIR as significant and potentially significant, which have not been eliminated or mitigated to a less-than-significant level, the Board of Supervisors, acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the project outweigh the significant unmitigated adverse environmental impacts.

### **SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The Western Slope Roadway CIP and TIM Fee Program Update Final EIR identified one significant environmental impact that cannot be mitigated to a less than significant level. This impact is listed below and described in Section 4.4 of the Final EIR.

#### **Cultural Resources (Section 4.4)**

- CR-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

## **SECTION B.**

### **SPECIFIC FINDINGS**

#### **Project Benefits Outweigh Unavoidable Impacts**

The unavoidable and irreversible impacts of the project are acceptable in light of the legal and social considerations set forth herein because the benefits of the project outweigh its significant and unavoidable or irreversible adverse environmental impact.

#### **Balancing Competing Goals**

In its role as the County's legislative body, the Board of Supervisors balances competing goals in approving the Western Slope Roadway CIP and TIM Fee Program Update. The project identifies and prioritizes future transportation investments that will be required to meet El Dorado County's existing and future transportation needs for the next 20 years in light of the anticipated growth and planned development assumed to occur in the County's General Plan. The project also ensures that TIM Fees are

based on the total cost of transportation improvements needed to accommodate this growth and assumed local/state/federal revenue streams anticipated to be available to the County for transportation improvements. The proposed CIP and TIM Fee Update would provide funding for traffic improvements necessary for all roadways in the County to operate at an acceptable Level of Service (LOS) under the 2035 General Plan 20-year time horizon conditions, in accordance with the existing General Plan.

## SECTION C.

### OVERRIDING CONSIDERATIONS

The Board of Supervisors adopts and makes this statement of overriding considerations concerning the project's unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts. The EIR has identified and discussed significant effects that may occur as a result of the project. As set forth in the CEQA Findings (Exhibit A), the County has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project and has made specific findings on each of the project's significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the EIR, most of the project's effects can be mitigated to a level of less than significant. However, even with implementation of all feasible mitigation, the project will result in one significant and unavoidable impact:

1. Implementation of the Western Slope Roadway CIP and TIM Fee Program Update would impact historic structures. (Impact CR-1)

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the adverse significant environmental effects of the project to the extent feasible, having considered the entire administrative record on the project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, the Board of Supervisors hereby finds that the following legal, economic, and social benefits of the project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, the unavoidable impact to historic structures.

#### *Legal*

State Law and General Plan Consistency: Consistent with state law and General Plan policies (specifically General Plan Policy TC-Xb and Implementation Measure TC-A), the County completes minor updates to its CIP list every year and completes a major update approximately every five years to ensure that the CIP list is appropriate and reasonable based on current market conditions and costs of construction/investment. The project will finance and construct necessary roadway improvements to provide a safe and reliable transportation network to accommodate growth pursuant to the County General Plan while maintaining acceptable level of service standards as required by the General Plan.

Funding for most CIP projects is provided from a variety of sources including state and/or federal grants. However, funding for the portion of the CIP related to new development in the County is financed by the TIM Fee Program, which is required by County General Plan Policy TC-Xb and Implementation Measure TC-B (adopted in 2004). TIM Fees are collected by the County to offset the costs of impacts to the transportation system created by new development. Further, this update will develop a legally-defensive TIM Fee Program that supports CIP implementation and is consistent with the Mitigation Fee Act (AB 1600).

Measure Y and Measure E. El Dorado County's Measure Y, also known as the "The Control Traffic Congestion Initiative," was first approved by voters in 1998 with a subsequent Measure Y approved by voters in 2008. Measure Y along with General Plan policies that were adopted in conjunction with Measure Y allow two methods to mitigate a new project's traffic impacts: (1) condition the project to construct the necessary road improvements, or (2) ensure that construction of the necessary road improvements is in the 10-year CIP. The CIP and TIM Fee Program Update would ensure that the intent of Measure Y (to control traffic congestion in the County) is achieved by identifying and prioritizing future transportation investments that will be

required to meet El Dorado County's existing and future transportation needs for the next 20 years. Measure E, also known as the "Initiative to Reinstate Measure Y's original intent – no more paper roads," was passed by the voters on June 7, 2016. Measure E removed the second option of paying TIM fees and relying on the inclusion of road improvements in the 10-year CIP for residential projects to mitigate their impacts.

### ***Social - Preferred Policy***

The CIP and the TIM Fee Program identify the transportation projects needed to ensure that traffic congestion does not exceed the level allowed under the General Plan and fund those projects through development fee contributions, respectively. The CIP and TIM Fee Program Update will ensure that the County will continue to require qualifying new development to finance its share of the road improvements that are necessary to maintain the adequate levels of traffic circulation established by General Plan policy, Measure Y, and Measure E. Thus, the implementation of the Western Slope Roadway CIP and TIM Fee Program Update will provide a balanced transportation system that meets the needs of current and future County residents and visitors. Further, the project will manage and plan for an increase in vehicle trips on local and state roads and highways through the County to facilitate a safe, efficient flow of vehicle traffic.

### ***Economic***

The project will result in economic benefits. First, the transportation improvement projects that would result from the CIP and TIM Fee Program Update would create short-term economic growth in the County as a result of construction-related job opportunities. Accommodating growth with funding for proper planning and infrastructure will help the County of El Dorado sustain and effectively manage existing transportation networks without compromising the health and safety of future generations. Implementation of the CIP and TIM Fee Program Update would also generate additional employment opportunities for bicycle pathways, sidewalks, roadway, vehicle, landscape maintenance, and transportation facility clean-up. The potential employment increase may subsequently increase the demand for support services and utilities, which could generate secondary employment opportunities. This additional economic growth would likely raise the existing revenue base for the County.

Second, the project will reduce the TIM Fees compared to existing fees to the extent possible while still achieving the goals of the project. This would result in lower costs associated with new development in the County but would ensure that traffic congestion does not exceed the level allowed under the General Plan.

## **SECTION D.**

### **CONCLUSION**

The EIR for the County of El Dorado Western Slope Roadway CIP and TIM Fee Program Update was prepared pursuant to CEQA and the CEQA Guidelines. The Board of Supervisors has independently determined that the EIR fully and adequately addresses the impacts and mitigations of the proposed project.

The Board of Supervisors has balanced these project benefits and considerations against the unavoidable and irreversible environmental risks identified in the EIR and have concluded that those impacts are outweighed by the project benefits. In conclusion, the Board of Supervisors finds that any remaining (residual) effects on the environment attributable to the project, which are found to be unavoidable in the preceding Findings of Fact, are acceptable due to the overriding concerns set forth in Section B (Specific Findings) and C (Overriding Considerations) of this Statement of Overriding Considerations. Each finding and overriding consideration by itself constitute a separate, independent, and severable overriding consideration warranting approval of the project.

The Board concludes that the Western Slope Roadway CIP and TIM Fee Program Update should be adopted.

**RESOLUTION NO. 189-2016  
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WESTERN SLOPE ROADWAY CAPITAL IMPROVEMENT PROGRAM AND TRAFFIC IMPACT MITIGATION FEE PROGRAM UPDATE; MAKING ENVIRONMENTAL FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM**

**Exhibit C**

**Mitigation Monitoring and Reporting Program (MMRP)**

Lead Agency:

**County of El Dorado  
Community Development Agency**  
2850 Fairlane Court  
Placerville, CA 95667  
Contact: Claudia Wade  
(530) 621-5977

September 2016

## **CEQA Mitigation Monitoring and Reporting Program**

The California Environmental Quality Act requires the public agency approving a project for which an EIR was certified to adopt a reporting or monitoring program for the measures adopted in order to mitigate or avoid the project's significant effects on the environment. (Public Resources Code Section 21081.6) The following mitigation monitoring and reporting program is designed to fulfill that requirement.

Section IX (Findings for Impacts Identified as Significant but Mitigable) and Section X (Findings for Impacts Identified as Significant and Unavoidable) of Exhibit A (CEQA Findings of Fact) to Resolution No. 189-2016 identifies the feasible mitigation measures applicable to the Western Slope Roadway CIP and TIM Fee Program Update. Agencies considering approval of future projects under the Western Slope Roadway Capital Improvement Program (CIP) and Traffic Impact Mitigation (TIM) Fee program would utilize the EIR as a basis in determining potential mitigation measures for subsequent activities. The agencies responsible for implementing the mitigation measures, described as “the individual project lead agency” in the EIR, will be the lead agency for the individual future projects under the CIP and TIM Fee Program Update. The project lead agency for individual projects will involve El Dorado County, California Department of Transportation, or a public transit agency. The individual project lead agency, which will be the lead agency for individual future projects under the CIP and TIM Fee Program Update, will be responsible to monitor the mitigation measures that are required to be implemented for the project.

The Long Range Planning Division of the Community Development Agency is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Western Slope Roadway CIP and TIM Fee Program Update was based. Inquiries about the record of proceedings should be directed to:

Assistant Director  
Community Development Agency  
Long Range Planning Division  
(530) 621-4650

The location of this information is:

El Dorado County Community Development Agency  
Long Range Planning Division  
2850 Fairlane Court, Building C  
Placerville, CA 95667