



RESOLUTION NO. 195-2015

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR TARGETED GENERAL PLAN AMENDMENT AND ZONING ORDINANCE UPDATE; 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**, the purpose of the Targeted General Plan Amendment and Zoning Ordinance Update is to implement specific land use policies in the General Plan, to bring differences between the General Plan and other County planning ordinances and manuals into internal consistency, to provide a more useful and beneficial framework for future development in the County that takes into account population growth, economic factors, and community needs and wants; and

**WHEREAS**, on April 4, 2011, staff presented the Board of Supervisors with the first Five-Year Review of the 2004 General Plan with findings that support a need for various revisions to policies related to the development of housing affordable to the moderate-income earner, the creation of jobs, improving sales tax revenues, further supporting the promotion and protection of Agriculture and to address changes in state law; and

**WHEREAS**, on July 25, 2011, the Board of Supervisors directed staff to prepare a comprehensive Resolution of Intention (ROI) that combines previous ROIs regarding General Plan Amendments and Zoning Ordinance update including: 1) ROI 274-2008 adopted October 7, 2008 to initiate a General Plan amendment to revise Land Use Element policies relating to mandatory open space and planned developments; 2) ROI 110-2009 adopted May 19, 2009 to consider revising the Community Region designation of the Camino-Pollock Pines area; 3) ROI 179-2010 adopted December 7, 2010 to initiate an amendment to the Zoning Map to add a historic design control combining zone district on selected parcels within the El Dorado/Diamond Springs Community Region; to be used as the basis for the Project Description for an Environmental Impact Report (EIR) and the Request for Proposal (RFP) to prepare the EIR; and

**WHEREAS**, on November 14, 2011, the Board of Supervisors adopted Resolution of Intention 182-2011 to amend targeted (selected) policies of the General Plan and consider adding some new policies; 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**, on November 14, 2011, the Board of Supervisors adopted Resolution of Intention 183-2011 to undertake a comprehensive update of the Zoning Ordinance, inclusive of the creation of standards (master

plans) for mixed use and Traditional Neighborhood Design development to provide for a streamlined approval process and to protect the commercial viability of the site; and

**WHEREAS**, on November 14, 2011, the Board of Supervisors adopted Resolution of Intention 184-2011 to include with the preparation of a comprehensive update of the Zoning Ordinance the provision of opportunities for residential and recreational uses on Timber Production Zone land compatible with timber management and harvesting; and

**WHEREAS**, a Program Environmental Impact Report (EIR) has been prepared pursuant to CEQA to analyze the potential environmental impacts of the proposed Targeted General Plan Amendment and Zoning Ordinance Update (hereafter referred to as the Project); and

**WHEREAS**, on May 25, 2012, 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 series of public scoping meetings to receive oral and written comments on the NOP at eight community locations: 1) El Dorado on May 30, 2012, 2) El Dorado Hills on June 7, 2012, 3) Greenwood on June 18, 2012, 4) Somerset on June 20, 2012, 5) Camino on June 21, 2012, 6) South Lake Tahoe on June 25, 2012, 7) Cameron Park on June 27, 2012 and 8) Placerville on June 28, 2012; and

**WHEREAS**, on October 1, 2012, the County released a second NOP for a 30-day review period soliciting written comments regarding the scope and content of the EIR (documents revised based on Board direction and comments received during the initial NOP review period) for the proposed Project; and

**WHEREAS**, on October 25, 2012, the County Planning Commission held a public scoping meeting to receive oral and written comments on the revised NOP; and

**WHEREAS**, on March 24, 2014, the County issued a Notice of Availability (NOA) of a draft program EIR (SCH# 2012052074) for the Project for a 120-day public review period ending on July 23, 2014; and

**WHEREAS**, on July 10, 2014, the County Planning Commission held a public hearing to receive testimony on the adequacy of the draft program EIR; and

**WHEREAS**, on January 29, 2015, the County issued a second Notice of Availability (NOA) of a Partial Recirculated draft program EIR (SCH# 2012052074) for the Project for a 45-day public review period ending on March 16, 2015; and

**WHEREAS**, said NOAs contained substantially all of the information required by Public Resources Code Section 21092 and CEQA Guidelines Section 15087 and was published in a manner required by law, and was consequently made in full accordance with CEQA, notwithstanding any minor errors, which were not prejudicial; and

**WHEREAS**, on March 5, 2015, the County held a public open house to receive comments on the Partial Recirculated draft program EIR for the Project; and

**WHEREAS**, the County received an abundance of public and agency written and oral comments on the draft environmental documents at the public hearings and during the public comment periods; including 123 written comments submitted by 91 independent commenters; and

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

**WHEREAS**, on August 6, 2015, the final EIR was provided to the Planning Commission and was released for public review; and

**WHEREAS**, on August, 27, 2015, the Planning Commission held a duly 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 September 2, 2015, the Planning Commission voted to recommend that the Board of Supervisors certify the final EIR and adopt the Targeted General Plan Amendments and Zoning Ordinance Update with some recommended changes; and

**WHEREAS**, on November 10 and 12, 2015, the Board of Supervisors held a duly 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 November 12, 2015, the public hearing on the Project and the final EIR was closed and the Board of Supervisors took the matter under submission; and

**WHEREAS**, on November 13, 2015, the Board of Supervisors began its deliberations and independently reviewed Project documents, including but not limited to, the final EIR, the staff report, written public comments, the Planning Commission's recommendation, the draft CEQA Findings of Fact and draft CEQA Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on November 13, 2015, the Board of Supervisors directed staff to finalize the draft Findings of Fact and Statement of Overriding Considerations supporting certification of the final EIR for final Board action; and further directed staff to prepare final printed versions of the final EIR and the proposed General Plan policy amendment and Zoning Ordinance Update documents and maps including all errata; and

**WHEREAS**, on December 15, 2015, the Board of Supervisors completed its deliberations, and now desires to certify the Final EIR for the Project; make environmental findings; adopt a Statement of Overriding Considerations; and approve the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on December 15, 2015, 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 the Board of Supervisors did not re-open the public hearing, and did not receive further public testimony in the record for the Project and environmental document certification proceeding;

**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 Targeted General Plan Amendment and Zoning Ordinance Update, and associated Draft, Partial Recirculated and 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).
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.
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.
5. The Board of Supervisors has considered three alternatives for the Project: 1) No Project, 2) Transit Connection Alternative, and 3) Selective Approval of TGPA-ZOU Components 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 Resolutions No. 196-2015, 197-2015, 198-2015, 199-2015, 200-2015, 201-2015 and 202-2015 and Ordinance No. 5030, and as reviewed in the final EIR can be feasibly implemented in light of economic, legal, social, technological, and other reasons, as discussed herein.
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 Targeted General Plan Amendment and Zoning Ordinance Update, 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.
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 or zoning ordinance, "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.

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 15th day of December 2015, by the following vote of said Board:

Ayes: Ranalli, Novasel, Mikulaco, Veerkamp

Noes: Frentzen

Absent: None

Attest:

James S. Mitrison

Clerk of the Board of Supervisors

By:

  
Deputy Clerk



Chair, Board of Supervisors  
Brian K. Veerkamp

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**Exhibit A**

**CEQA Findings of Fact**

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## Section 1 Introduction

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

- a. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- b. 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.
- c. 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 environmental impact report.

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

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

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

## Section 2 Project Location, Description, and Objectives

The Project is located in El Dorado County, which encompasses 1,805 square miles in east-central California. The county's westernmost portion contains part of Folsom Lake and the county's eastern boundary is the California-Nevada state line. The county is topographically divided into two zones. The northeast corner of the county is in the Lake Tahoe Basin, while the remainder of the county is in the area referred to regionally as the *West Slope*.

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

The Project consists of targeted amendments to the El Dorado County General Plan (TGPA, adoption of an updated ZOU, and adoption of design guidelines for mixed use and other community design standards. As part of the TGPA and ZOU the County is also amending the General Plan designations and zoning of individual parcels in order to correct mapping errors and bring zoning into consistency with the General Plan, respectively. See Chapter 2 of the Final EIR for a full description, which is hereby incorporated by reference.

The objectives of the TGPA and ZOU are as follows.

### TGPA

- Encourage and support the development of housing affordable to the moderate income earner.
- Promote and support the creation of jobs.
- Increase capture of sales tax revenues.
- Promote and protect agriculture in the county.
- Revise existing General Plan policies and land use designations to provide clarity while keeping land use map changes to a minimum.

### ZOU

- Update the zoning map to conform to the General Plan land use designations.
- Eliminate conflicting provisions within the existing ordinance.
- Add provisions to facilitate General Plan Implementation Measures.
- Reorganize the ordinance for ease of use.
- Update the text of the ordinance to bring it into conformance with the General Plan and to incorporate modern implementation tools.

- Create new zones to reflect current zoning needs.
- Delete obsolete zones.
- Create overlay zones to more effectively implement General Plan policies.
- Expand allowed uses in the agricultural and rural land zones (including forest resource and TPZ) to provide opportunities for agricultural support, recreation, and rural commerce.
- Provide a range of intensities for home occupations, based on size and zoning of parcels, addressing the issues of accessory structures, customers, and employees.
- Modify zoning for Williamson Act contracted and rolled out land to reflect the underlying General Plan land use designations. “Rolled out” means land on which the Williamson Act contract has been non-renewed and will expire at the end of its term.
- Provide a range of commercial zones that specify the type, design, and location of commercial uses, consistent with the General Plan.

Note that the Board of Supervisors has re-codified the County Ordinance Code such that the Zoning Ordinance, which was previously Title 17 of the Code, is now Title 130. For simplicity’s sake, since all discussions in the Final EIR have described the Zoning Ordinance and the ZOU as being part of Title 17 (and the online copy of the ZOU is numbered accordingly) these findings refer to the Zoning Ordinance as being Title 17. In keeping with the recodification, the adopted ZOU will be incorporated into the Code as Title 130, not Title 17.

## Section 3 Background and History

The County General Plan was adopted in 2004. The TGPA/ZOU project is intended to implement the provisions of the General Plan policies and Implementation Measures. This includes enhancing policies intended to encourage the production of moderate-cost housing (for example, Policy 10.1.9.1), agricultural supporting uses (for example, Policy 2.2.5.10) and ranch marketing (for example Policies 2.2.2.2 and 2.2.5.10), as well as adopting a Zoning Ordinance that is consistent with the General Plan diagram and policies (for example Implementation Measure LU-1).

In 2008, the County began work on a Zoning Ordinance Update to bring the zoning into conformity with the General Plan. Following completion of the first 5-year review of that plan, the Economic Development Advisory Committee (EDAC), Regulatory Reform Subcommittee, and County staff, after an extensive public outreach and participation process, developed a set of targeted amendments (the TGPA) to the policies adopted in the 2004 plan and implementation actions for the General Plan policies. Also, it was determined that additional issues needed to be addressed in the ZOU and, since the ZOU had not been completed, the Board of Supervisors decided to merge the TGPA and ZOU projects.

On a somewhat parallel, but separate track, the County Department of Agriculture Weights and Measures completed a review of agricultural parcels to determine whether they should be included or removed from the county’s Agricultural Districts pursuant to the criteria established under

General Plan Implementation Measure AF-J. The result was a set of specific recommendations for parcel additions and removals from the Agricultural Districts. These were included in the TGPA.

The first phase of public outreach for the Project consisted of a series of community meetings in March 2012. Evening meetings were held in the communities of El Dorado Hills, South Lake Tahoe, Somerset, Cameron Park, Cool, and El Dorado. The meetings provided an opportunity for residents to learn about the various Project components, the decision-making process, and opportunities for further involvement. These meetings were advertised through the County's dedicated Project website, the County homepage, through press releases distributed to local media, and through direct email by staff to key individuals and organizations. Attendance ranged from a single person at the Tahoe meeting to more than 60 people at the El Dorado Hills meeting. A concluding press release was provided to local media.

The second phase of public outreach for the Project centered on the initial scoping meetings held in May and June of 2012. In addition to the daytime County Planning Commission meeting and evening County Agricultural Commission meetings in Placerville, evening scoping meetings were held in the following seven communities: El Dorado, El Dorado Hills, Greenwood, Somerset, Camino, South Lake Tahoe, and Cameron Park. The scoping meetings were advertised through a press release distributed to local media, posted on the Project and County websites, distributed through direct email by staff, and through the posting of approximately 50 flyers in key community gathering places throughout the county. Many local organizations, such as chambers of commerce, also helped spread news and information about Project-related meetings and information. All Project-related information was posted to the dedicated Project website, including press releases, meeting schedules, County Board of Supervisors items, and key documents. By the time of the scoping meetings, there were over 1,400 email subscriptions to the Project or associated websites. All subscribers were notified of any updates to the Project website.

The first Notice of Preparation (NOP) was released on May 25, 2012 for a 45-day public comment period. The NOP and related documents were posted on the County's dedicated Project website, and all subscribers to the website were notified. The County Board of Supervisors then held a week-long workshop to review the ZOU, take public comments, and provide County staff with direction on how to revise the draft ordinance. Staff revised the draft and returned to the Board during three additional agenda items to review revisions and authorization to finalize the draft ZOU.

A second NOP reflecting the revised ZOU was released on October 1, 2012 for a 30-day public comment period. As before, Project-related information was posted on the dedicated Project website, and all subscribers to the website were notified.

The TGPA/ZOU Draft EIR (DEIR) was released for public review and comment for an extended period of 120 days from March 21, 2014 through July 23, 2014. Notice was provided from the County's notification list. As a result of the comments received, the County prepared and released for review and comment a Recirculated Partial DEIR (RPDEIR) for the 45-day period from January 29, 2015 through March 16, 2015. The RPDEIR included additional analyses of groundwater supplies, energy use, and revisions to the community design manual. The Final EIR responds to the comments received on both the DEIR and the RPDEIR.

## **Section 4 Final Environmental Impact Report**

The TGPA/ZOU Final EIR consists of the revised DEIR and Recirculated Partial DEIR chapters, with an additional chapter containing the comments on the DEIR and Recirculated Partial DEIR and the response to comments. The Final EIR includes the revisions made in response to comments on the DEIR and Recirculated Partial DEIR, and those text corrections made for purposes of clarity. The Final EIR is a single document and its contents supersede those of the DEIR and RPDEIR on which it is based.

All of the changes made to the DEIR and Recirculated Partial DEIR are integrated into the Final EIR.

### **Record of Proceedings**

For the purposes of CEQA and the findings hereinafter set forth, the administrative record consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of CEQA Guidelines Section 15091(e) the location and custodian of the documents and other materials 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

## **Section 5 Discretionary Actions**

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

- Adoption of the Targeted General Plan Amendment, including amended land use designations and Agricultural District boundaries
- Adoption of the ZOU, including rezonings
- Adoption of Mixed Use and Community Design Guidelines

## **Section 6 Relationship to State Law**

California Planning and Zoning Law (Government Code Section 65300, et seq.) requires each city and county to adopt a general plan and mandates that the zoning ordinance be consistent with that general plan. El Dorado County adopted its General Plan in 2004. The TGPA will amend and update that General Plan.

Government Code Section 65860 requires the county zoning ordinance to be consistent with the General Plan policies and land use map. The current Zoning Ordinance is not consistent with the

General Plan and numerous parcels throughout the county are not consistent with the land use designations assigned them by the General Plan. The ZOU proposes to add new zone classifications and eliminate select existing zone classifications, and includes new zoning provisions in part to make the zoning classifications and allowable uses consistent with the General Plan's policies. The parcel-specific zone changes are being undertaken in order to make the zoning for those parcels consistent with the General Plan's land use map.

The California Supreme Court has affirmed the supremacy of the General Plan atop the hierarchy of local land use regulation. Its decision in *Leshar Communications v. City of Walnut Creek* (1990) 52 Cal.3d 531 explains:

A zoning ordinance that is inconsistent with the general plan is invalid when passed (*deBottari v. City Council* (1985) 171 Cal.App.3d 1204, 1212 [217 Cal.Rptr. 790]; *Sierra Club v. Board of Supervisors* (1981) 126 Cal.App.3d 698, 704 [179 Cal.Rptr. 261]) and one that was originally consistent but has become inconsistent must be brought into conformity with the general plan. (§ 65860.) The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the charter to which the ordinance must conform.

The Project is undertaken in order to comply with the Planning and Zoning Law.

## Section 7 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. This is because, under the statutory requirements of Planning and Zoning Law (Government Code Section 65300, et seq.), a general plan is intended to provide for additional growth and that growth cannot be accommodated within the county without significant and unavoidable changes to existing conditions. To the extent that significant adverse environmental impacts will not be reduced to a less than significant level with the adopted mitigation, the Board of Supervisors has found that specific economic, social, and other considerations support approval of the Project. Those findings are reflected herein in the findings on impacts and mitigation measures below.

## **Section 8 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 allows the Board of Supervisors to approve the Project, even though it would result in significant and unavoidable impacts.

## **Section 9 Mitigation Monitoring and Reporting Program**

As required by Public Resources Code Section 21081.6, and Sections 15091(d) and 15097 of the CEQA Guidelines, the County, is adopting a Mitigation Monitoring and Reporting Program (MMRP). The monitoring and reporting plan is designed to ensure that, during all phases of the Project, the County implements the adopted mitigation measures. The County has taken the approach of including all feasible mitigation measures in the adopted TGPA and ZOU as policies or code provisions.

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

## **Section 10 Project Benefits**

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

## **Section 11 Findings on Alternatives**

In accordance with State CEQA Guidelines Section 15126.6, the Final EIR contains a comparative impact assessment of three potentially feasible alternatives to the TGPA/ZOU Project, including the No-Project alternative. The other two alternatives selected for analysis in the Final EIR potentially meet the following basic criteria set out in Section 15126.6.

- Attain most of the fundamental project objectives. Here, with the exception of the No-Project Alternative, each alternative meets most or all of the objectives of the TGPA.
- Avoid or substantially lessen one or more of the project's significant environmental impacts.
- Be potentially feasible. The potential feasibility of an alternative is determined based on a variety of factors, including effectiveness in reducing significant effects, availability of infrastructure, impracticality or undesirability from a policy standpoint, and internal general plan consistency.

The selection of alternatives to the Project was governed by the “rule of reason.” Accordingly, an EIR need not consider every conceivable alternative to a project. The process of selecting the alternatives and the reasons for rejecting other alternatives from further analysis is described in Chapter 4, *Alternatives*, of the Final EIR which is hereby incorporated by reference.

The EIR analyzes three alternatives to the TGPA/ZOU Project:

- Alternative #1 – No Project
- Alternative #2 – Transit Connection Alternative
- Alternative #3 – Selective Approval of TGPA/ZOU Components

These alternatives cover a range of reasonable possibilities for the Board of Supervisors’ final action. The final feasibility of the three alternatives selected for analysis in this Final EIR is now determined by the County Board of Supervisors.

Public Resources Code Section 15091(a) states that if Board of Supervisors rejects any or all of the alternatives analyzed in the Final EIR, it must describe why the alternatives are infeasible. Infeasibility can be the result of “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers.” Based on the impacts identified in the EIR and the reasons described below, the Board of Supervisors rejects the three alternatives and other combinations and/or variations of the alternatives as infeasible.

## **Alternative #1 – No Project**

### **Description**

The No Project Alternative consists of continued application of the General Plan without amendment and retention of the existing zoning ordinance without change. Under this alternative, the County would continue to operate under the adopted 2004 General Plan policies (as previously amended) and the existing zoning regulations. Having received, reviewed and considered the entire record, both written and oral, relating to the TGPA/ZOU Project, and associated Draft and Final Environmental Impact Report, and having weighed the pros and cons, the Board of Supervisors hereby rejects Alternative 1 and finds that specific legal considerations make Alternative 1 infeasible and undesirable for each of the following separate, independent, and severable reasons.

### **Reasons for Rejection**

Alternative #1 is rejected on legal grounds. It would not allow the County to make the zoning ordinance consistent with the General Plan as required by state law.

Government Code Section 65860 specifies, in part:

- d. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. A zoning ordinance shall be consistent with a city or county general plan only if both of the following conditions are met:

- 1) The city or county has officially adopted such a plan.
- 2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.
- 3) In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

The California Supreme Court has affirmed the supremacy of the General Plan atop the hierarchy of local land use regulation. As the Court's decision in *Leshar Communications v. City of Walnut Creek* (1990) 52 Cal.3d 531 explains:

A zoning ordinance that is inconsistent with the general plan is invalid when passed (*deBottari v. City Council* (1985) 171 Cal.App.3d 1204, 1212 [217 Cal.Rptr. 790]; *Sierra Club v. Board of Supervisors* (1981) 126 Cal.App.3d 698, 704 [179 Cal.Rptr. 261]) and one that was originally consistent but has become inconsistent must be brought into conformity with the general plan. (§ 65860.) The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the charter to which the ordinance must conform.

In addition, Alternative #1 would prevent the County from complying with the provisions of its adopted General Plan. The El Dorado County General Plan's Implementation Program identifies numerous measures that the County will initiate and adopt in order to implement the goals and policies of the General Plan. Alternative 1 – No Project would obstruct the adoption of the following specific Implementation Measures:

LU-A: Review the Zoning Ordinance to identify revisions that accomplish the following:

- Provide for mixed commercial and residential uses [Policy 2.1.1.3];
- Provide consistency between the General Plan land use designations and the Zoning Ordinance [Policy 2.2.1.2];
- Identify needed revisions to and improved application of the Planned Development combining zone district [Policies 2.2.3.1, 2.2.3.2, 2.2.3.3, 2.2.3.4, 2.2.5.4, and 8.1.5.1];
- Develop a density bonus program [Policy 2.2.4.1];
- Provide a Neighborhood Services zone district [Policy 2.2.5.8]
- Establish provisions for extended family support services and institutional uses in residential areas [Policy 2.2.5.9];
- Allow support services for agricultural and timber production in Rural Regions, including agricultural employee housing, feed and supply stores, veterinary services, agricultural and timber processing, and sales of agricultural and timber products [Policies 2.2.5.10 and 2.2.5.11];
- Identify and separate incompatible uses (including public facilities) by setbacks and buffering [Policies 2.2.5.14 and 2.2.5.18];

- Establish standards for parking lot shading and street trees in all new development projects [Policy 2.3.1.2];
- Provide standards and incentives for commercial development [Policies 2.5.2.1, 2.5.2.2, and 2.5.2.3];
- Strengthen limitations on light and glare [Policy 2.8.1.1];
- Create an avalanche overlay zone [Policy 6.3.2.3];
- Create a dam failure inundation overlay zone [Policies 6.4.2.1 and 6.4.2.2];
- Establish open space protection measures [Policies 7.6.1.1 and 7.6.1.3]; and
- Promote tourist lodging facilities. [Policy 9.3.9.1]

LU-D: Revise the Zoning Ordinance to ensure that all uses permitted by right in any zoning district are compatible. Allow potentially incompatible uses subject to a discretionary review process with performance standards to ensure appropriate separation of incompatible uses. Include in the Zoning Ordinance a requirement that any project located adjacent to an existing sensitive land use shall be required to avoid impacts on the existing use.

LU-E: Review and identify needed revisions to the *El Dorado County Design and Improvements Standards Manual*.

HS-I: To provide a comprehensive approach to noise control, adopt a Noise Ordinance that includes, but is not limited to, the following:

- A. Procedures to ensure that noise mitigation measures, as determined through an acoustical analysis, are implemented in the project review process and, if determined necessary, through the building permit process;
- B. Procedures to monitor compliance with the standards of the Noise Ordinance after completion of projects where noise mitigation measures were required; and
- C. Application of the noise standards to ministerial projects, with the exception of single-family residential building permits, if not in areas governed by the Airport Land Use Compatibility Plan.

HS-K: Review the Zoning Ordinance and identify changes that would accomplish the following:

- A. Include an airport combining zone district for each of the Safety Zones as defined in the Airport Land Use Compatibility Plan for each of the county's public airports; and
- B. Develop and apply a combining zone district for areas within the Airport Influence Zone of each of the public airports to discourage the placement of incompatible uses.

CO-A: Review the Zoning Ordinance to identify revisions that accomplish the following:

- B. Develop standards for use of native plants in landscaping;
- E. Develop standards for minimizing erosion and sedimentation associated with earthwork and grading.

CO-O: Prepare and adopt a riparian setback ordinance. The ordinance, which shall be incorporated into the Zoning Code, should address mitigation standards, including permanent protection mechanisms for protected areas, and exceptions to the setback requirements. The ordinance shall be applied to riparian areas associated with any surface water features (i.e., rivers, streams, lakes, ponds, and wetlands) ...

AF-A: Review the Zoning Ordinance to identify revisions that accomplish the following:

- A. Provisions that establish minimum densities of and setbacks on lands adjacent to agriculturally-zoned lands and timberlands to protect current and future agricultural and timber production on those lands as set forth below:
  - 1) 10-acre minimum parcel size adjacent to agriculturally-zone land;
  - 2) 200-foot setback adjacent to agriculturally-zoned lands;
  - 3) 160-acre minimum parcel size for TPZ-zoned lands;
  - 4) 160-acre minimum parcel size for Natural Resources-designated lands above 3,000-foot elevation;
  - 5) 40-acre minimum parcel size for Natural Resources-designated lands below 3,000-foot elevation;
  - 6) 10-acre minimum parcel size for lands adjacent to timberlands; and
  - 7) 200-foot setback adjacent to timberlands.
- C. Provisions requiring alternative and/or supplemental findings for approval for special use permits to establish additional dwellings for permanent and seasonal agricultural employees;
- E. Provisions setting forth appropriate by-right and conditional use permit development to support the agricultural industry.

AF-J: Complete an inventory of agricultural lands in active production and/or lands determined by the Agricultural Commission to be suitable for agricultural production. Once the inventory is complete, perform a suitability review... and amend the Agricultural District boundaries as appropriate.

ED-P: Revise the Zoning Ordinance so that classes of permitted uses for commercial, industrial, and research and development uses on land so designated on the General Plan Land Use Maps, and/or that have been pre-planned through planned developments, specific plans, and other master planned lands, are expanded.

ED-II: The Zoning Ordinance shall provide for agricultural dependent commercial and industrial uses on lands within Rural Regions.

ED-JJ: The Zoning Ordinance shall allow the sales and marketing of products grown in El Dorado County and crafts made in El Dorado County in areas designated for agricultural use.

ED-QQ: Establish standards in the Zoning Ordinance that provide compatible home businesses that complement residential uses in the Community Regions, Rural Centers, and Rural Regions.

Furthermore, because the No-Project Alternative would not result in an updated zoning ordinance, it would not meet the essential project objectives described for the ZOU.

## **Alternative #2 – Transit Connection Alternative**

### **Description**

Alternative 2 is similar to the TGPA/ZOU Project, but would include additional policies intended to facilitate CEQA streamlining for higher-density residential or mixed use projects in locations that are consistent with both the General Plan and the Sacramento Area Council of Governments' (SACOG's) adopted Metropolitan Transportation Plan/Sustainable Communities Strategy 2035 (MTP/SCS 2035). Alternative 2 would not increase densities over those in the General Plan and TGPA.

Pursuant to statute and guidelines adopted in conjunction with Senate Bill (SB) 226 (Chapter 469, Statutes of 2011), CEQA authorizes the County to limit the scope of environmental analysis that is required for certain projects that are consistent with an adopted regional SCS. SACOG adopted the MTP/SCS 2035 in April 2012 as required by SB 375 (Chapter 728, Statutes of 2008), the Sustainable Communities and Climate Protection Act of 2008. The MTP/SCS 2035 is a plan for reducing GHG emissions from automobiles and light trucks through regional land use and transportation policies that (1) identifies areas suitable for higher intensities of development because they are or can be well served by transit, and (2) provides for increased spending on transit service.

Under Alternative #2, the County would adopt policies consistent with the MTP/SCS 2035 in order to qualify for CEQA streamlining opportunities provided by Senate Bill (AB) 226 (Chapter 469, Statutes of 2011). SB 226 streamlines CEQA review for projects that have been considered under a general plan EIR, that meet uniformly applicable local and state performance standards that reduce environmental impacts, and that would have no new or greater site-specific impacts than disclosed in the general plan EIR.

The MTP/SCS 2035 identifies lands in the El Dorado Hills area on both sides of the U.S. Highway 50 corridor as "developing communities," as illustrated in Figure 4.1 of the Final EIR. Where consistent with the General Plan and adjacent to urban development, these would be the candidate areas for streamlining.

The State CEQA Guidelines establish the procedure for streamlining project reviews pursuant to SB 226 and the statewide performance standards that qualify projects for consideration under SB 226. (State CEQA Guidelines Section 15183.3 and Appendix M) For residential and commercial projects, the statewide standards include being located in a "low vehicle travel area," as defined in Appendix M of the State CEQA Guidelines. For residential projects, this means a traffic analysis zone with below average existing vehicle miles traveled per capita. In El Dorado County, the same metric would apply to commercial/retail and office projects. Commercial/retail projects would be limited to having no single-building floor-plate greater than 50,000 square feet

Alternative 2 would include the following MTP/SCS 2035-friendly policies to encourage the use of the CEQA streamlining procedures established under SB 226.

**Policy TC – 8b:** The County shall review the El Dorado County Transportation Commission (EDCTC) Regional Transportation Plan and SACOG’s MTP/SCS 2035 each time it reviews and updates the General Plan, community plans, specific plans or other County policies and regulations to ensure overall consistency among all of these plans and strategies to allow for CEQA streamlining and to ensure eligibility for state transportation and housing funding.

**Policy TC – 8c:** CEQA streamlining may be applied to residential, commercial/retail, or office projects where the proposed development is consistent with the General Plan and meets all applicable requirements of State CEQA Guidelines section 15183.3 and the associated Appendix M of the State CEQA Guidelines. Streamlining will not be applied to projects that require a general plan amendment.

**Policy TC – 8d:** The County, working with SACOG, shall identify below average regional per capita VMT areas designated for residential and mixed use projects under the General Plan that are also consistent with land use designations, densities, building intensities, and all other applicable policies of the MTP/SCS 2035.

Under Alternative 2, the CEQA streamlining provisions would encourage development within the identified low vehicle travel areas. CEQA streamlining encourages development by reducing the time needed to prepare CEQA documents, or even avoiding the need for CEQA documents where the development project complies with the applicable statewide standards and its project-specific impacts would be avoided by the County’s performance standards (found in the Zoning Ordinance and design guide). The County’s determination of significance would not be subject to the “fair argument standard,” thereby limiting the potential for CEQA litigation (CEQA Guidelines Section 15183.3(d)). This offers a prospective developer more certainty and can save them time and money; important incentives for infill development.

This alternative would not increase the total amount of development under the General Plan and the TGPA, but could increase the pace of development in the qualifying areas. In addition, at such future time as transit is more readily available along the U.S. Highway 50 corridor, the alternative would offer residents and workers the option of travelling by transit.

## **Reason for Rejection**

Having received, reviewed and considered the entire record, both written and oral, relating to the TGPA/ZOU Project, and associated Draft and Final Environmental Impact Report, and having weighed the pros and cons, the Board of Supervisors hereby rejects Alternative 2 and finds that specific legal and economic considerations make Alternative 2 infeasible and undesirable for each of the following separate, independent, and severable reasons. CEQA streamlining pursuant to SB 226 is limited to “infill” projects located within or adjacent to an urban area. (Public Resources Code Section 21094.5(a)) On further review, the Board finds that the available sites contemplated for streamlined review under Alternative #2 do not meet the urban area requirement.

Subsection (1) of Public Resources Code Section 21094.5(e) provides that to qualify as “infill project” that is subject to SB 226 streamlining, a project must be residential, commercial/retail, a transit station, a school, or a public office building. In addition, the project must be “located within an urban area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses located in an urban area.” (Public Resources Code Section 21094.5(e)(1))

Public Resources Code Section 21094.5(e)(5) defines what is meant by “urban area.”

(5) “Urban area” includes either an incorporated city or an unincorporated area that is completely surrounded by one or more incorporated cities that meets both of the following criteria:

(A) The population of the unincorporated area and the population of the surrounding incorporated cities equal a population of 100,000 or more.

(B) The population density of the unincorporated area is equal to, or greater than, the population density of the surrounding cities.

The areas designated as “developing communities” on the MTP/SCS 2035 are located in the unincorporated county, not a city. Although portions of El Dorado Hills adjoin the City of Folsom, those do not include any substantial portion of the undeveloped lands within the developing communities designation. The City of Placerville is several miles east of these areas. No city or cities completely surround them. Therefore, they are outside of an urban area, as defined in SB 226.

Adopting additional General Plan policies would not cure this flaw. By the clear terms of Public Resources Code Section 21094.5, the area within the developing communities is not eligible for CEQA streamlining pursuant to SB 226.

This alternative is rejected for the economic reason of lack of funding for increased transit. The full potential benefit of a transit connection alternative to reduce vehicle miles travelled, traffic, and greenhouse gas emissions would not be met without increased transit service. Transit service is provided by the El Dorado County Transit Authority (EDCTA).

Through its Sacramento Commuter service, EDCTA currently provides 11 trips in the early morning from Western El Dorado County “park and ride” lots to downtown Sacramento and 11 return trips at the end of each work day, as well as twice daily “reverse commuter” trips. EDTCA also provides hourly service to portions of the Western County on 6 routes during weekdays, primarily between the hours of 6:00 am to 7:00 pm, with some routes starting later and ending earlier. In addition, EDCTA’s Saturday Express runs between Missouri Flat and downtown Sacramento hourly from 9 am to 5 pm. (Source: EDCTA online schedule information - <http://eldoradotransit.com/>)

California state policy, as expressed in Senate Bill 375 (2008), is to encourage higher density development where high-quality transit is available. This is defined in Public Resources Code Section 21155 as “a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours” and where development is within 1/2-mile of the transit corridor.

## Alternative #3 – Selective Approval of TGPA/ZOU Components

### Description

The Project consists of a variety of individual amendments to the General Plan, as well as changes to the provisions of the Zoning Ordinance. As discussed in Chapter 3, some of the amendments and Zoning Ordinance changes have the potential to result in significant effects on the environment. The County Board of Supervisors is not required to approve all of the policy and ordinance changes that make up the Project. They can choose not to include any or all of those components of the Project that would result in significant environmental impacts and thereby reduce the Project’s overall impacts.

This alternative, because it can be implemented in a number of different combinations, actually represents multiple alternatives for consideration by the Board of Supervisors.

Table 4-2 illustrates those project components that have been identified as resulting in significant impacts. This table includes those components for which the DEIR proposes mitigation measures that reduce the impacts. The impact mechanisms and mitigation measures are described in more detail in Section 3.1, *Aesthetics*; Section 3.2, *Agricultural and Forestry Resources*; Section 3.4, *Biological Resources*; Section 3.6, *Land Use and Planning*, and Section 3.9, *Transportation and Traffic*. Many of the components listed in Table 4-2 below are subject to approval of a conditional use permit. However, it is reasonable to assume that, even with the adoption of site-specific CEQA mitigation measures identified in the CEQA process for the specific project, large examples of such uses would result in localized significant, unavoidable impacts. These components include certain ranch marketing activities (Ordinance section 17.40.260); intensive home occupations (Ordinance section 17.40.160.F); agricultural and timber lodging activities (Ordinance section 17.40.170); public utility service facilities, intensive, in some zones; industrial, general, in some zones; recreational facilities (Chapter 17.25); and ski area.

**Table 4-2. Project Components with Significant Impacts**

Project Component	Significant Impact Area	Mitigation Measure, if any, and Significance After Mitigation <sup>a</sup>
Development on slopes of 30% or more (Policy 7.1.2.1, Ordinance section 17.30.060)	Aesthetics	BIO-1a: Limit the relaxation of hillside development standards SU
	Biological Resources	BIO-1a: Limit the relaxation of hillside development standards SU
	Land Use	BIO-1a: Limit the relaxation of hillside development standards SU
Infill development (Policy 2.4.1.5)	Biological Resources	NONE SU
Certain ranch marketing activities (Ordinance section	Aesthetics	AES-4: Revise proposed Zoning Ordinance Chapter 17.34 and Section 17.40.170 (light shielding) LTS

Project Component	Significant Impact Area	Mitigation Measure, if any, and Significance After Mitigation <sup>a</sup>
17.40.260) <sup>b</sup>	Agricultural Resources	AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers LTS
	Biological Resources	BIO-1c: Limit music festivals and concerts Mitigation Measure BIO-2: Return Event Site to Pre-Event Condition SU
	Land Use	LU-4b: Revise Section 17.40.260, Ranch Marketing, prior to adoption LTS
	Ground-water	None SU
Home Occupations (Ordinance section 17.40.160) <sup>c</sup>	Land Use	TRA-2: Reduce the Proposed Number of Employees Allowed by Right at Home Occupations (Table 17.40.160.2) LU-5: Revise the Home Occupancy Provisions To Restrict The Use Of Hazardous Materials SU
	Traffic	TRA-2: Reduce the Proposed Number of Employees Allowed by Right at Home Occupations (Table 17.40.160.2). SU
	Ground water	None SU
Agricultural and timber lodging activities (Ordinance section 17.40.170)	Aesthetics	AES-4: Revise proposed Zoning Ordinance Chapter 17.34 and Section 17.40.170 (light shielding) SU
	Agricultural Resources	AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers LTS
	Biological Resources	AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers SU
	Land Use	None LTS
	Ground-water	None SU
Public utility service facilities, intensive, in some zones	Agricultural Resources	AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones LTS
	Biological Resources	None SU
	Land Use	None SU
	Ground-water	None SU

Project Component	Significant Impact Area	Mitigation Measure, if any, and Significance After Mitigation <sup>a</sup>
Industrial, general, in FR (Forest Resource) and TPZ (Timber Production) zones	Aesthetics	AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone SU
	Agricultural Resources	AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone LTS
	Land Use	None SU
	Ground-water	None SU
Recreational facilities (Chapter 17.25)	Aesthetics	None SU
	Land Use	None SU
Ski area	Agricultural Resources	AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone LTS
	Land Use	None SU
	Ground-water	None SU

Note: LTS = less than significant with mitigation; SU = significant and unavoidable

<sup>a</sup> The significance level reflects the greatest significance for the given impact area.

<sup>b</sup> These activities would be those requiring a CUP or that are of large scale such as special events and music festivals.

<sup>c</sup> These activities would be those requiring a CUP.

## Reasons for Rejection

Having received, reviewed and considered the entire record, both written and oral, relating to the TGPA/ZOU Project, and associated Draft and Final Environmental Impact Report, and having weighed the pros and cons, the Board of Supervisors hereby rejects Alternative 3 and finds that specific legal and policy considerations make Alternative 3 infeasible and undesirable for each of the following separate, independent, and severable reasons. There are fatal flaws in this regard for each of the components of Alternative #3. As a result, any combination of the components would similarly be infeasible. Following are the specific reasons why each of the components is infeasible.

### Development on slopes of 30% or more (Policy 7.1.2.1, Ordinance section 17.30.060)

Deletion of this component of Alternative #3 is infeasible for policy reasons. Inclusion of Alternative #3 is necessary in order to ensure the efficient implementation of the General Plan policy that "reasonable use" of the property be allowed (Policy 7.1.2.1). Deleting the amendment to Policy 7.1.2.1 and the adoption of ordinance section 17.30.060 would obstruct the TGPA/ZOU Project

objective to “[e]ncourage and support the development of housing affordable to the moderate income earner.”

Policy 7.1.2.1, as enacted in 2004, generally prohibits development on slopes greater than 30%, except where “reasonable use of the property would otherwise be denied.” This provision allows some flexibility in the application of this policy where its strict application might otherwise result in rendering a property undevelopable.

In 2006, the El Dorado County Planning Commission enacted “Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.1.2.1.” The Interim Interpretive Guidelines establish guidelines for use by the County staff and Planning Commission when determining whether a proposed land use on slopes of 30% or greater can be considered a reasonable use that may be approved. The County must make a “reasonable use determination” before it may authorize grading and other construction on an existing lot where the slope on any affected portion of the lot is 30% or steeper.

This amendment and the related adoption of ordinance section 17.30.060 have been included in the TGPA/ZOU Project in order to provide more flexibility and reduce the number of reasonable use determinations that must be considered, especially for existing lots. This will reduce the administrative cost to property owners attributable to the delay involved with reasonable use determinations, thereby implementing the TGPA/ZOU Project objective to “[e]ncourage and support the development of housing affordable to the moderate income earner.” The change to Policy 7.1.2.1, restricting rather than prohibiting development on slopes in excess of 30%, in combination with the requirements of proposed ordinance section 17.30.060, simplifies the administrative process for obtaining building approval while continuing to minimize the potential for erosion resulting from development on slopes.

### **Infill development (Policy 2.4.1.5)**

Deletion of this component of Alternative #3 is infeasible for legal reasons. Denial of the infill development policy would conflict with the following implementation measure of the Housing Element.

- HO-2013-14. Adopt an infill incentive ordinance to assist developers in addressing barriers to infill development. Incentives could include, but are not limited to, modifications of development standards such as reduced parking and setback requirements, to accommodate smaller or odd-shaped parcels, and waivers and deferrals of certain development fees, helping to decrease or defer the costs of development that provide housing for extremely low-, very low-, and low-income households. Incentives may also encourage higher density scattered site projects that can demonstrate substantial environmental, social and economic benefits for the County utilizing existing blighted or underutilized properties similar to the Kings Beach Housing Now multi-family housing project by Domus Development LLC in Lake Tahoe.

Proposed Policy 2.4.1.5 and its accompanying implementation measure create the policy foundation that is essential to development of the future ordinance. This includes identifying the types of sites that could qualify for infill development and providing direction for the content of the ordinance. Drafting and adopting a future infill ordinance without a corresponding General Plan policy could result in inconsistencies between the General Plan and the Zoning Ordinance, in contravention of Government Code Section 65860.

It is also infeasible for social reasons. The Board of Supervisors chooses to initiate the development of the infill ordinance by establishing basic parameters for the content of that ordinance. Following good planning practice, whereby the zoning ordinance provisions are based on the general plan, this will provide a policy framework for the selection of the elements that will make up the infill ordinance that will be developed in the future. Those parameters are set out in proposed Policy 2.4.1.5 and its accompanying mitigation measure.

### **Ranch marketing activities requiring a conditional use permit (Ordinance section 17.40.260)**

Ranch marketing is an important source of income to agricultural producers and support for El Dorado County's agricultural industry. This is borne out by the El Dorado-Alpine Counties *2013 Agricultural Crop and Livestock Report*. The report estimates that in 2013 ranch marketing and value added products accounted for \$221 million of El Dorado County's \$441 million agricultural economy.

Deletion of this component of Alternative #3 is infeasible for legal reasons. Denial of the proposed expansion of ranch marketing activities would conflict with the following General Plan Policies and Implementation Measures.

- Policy 8.2.4.4 – Ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties. Such ranch marketing uses must be on parcels of 10 acres or more; the parcel must have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production that are properly maintained. These uses cannot occupy more than 5 acres or 50% of the parcel, whichever is less.
- Policy 8.2.4.5 – The County shall support visitor-serving ranch marketing activities on agricultural land, provided such uses do not detract from or diminish the agricultural use of such land. [sic]
- Policy 10.1.6.1 - The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.
- AF-A, subdivision E: Provisions setting forth appropriate by-right and conditional use permit development to support the agricultural industry.
- ED-JJ: The Zoning Ordinance shall allow the sales and marketing of products grown in El Dorado County and crafts made in El Dorado County in areas designated for agricultural use.

Also, deletion of this component would conflict with the Project objective to “[p]romote and protect agriculture in the county.” Eliminating expanded ranch marketing opportunities would not promote agriculture, which is dependent upon ranch marketing for a substantial portion of its revenues. Agricultural protection is a two-pronged effort: establishing areas that allow agricultural activities and creating an environment where agricultural operations can be sufficiently profitable that agriculture will be the preferred use of the land. Ranch marketing, which currently provides approximately 50 percent of the agriculturally-related revenue in the county, is one of the Board of Supervisors' preferred means of helping agricultural operations remain profitable.

## **Home Occupations (Ordinance section 17.40.160)**

Deletion of this component of Alternative #3 is infeasible for legal reasons. Denial of the home occupations ordinance would conflict with the following Policy and Implementation Measure of the Economic Development Element and would result in zoning inconsistency with the General Plan.

- Policy 10.1.7.4 – Home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties.
  - Program 10.1.7.4.1 – Establish standards in the Zoning Ordinance that provide compatible home businesses that complement residential uses in the Community Regions, Rural Centers, and Rural Regions.
  - Program 10.1.7.4.2 – Land use regulations shall disallow Conditions, Covenants, and Restrictions that preclude home occupations or work-at-home activities.
- ED-QQ: Establish standards in the Zoning Ordinance that provide compatible home businesses that complement residential uses in the Community Regions, Rural Centers, and Rural Regions.

Proposed Ordinance section 17.40.160.F and Mitigation Measures TRA-2 and LU-5 will ensure that home occupations will be compatible with adjacent and surrounding properties.

## **Agricultural and timber lodging activities (Ordinance section 17.40.170)**

Deletion of this component of Alternative #3 is infeasible for legal reasons. Denial of the agricultural and timber lodging activities ordinance would preclude these uses from being allowed within El Dorado County. This would conflict with the following Policies of the Agricultural and Forestry Element and Implementation Measures of the Agricultural and Forestry, and Economic Development Elements and would result in zoning inconsistency with the General Plan.

- Policy 8.2.4.2 - A special use permit shall be required for visitor serving uses and facilities providing they are compatible with the agricultural production of land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code and compatibility requirements for contracted lands under the Williamson Act.
- Policy 8.2.4.3 - Visitor serving uses may include, but are not limited to: recreational fishing, camping, stables, lodging facilities and campgrounds.
- AF-A, subdivision E: Provisions setting forth appropriate by-right and conditional use permit development to support the agricultural industry.
- ED-II: The Zoning Ordinance shall provide for agricultural dependent commercial and industrial uses on lands within Rural Regions.

## **Public utility service facilities, intensive, in some zones**

Deletion of this component of Alternative #3 is infeasible for legal reasons. In order to provide for the orderly development of the county, public utility service facilities will need to be installed from time to time. This component of the ZOU would allow public utilities service facilities to be located where needed, upon approval of a conditional use permit. Denial of this component of the ZOU would hinder the provision of public utilities. This would conflict with the following General Plan objective and would result in zoning inconsistency with the General Plan.

- Objective 5.6.1 PROVIDE UTILITY SERVICES - Community Regions shall be provided with adequate and reliable utility services such as gas, electricity, communication facilities, satellite and/or cable

television, and water distribution facilities, while recognizing that levels of service will differ between Community Regions, Rural Centers, and Rural Regions.

### **Industrial, general, in FR (Forest Resource) and TPZ (Timber Production) zones**

Deletion of this component of Alternative #3 is infeasible for legal reasons and would result in zoning inconsistency with the General Plan. It would conflict with the following General Plan policies and Implementation Measures:

- 2.2.5.10 - It is recognized that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for the establishment of such agricultural support services, this policy will protect the permitted uses of such agricultural areas by only allowing the establishment of such support services with a special use permit which will require a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof.

Uses which may be considered to be consistent with this policy are those which include but are not limited to feed stores, agriculture supplies and sales, veterinarian services, animal boarding, processing and/or sale of agriculture products, and the sale of firewood not produced or grown on the site. In addition to agriculture, the rural areas may allow other consistent uses in the form of but not limited to outdoor recreation and campgrounds and organized camps, retreats, fishing and hunting clubs, mineral extractions, and cemeteries. The following uses are allowed by right and do not require a special use permit: processing and/or sale of agricultural products, the sale of handicrafts or goods, picnic areas, and any other use allowed by right as specified in the Zoning Ordinance ("Ranch Marketing Ordinance") provided that these activities are conducted on a site with a bona fide agricultural operation.

- 2.2.5.11 - This policy recognizes the need and importance of managing forest products and natural resources. This policy further recognizes that it is important to provide for an efficient and cost effective means of harvesting and using forest lands. It is further recognized that the forested areas have a need for certain commercial support uses which should be allowed in a manner which is consistent with the forest use and outdoor recreation areas.

Uses that are consistent here may include the processing of forest products and natural resources, overnight individual and group outdoor accommodations, outdoor recreation activities, including ski resorts, hunting and fishing clubs, equestrian facilities, and interpretive centers and conference/convention centers. These special support uses shall only be allowed to be established with the approval of a special use permit.

- Policy 10.1.5.4 - Recognize and promote agricultural based industries in El Dorado County and provide for the expansion of value added industries in an economically viable manner consistent with available resources.
- Program 10.1.5.4.1 - The Zoning Ordinance shall provide for agriculture dependent commercial and industrial uses on lands within Rural Regions.
- Program 10.1.5.4.2 - The Zoning Ordinance shall allow the sales and marketing of products grown in El Dorado County and crafts made in El Dorado County in areas designated for agricultural use.
- AF-A, subdivision E: Provisions setting forth appropriate by-right and conditional use permit development to support the agricultural industry.

- ED-II: The Zoning Ordinance shall provide for agricultural dependent commercial and industrial uses on lands within Rural Regions.

Operation of any such industrial use would be dependent on prior approval of a conditional use permit, under the provisions of the proposed Zoning Ordinance.

### **Recreational facilities (Chapter 17.25)**

Deletion of this component of Alternative #3 is infeasible for legal reasons. It would conflict with the following General Plan policies and Implementation Measures:

- Policy 2.2.5.11 - This policy recognizes the need and importance of managing forest products and natural resources. This policy further recognizes that it is important to provide for an efficient and cost effective means of harvesting and using forest lands. It is further recognized that the forested areas have a need for certain commercial support uses which should be allowed in a manner which is consistent with the forest use and outdoor recreation areas and would result in zoning inconsistency with the General Plan.

Uses that are consistent here may include the processing of forest products and natural resources, overnight individual and group outdoor accommodations, outdoor recreation activities, including ski resorts, hunting and fishing clubs, equestrian facilities, and interpretive centers and conference/convention centers. These special support uses shall only be allowed to be established with the approval of a special use permit.

- Policy 8.2.4.2 - A special use permit shall be required for visitor serving uses and facilities providing they are compatible with the agricultural production of land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code and compatibility requirements for contracted lands under the Williamson Act.
- Policy 8.2.4.3 - Visitor serving uses may include, but are not limited to: recreational fishing, camping, stables, lodging facilities and campgrounds.

### **Ski area**

Deletion of this component of Alternative #3 is infeasible for legal reasons and would result in zoning inconsistency with the General Plan. It would conflict with the following General Plan policies and Implementation Measures:

- 2.2.5.11 - This policy recognizes the need and importance of managing forest products and natural resources. This policy further recognizes that it is important to provide for an efficient and cost effective means of harvesting and using forest lands. It is further recognized that the forested areas have a need for certain commercial support uses which should be allowed in a manner which is consistent with the forest use and outdoor recreation areas.

Uses that are consistent here may include the processing of forest products and natural resources, overnight individual and group outdoor accommodations, outdoor recreation activities, including ski resorts, hunting and fishing clubs, equestrian facilities, and interpretive centers and conference/convention centers. These special support uses shall only be allowed to be established with the approval of a special use permit.

## Section 12 Growth Inducement

CEQA requires a discussion of the ways in which the Project would be growth-inducing. State CEQA Guidelines Section 15126.2(d) identifies a project as growth-inducing if it fosters economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. The Project would not directly induce growth because it would not directly authorize new development. The Project could, however, indirectly induce growth by removing barriers to growth, by creating a condition that attracts additional population or new economic activity, or by providing a catalyst for future growth in the area.

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

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

On a regular basis (now every 8 years), the Sacramento Area Council of Governments (SACOG) prepares the Regional Housing Needs Allocation and adopts the associated Regional Housing Needs Plan (RHNP) that establishes the share of projected future housing growth that El Dorado County must accommodate in its General Plan. Unincorporated El Dorado County’s regional housing share under the 2013–2021 RHNP is 3,948 dwelling units. The housing element was adopted on October 29, 2013 to account for the new allocations. Note that SACOG’s Metropolitan Transportation Plan 2035 neither regulates local land use authority nor precludes a local jurisdiction from planning and approving growth that is different in terms of total units or geographic extent (Sacramento Area Council of Governments 2012).

Independent from the TGPA/ZOU, SACOG is updating its employment and housing projections for use in the 2016 MTP/SCS. SACOG’s February 2015 review of the County’s housing and employment projections found the County and SACOG projections are very similar at the traffic analysis zone level. (Sacramento Area Council of Governments 2015) SACOG has advised the County that the SACOG projection is different from the County’s growth estimates because the General Plan and MTP/SCS serve different purposes, and that differences in the growth forecasts do not mean that the two plans are not in alignment with each other.

Typically, the growth-inducing potential of a project is considered significant if it fosters growth or a concentration of population in excess of the existing setting or baseline. Growth may be induced through the provision of infrastructure or service capacity that would accommodate new development. Based on CEQA’s definition of growth inducement, a general plan is inherently growth-inducing because it must accommodate at least projected housing demand. The current General Plan and the TGPA/ZOU provide the framework to guide public officials in making decisions relative to development in El Dorado County over the next 20 years. As discussed in Section 3.8, *Population and Housing*, projected growth under the General Plan includes an estimated 17,500 additional dwelling units (the actual number will depend on market conditions, the application of

Measure Y traffic mitigation policies and related requirements, and the availability of the public water and sewer facilities necessary to maximize residential density, among other factors, such as avoidance of special-status species habitat). This future growth will occur in the locations identified in the General Plan's land use map. The Project is, therefore, growth inducing.

## Section 13 Cumulative Impacts

### Impact: Aesthetics

**Summary description:** New Policy 2.5.2.1 (mixed-use development in neighborhood commercial centers) would result in an increase in allowable development intensity, causing a likely overall minor increase in the potential for visual impact in comparison to the current General Plan. In addition, the ZOU includes new provisions that could allow ranch marketing, agricultural and timber resource lodging, and health resort and retreat centers in agricultural and forestry zones—types of development located on rural agricultural and forestry lands of the county that can have adverse effects on the character of the surrounding area. Implementation of the Project would allow residential development on slopes of 30% or more, which has the potential to increase visual impacts because it would allow development on slopes that are unavailable for development under the current General Plan. The home occupation ordinance revisions (Section 17.40.160) would increase the potential to degrade the existing visual character or quality of the site and its surroundings by introducing visually incompatible uses. Although the Outdoor Lighting Standards will restrain light spillage from new development, the extent of development anticipated under the TGPA/ZOU would make this a significant impact.

The Cumulative Projects would significantly increase development intensity within the U.S. Highway 50 corridor, including large areas with rural visual characteristics and those with suburban and urban visual characteristics. The Lime Rock Specific Plan and San Stino projects are located away from the highway corridor, but would substantially change the visual character of sites that are currently undeveloped. Considered together with the Cumulative Projects, the Project would increase the significant cumulative impacts on visual resources in the county. The Project's contribution to cumulative impacts on visual resources would be substantial and cumulatively considerable.

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

#### Findings:

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

### **Basis for Findings:**

The following mitigation measures will Substantially lessen the impact of the Project.

- AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers. This will reduce, but not avoid, the potential for visual conflict between this use and existing land uses in rural areas.
- AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones. This would reduce the size of such facilities, thereby reducing, although not avoiding, the potential for visual conflict between this use and existing uses in rural areas.
- AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone. This would narrow the list of uses potentially allowable in TPZ zones upon approval of a conditional use permit and reduce, but not avoid, the potential for visual conflict between public service utilities facilities and existing uses in timberland areas.
- BIO-1a: Limit the relaxation of hillside development standards. This would reduce the availability of slopes over 30% for development. As a result, it would reduce, but not avoid, the potential for conflict between new development on such slopes and existing land uses.

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will result in substantial additional residential, commercial, industrial, and other development within the unincorporated county over the next decades. By its nature, this development will substantially alter county viewscales by placing built structures within what are now undeveloped or natural areas.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to “adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the county’s share of the regional housing need. This requires the County to authorize future development to occur. In addition, the County must comply with Government Code Section 65860 which requires that the Zoning Ordinance be consistent with the General Plan and further provides that the “various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.” The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

### **Impact: Agricultural and Forestry Resources**

**Summary description:** The small amount of agricultural land that is converted in El Dorado County each year as a result of suburbanization or land being removed from production is not a result of the TGPA/ZOU Project. In addition, the Project does not include General Plan amendments that would result in additional conversions of agricultural lands. Potential impacts on farmland and/or

timberland due to the construction of food and farm supply stores, agricultural and timber lodging, health resort and retreat centers, industrial uses, intensive public utility service facilities, recreational structures, and/or the holding of special marketing events made possible by implementation of the Project would be reduced to less-than-significant levels with those mitigation measures detailed in the Final EIR. However, the General Plan, including the TGPA and implemented by the ZOU, would result in significant and unavoidable impacts on agricultural and forestry resources.

The Cumulative Projects described in the Final EIR would, if approved, convert portions of the western county's existing agricultural lands to residential, commercial, recreational, and public utility-oriented uses. Approval of the Cumulative Projects would directly convert substantial areas of existing grazing land to suburban uses, and would significantly contribute to ongoing loss of agricultural land occurring in the county and the surrounding region. In particular, the Folsom South of Highway 50 development area is practically all grazing land at the present time. The loss of this area (totaling approximately 3,585 acres) makes this cumulative impact particularly serious.

Considered together with the Cumulative Projects, the Project would increase cumulative impacts on agricultural and timber resources in the county, and the Project would contribute to that increase. However, the contribution of the ZOU would be marginal in that, as mitigated, uses allowed in the agricultural areas would be required to be compatible with agricultural use and would not be substantial in relation to other drivers of agricultural conversion. Overall, the contribution of the TGPA and ZOU would be substantial in light of the seriousness of the cumulative impact.

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

**Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

**Basis for Findings:**

The following mitigation measures will substantially lessen the impact of the Project.

- AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers. This will reduce the amount of agricultural or timber land that such uses can occupy.
- AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones. This will reduce the amount of land that such uses can occupy.

- AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone. This would narrow the list of uses potentially allowable in TPZ zones upon approval of a conditional use permit and reduce, but not avoid, the potential for public service utilities facilities occupying extensive sites.

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to “adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan, as amended by the TGPA, provides for the long-term development of the county. This requires the County to authorize future development to occur. Government Code Section 65580, et seq requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the county’s share of the regional housing need. Government Code Section 65860 requires that the Zoning Ordinance be consistent with the General Plan and further provides that the “various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.” The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## **Impact: Air Quality and Greenhouse Gases**

**Summary description:** As discussed in Impact AQ-2 in Section 3.3 of the Final EIR under the topic of mobile source emissions, all study scenarios would result in either decreases in all pollutants or minor increases below applicable EDCAQMD threshold levels. However, the potential conflict with the air quality attainment plan remains. Therefore, this impact is significant and unavoidable.

The Cumulative Projects identified in the Final EIR would significantly increase development intensity within the U.S. Highway 50 corridor and areas south of U.S. Highway 50, adding substantial vehicle emissions to the air basin. In addition, given their size, the Cumulative Projects are likely to result in significant construction emissions. Considered together with the Cumulative Projects, the Project would increase impacts on air quality in the county. The Project’s contribution to cumulative impacts on air quality would be substantial.

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

### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

- 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 environmental impact report.

**Basis for Findings:**

The following mitigation measure will substantially lessen the impact of the Project.

- AQ-1: Implement measures to reduce construction-related exhaust emissions. This will reduce construction emissions from future development projects.

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to “adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the county’s share of the regional housing need. This requires the County to authorize future development to occur. Government Code Section 65860 requires that the Zoning Ordinance be consistent with the General Plan and further provides that the “various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.” The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## **Impact: Biological Resources**

**Summary description:** Many of the Project’s impacts contributing to the loss, removal, and fragmentation of wildlife habitat and associated impacts on special-status species and wildlife movement, including impacts associated with the allowance of hillside development, infill development, and agricultural and timber lodging, could be reduced to a less-than-significant level by mitigation measures proposed in the Final EIR. However, other uses, including potential ski areas, public utility service facilities and amusement areas would result in significant and unavoidable impacts on biological resources. The Project would increase the General Plan’s and Zoning Ordinance’s prospective impact on biological resources compared to existing conditions.

The Cumulative Projects, if approved, would convert substantial portions of the county and of the City of Folsom that are currently undeveloped and available as wildlife habitat to residential, commercial, recreational, and public utility-oriented uses. Approval of the Cumulative Projects would directly convert land with Open Space zoning designation and General Plan designation to a different use and would significantly contribute to ongoing loss, fragmentation, and/or removal of wildlife habitat occurring in the county and the surrounding region.

Considered together with the Cumulative Projects, the Project would add to the cumulative impacts on biological resources in the county. The Project's contribution to cumulative impacts on biological resources would be considerable because of the relative fragility of these resources.

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

**Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

**Basis for Findings:**

The following mitigation measures will reduce the impact of the Project.

- BIO-1a: Limit the relaxation of hillside development standards. The measure will ensure the retention of habitat on slopes.
- BIO-1b: Limit the approval of Private Recreation Areas. The measure will reduce the potential for future private recreation areas to adversely affect habitat.
- BIO-1c: Limit music festivals and concerts. The measure will reduce the potential for future music festivals and concerts to result in permanent loss of habitat.
- BIO-2: Return event site to pre-event condition. The measure will reduce the potential for future music festivals and concerts to result in permanent loss of habitat.
- AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers. The measure will reduce the potential for health resort and retreat centers to result in loss of habitat by limiting their size.

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to "adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the county's share of the regional housing need. This requires the County to authorize future development to occur. Government Code Section 65860 requires that

the Zoning Ordinance be consistent with the General Plan and further provides that the “various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.” The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## **Impact: Cultural Resources**

**Summary description:** Overall, the Project would have significant impacts on cultural resources. In some cases, the Project proposes zoning changes that are similar to and more protective of historical resources than the existing Zoning Ordinance provisions, and in all cases would not reduce the existing protections for historical resources. However, the potential for currently unknown or unevaluated historic resources to be adversely affected by the Project, and the limitations on developing effective mitigation absent a development project with a defined site-specific impact, means that the project’s impact is significant and unavoidable.

The Cumulative Projects could potentially affect currently unknown or unevaluated cultural resources within El Dorado County and the City of Folsom. When considered together with other development pursued under the General Plan, the Cumulative Projects could result in a significant and unavoidable impact. Despite the implementation of mitigation required by state law and the historic protections contained within the current and proposed General Plan and Zoning Ordinance, it can reasonably be assumed, based on the size of these projects and the largely undisturbed nature of their sites, that these impacts would be significant. Considered together with the Cumulative Projects, the Project would make a considerable contribution to cumulative impacts on cultural resources.

This impact is significant and unavoidable.

### **Finding:**

- 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 environmental impact report.

### **Basis for Finding:**

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial new development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to “adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the county’s share of the regional housing need. This requires the

County to authorize future development to occur. Government Code Section 65860 requires that the Zoning Ordinance be consistent with the General Plan and further provides that the “various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.” The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## **Impact: Land Use**

**Summary description:** The Project would not result in physical divisions of communities. In addition, the Project includes both an internally consistent set of General Plan policy amendments and a comprehensive update to the Zoning Ordinance to ensure that it will be consistent with the General Plan, and would, therefore, be consistent with state law. It is reasonable to assume that buildout of the General Plan, in conjunction with the Project, would result in a substantial increase in the level of development found throughout the county. This would inevitably degrade the rural character of some areas.

Similarly, the Cumulative Projects—with the exception of the Central El Dorado Hills project, which is surrounded by existing development—considered together with the General Plan, would convert substantial portions of the county and the City of Folsom from undeveloped uses in rural areas to developed uses, creating suburban and urban areas that may conflict with more rural land uses despite General Plan and Zoning Ordinance provisions for buffers between land uses. The Project would contribute to the cumulative loss of rural character. If intensive conditional uses are approved, this would be a substantial contribution to a cumulative impact on land use.

This impact is significant and unavoidable.

### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

### **Basis for Findings:**

The following mitigation measures will substantially lessen the impact of the Project.

- AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers. This would reduce the potential for incompatible uses to be located in proximity to one another.
- AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones. This would reduce the potential for incompatible uses to be located in proximity to one another.

- AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone. This would narrow the list of uses potentially allowable in TPZ zones upon approval of a conditional use permit and reduce, but not avoid, the potential for conflict between public service utilities facilities and existing uses in timberland areas.
- LU-4b: Require proposed Ranch Marketing uses to be reviewed for compatibility with adjoining agricultural uses. This would reduce the potential for incompatible uses to be located in proximity to one another.
- LU-5: Revise the Home Occupancy provisions to restrict the use of hazardous materials. This would reduce the potential for incompatible uses to be located in proximity to one another.

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial new development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to “adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the county’s share of the regional housing need. This requires the County to authorize future development to occur. Government Code Section 65860 requires that the Zoning Ordinance be consistent with the General Plan and further provides that the “various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.” The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## Impact: Noise

**Summary description:** The TGPA will encourage higher density development within high-density residential and mixed use developments in community regions and rural communities, as well as infill locations. In addition, the Project would expand the allowable uses in Agricultural, Rural Lands, and Resource Zones to include health resort and retreat centers, agricultural and timber resource lodging, and ranch marketing that could include outdoor entertainment and concerts. The Project would also allow expanded uses in Recreational Zones including large amusement complexes and outdoor entertainment.

Considered together with the Cumulative Projects, it is possible that there would be a cumulatively considerable increase in noise on U.S. Highway 50, White Rock Road, and other roads serving the Cumulative Projects. While the General Plan includes policies to mitigate noise increases associated with new transportation projects, it remains that impacts associated with traffic may not be able to be fully reduced. Therefore, the cumulative impact of noise associated with new transportation

projects that would be needed to serve the Cumulative Projects remains significant and unavoidable and the Project's contribution will be substantial.

This impact is significant and unavoidable.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial new development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to "adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the county's share of the regional housing need. This requires the County to authorize future development to occur. Government Code Section 65860 requires that the Zoning Ordinance be consistent with the General Plan and further provides that the "various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan." The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## **Impact Population and Housing**

**Summary description:** The Cumulative Projects would cause a substantial increase in population in the area. If these projects are approved, the General Plan and zoning designations that do not currently allow commercial and residential uses would be changed to allow for these uses. The approved Folsom South of Highway 50 project includes from 11,340 to 14,630 new residential units and 305 acres of commercial/office development in an area that is currently undeveloped. This will substantially increase the population of the City of Folsom and extend existing infrastructure to serve a new area. Infrastructure that would induce population growth, including recreational facilities, roads, and public utilities, would be constructed as part of the Cumulative Projects.

The TGPA/ZOU Project would not substantially change the population projections under the existing General Plan. Since the 2004 General Plan EIR found that the General Plan would indirectly induce population growth and that impacts would be significant, with no feasible mitigation available to reduce the impacts to a less-than-significant level, the Project's impacts related to population would

be the same as assessed in the 2004 General Plan EIR. Consequently, the Project's contribution to the cumulative impact on population and housing would be significant and unavoidable.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial new development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to "adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the county's share of the regional housing need. This requires the County to authorize future development to occur. Government Code Section 65860 requires that the Zoning Ordinance be consistent with the General Plan and further provides that the "various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan." The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## **Impact: Transportation and Traffic**

**Summary description:** Impacts from individual projects resulting from future proposals for ranch marketing, home occupations, and similar expanded uses under the ZOU would be localized and not likely to have an individual effect on overall traffic levels on the county and state road systems. Therefore, impacts associated with the Project are almost fully the result of future development that could occur under the current General Plan. However, the Project would result in a cumulatively considerable incremental increase in traffic generation due to the TGPA's increase in density for mixed use projects and the expanded range of uses that can be considered under the ZOU.

The Cumulative Projects represent a major increase in the level of development west of Placerville that would generate traffic on U.S. Highway 50, White Rock Road, and other roads serving the Cumulative Projects. Although the county is under no obligation to approve any of these projects, particularly if it finds that they would result in unmitigated LOS F conditions on U.S. Highway 50, for purposes of the Final EIR's cumulative impact analysis they are assumed to be built, and this analysis

assumes their presence in the future<sup>1</sup>. Cumulative growth within the county will result in a substantial increase in traffic on segments of U.S. Highway 50, Cameron Park Drive, Missouri Flat Road, and South Shingle. Final EIR Table 5-2 identifies those roads that are projected to exceed LOS E and F standards under cumulative conditions.

New residential, commercial, recreation, and public-utility-oriented uses would lead to new trips from a variety of areas, including regional trips from workers in Sacramento commuting to new homes in western El Dorado County and local trips of new residents commuting to nearby services within El Dorado County. The Folsom South of Highway 50 project would be expected to generate even greater volumes of traffic, increasing current traffic levels on U.S. Highway 50 and White Rock Road. The future Southeast Connector project, expanding White Rock Road to link Elk Grove and El Dorado Hills with an expressway and the associated Latrobe Road connector will take some of this project's traffic off of U.S. Highway 50 when it is completed, as will the Easton Valley Parkway, which will provide east-west circulation within that project. Cumulative impacts will nonetheless be significant on a number of road segments within the county. Final EIR Table 5-3 illustrates the forecasted LOS under cumulative conditions.

Nonetheless, the Cumulative Projects are projected to result in significant cumulative impacts on U.S. Highway 50 and several major county roads. Together, the Cumulative Projects would cause a cumulatively significant impact on several segments of U.S. Highway 50 between its Ponderosa Road interchange and the Sacramento County line, and other roads within the county. In addition, traffic volumes are projected to be cumulatively significant on segments of Cameron Park Drive, El Dorado Hills Boulevard, Green Valley Road, Missouri Flat Road, Pleasant Valley Road, and South Shingle Road. The roadway segments exceeding the thresholds of significance under cumulative conditions are shown in Table 5-2 of the final EIR.

The Project's traffic contribution to this impact is significant and unavoidable, although its effect is lessened by mitigation measures that will be incorporated into the Project.

**Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

**Basis for Findings:**

The following mitigation measure will substantially lessen the impact of the Project.

<sup>1</sup> As mentioned earlier, this is in keeping with CEQA's approach to cumulative impact analysis and does not presuppose the County's approval of any of the Cumulative Projects located within the county.

- TRA-1: Extend timeframe of General Plan Transportation and Circulation Element Policy TC-Xa. This would retain in place the General Plan provision that forms the basis for the Traffic Impact Management fee and Capital Improvement Plan programs. Those programs fund road improvements that maintain select county roads at acceptable levels of service.
- TRA-2: Reduce the Proposed Number of Employees Allowed by Right at Home Occupations. This would reduce the potential for localized congestion resulting from traffic generated by home occupations. It would have a limited effect on reducing cumulative traffic impacts.

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial new development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to “adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to “identify adequate sites for housing” and otherwise plan for sufficient development to meet the county’s share of the regional housing need. This requires the County to authorize future development to occur. Government Code Section 65860 requires that the Zoning Ordinance be consistent with the General Plan and further provides that the “various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.” The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## **Impact: Water Supply**

**Summary Description:** The 2004 General Plan EIR identified water supply impacts as a significant, unavoidable impact of future development pursuant to the General Plan. That continues to be the case within the Georgetown Divide PUD and Grizzly Flats CSD during the planning period to 2035. EID forecasts that during that time frame, it will have sufficient supplies to meet the demand created by future development under the existing General Plan to 2035. Beyond 2035, all three water districts will lack the supplies to meet forecasted demand.

The El Dorado County Water Agency’s 2014 Update to its *Water Resources Development and Management Plan* takes a long range view of water supply availability and demand within western El Dorado County, particularly in the EID service area. As discussed in Section 3.10, *Water Supply* of the Final EIR, the 2014 Update concludes that future development on the West Slope under the General Plan will have a significant and unavoidable impact on water supplies in EID after 2035. GDPUD and GFCSD will similarly be subject to significant and unavoidable impacts due to insufficient supply to meet customer demand. The Project will make a considerable contribution to cumulative impacts on water demand, in excess of forecasted supplies, within the Georgetown Divide PUD and Grizzly Flats CSD during the planning period to 2035 and within EID after 2035.

This impact is significant and unavoidable.

Future development under the TGPA/ZOU will place greater demands on groundwater supplies in those parts of the West Slope that are not served by public water agencies. As discussed in Section 3.10, *Water Supply* of the Final EIR, El Dorado County's West Slope lacks cohesive groundwater basins and is instead underlain by fractured rock that supports aquifers of varying size, depth, and dependability. The Project's impact on groundwater is significant and unavoidable. At the program EIR level, impacts on groundwater are cumulative in nature because they are based on the ability of groundwater supplies within the county to meet expected future demand. Groundwater resources and future demand under the General Plan, as revised by the TGPA and implemented by the ZOU, do not need to be quantified in order to conclude that future development will result in a significant cumulative effect on groundwater supplies.

It is reasonably foreseeable that there will also be an adverse impact on groundwater supplies from an expansion of agricultural plantings and of development under the General Plan. This will be compounded by components of the ZOU such as ranch marketing, rural, industrial, and home occupations that can intensify very localized water demands in rural areas where groundwater is the sole source of water. Although the County's General Plan policies, individual project review through the conditional use permit process, and the county's water well ordinance all act to reduce the potential to approve development that will generate demand in excess of groundwater supplies, these policies and regulations would allow incremental increases in the number of wells and water demand on the county's fractured aquifers without accounting for total available water supply in the affected aquifers and their ability to meet cumulative demands in dry and multiple dry years. The TGPA/ZOU will therefore make a considerable contribution to this significant impact.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

Development under the General Plan, as amended by the TGPA and implemented by the ZOU, will contribute to a cumulative impact resulting from substantial new development that may occur in the future.

Avoidance of this impact is infeasible for legal reasons. Government Code Section 65301 requires the El Dorado County Board of Supervisors to "adopt a comprehensive, long-term general plan for the physical development of the county ... and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." The General Plan, as amended by the TGPA, provides for the long-term development of the county. Government Code Section 65580, et seq requires the General Plan to "identify adequate sites for housing" and otherwise plan for sufficient development to meet the county's share of the regional housing need. This requires the County to authorize future development to occur. Government Code Section 65860 requires that the Zoning Ordinance be consistent with the General Plan and further provides that the "various

land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.” The ZOU is being adopted to achieve this consistency.

The Project alternatives are infeasible for the reasons described in Section 11 above. The disposition of the mitigation measures is discussed in Section 15 below.

## **Section 14 Significant Irreversible Environmental Changes**

State CEQA Guidelines Section 15126.2 requires that the EIR for a general plan amendment must address any significant irreversible environmental change that would result from implementation of that amendment. Specifically, per the Guidelines (Section 15126.2[c]), such an impact would occur if:

- the project would involve a large commitment of nonrenewable resources;
- irreversible damage can result from environmental accidents associated with the project; and
- the proposed consumption of resources is not justified.

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

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

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

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

## Section 15 Findings Regarding Impacts and Mitigation Measures

The following impacts are described in detail in the Final EIR under the titles listed below. The Final EIR's descriptive discussions of each of these impacts are incorporated by reference.

### Impact AES-1: Result in a substantial adverse effect on a scenic vista

**Summary description:** Allowing development on slopes of 30% or greater would allow new development to be built higher on slopes. Further, despite provisions for compatibility and design review, the proposed ZOU Ranch Marketing, Agricultural and Timber Resource Lodging, Ski Area, and Industrial General uses could be substantially different from the existing activities in the area, could be located within a scenic viewshed, and could adversely affect the vividness, intactness, and unity of the view from other properties and from adjoining roads. In addition, because future home occupations permits may be applied for in rural areas that are of high visual quality, there may be instances where a home occupation allowed by right under Section 17.40.160, as well as those requiring a discretionary permit, could adversely affect the aesthetics of its surroundings.

#### Findings:

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

#### Basis for Findings:

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

#### Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards

Revise proposed Policy 7.1.2.1, existing Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D, as follows.

- *Policy 7.1.2.1* Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to a prohibition on development or disturbance where special-status species habitat is present and exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.
- *Policy 7.4.1.6* All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Development projects on slopes over 30% is prohibited where special-status species habitat is

present. On slopes less than 30% where ~~Where~~-avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

- The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the County and in the creation and implementation of the INRMP.

Section 17.30.060, subsection C. Development Standards applicable to slopes 30% or greater.

Development that will result in ground disturbance on slopes 30 percent or greater with a vertical height of 50 feet or more shall be prohibited, except where reasonable use of the property would be denied, as provided in subsection E, or the activity is exempt under subsection D, below.

Any development allowed on slopes 30 percent or greater with a vertical height of less than 50 feet shall require a grading or building permit and shall include an erosion and sediment control plan in compliance with the County Grading Design Manual. Development shall be prohibited where ground disturbance would adversely affect important habitat through conversion or fragmentation. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent Biological Resources Study, to be prepared by a qualified biologist, which examines the site for important habitat consistent with General Plan Implementation Measure CO-U.

Where required by the Grading Design Manual, technical studies from qualified professionals, such as soils or geotechnical reports to assess the erosion potential or slope stability may be required. Recommendations for erosion control or slope stabilization measures contained in the technical reports shall be implemented as a requirement of the grading or building permit. A surety bond, cash deposit or other security acceptable to the county may be required to ensure that long term erosion control measures, such as slope landscaping, are permanently established.

Section 17.30.060, subsection D. Exemptions.

The following types of development are exempt from the provisions of this Section:

1. Development that will avoid disturbance of slopes 30 percent or greater;
2. Development on slopes 30 percent or greater which are less than 50 feet in vertical height;
3. Construction of public or private streets and roads, emergency vehicle access or driveways;
4. Development approved prior to the adoption of this ordinance which has identified the extent of allowable development. These include approved variances, tentative and final subdivision and parcel maps, planned developments or other actions;

54. Disturbance of existing artificial slopes created under a permit issued by the county or for which a permit was not required at the time the slopes were created;
65. Repair of existing infrastructure, or replacement or repair of existing structures in substantially the same footprint;
76. Disturbance on slopes necessary for public safety, such as removal of poisonous or noxious plants, controlled removal or thinning of vegetation as part of a fire protection program when not adversely affecting habitat, or other public safety purpose;
87. Development of a public trail comprising a component of the county's regional parks and trails master plans;
98. Projects located in the Tahoe Basin. Such projects are subject to the policies and regulations of the Tahoe Regional Planning Agency Code of Ordinances;
109. Underground utilities with accessory above ground components, utility poles and guy wires, and other similar features;
1110. Agricultural activities that utilize BMPs, as recommended by the County Agricultural Commission and adopted by the Board.

**Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers**

Amend the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E.2 to read as follows.

*E. Health Resort and Retreat Center.*

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in those zones allowing residential uses and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers may provide up to a maximum 20 guestrooms within one or more structures, in compliance with the development standards of the applicable residential or agricultural zones.

**Mitigation Measure AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones**

Amend Table 17.21.020 to replace the use type "Public Utility Service Facilities: Intensive," with use type "Public Utility Service Facilities: Minor."

**Mitigation Measure AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone**

Amend Table 17.21.020 to remove the CUP allowance from the matrix cells relating to the FR and TPZ zones as follows.

Use Type	FR	TPZ
Health Resort and Retreat Center	CUP	CUP
Industrial, General	CUP	--
Off-highway or off-road vehicle recreation area	CUP	--
Ski Area	CUP	--
Public Utility Service Facilities: <del>Intensive</del> <u>Minor</u>	CUP	CUP

Mitigation Measure BIO-1a would reduce impacts related to allowing development on slopes of 30% or greater by requiring avoidance of wildlife habitat. However, because this type of development would adversely affect the vividness and intactness of scenic views, this impact would remain significant and unavoidable. Mitigation Measures AG-1a, AG-1b, and AG-4 would reduce impacts related to ZOU provisions for Ranch Marketing, Agricultural and Timber Resource Lodging, Ski Area, and industrial uses by limiting the size of proposed Health Resort and Retreat Centers and limiting the size and locations of public utility service facilities, Industrial, General, off-highway or off-road vehicle recreation area, and ski areas. As described in the Final EIR, because the uses could still occur, these impacts would remain significant and unavoidable.

The Board of Supervisors has incorporated the above mitigation measures into the adopted TGPA and ZOU. As explained in the Final EIR, with implementation of this mitigation measure, this potential impact on scenic vistas (Impact AES-1) would be reduced, but would remain significant.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will result in aesthetic impacts by introducing buildings into the county's existing naturalistic scenic vistas. The Board of Supervisors finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact AES-1 to a less than significant level.

**Impact AES-2: Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings along a scenic highway**

**Summary description:** A segment of U.S. Highway 50 from the County Government Center interchange near Placerville to South Lake Tahoe City limit is an officially designated Scenic Highway. Development of one or more Ranch Marketing, Agricultural and Timber Resource Lodging, or Health Resort and Retreat Center uses along the agriculturally designated land east of Placerville could damage scenic resources along this section of U.S. Highway 50, depending on the specific design and location of the use.

**Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

**Basis for Findings:**

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

**Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers**

Amend the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E.2 to read as follows.

*E. Health Resort and Retreat Center.*

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in those zones allowing residential uses and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers may provide up to a maximum 20 guestrooms within one or more structures, in compliance with the development standards of the applicable residential or agricultural zones.

As discussed under Impact AES-1, it is reasonably foreseeable that the proposed ZOU provisions described above could result in new development that adversely affects existing scenic resources. A segment of U.S. Highway 50 and all of SR 89 in El Dorado County are designated Scenic Highways. The views from U.S. Highway 50 toward agriculturally designated lands east of Placerville are limited primarily to those lands adjoining the highway, and include rural and forest landscapes, as well as developed lands between eastern Placerville and Camino. The agriculturally designated lands are generally devoted to agriculture or open space at the current time and support stretches of vivid and intact rural and forest views. Development of one or more Ranch Marketing, Agricultural and Timber Resource Lodging, or Health Resort and Retreat Center uses along the agriculturally designated land east of Placerville could damage scenic resources along this section of U.S. Highway 50, depending on the specific design and location of the use.

The Board of Supervisors has incorporated the above mitigation measure into the adopted ZOU. The proposed Section 17.40.170.E.2 of the amended Zoning Ordinance will reduce the impacts on scenic resources by limiting the size of proposed Health Resort and Retreat Centers. The EIR identifies no additional feasible measures that would avoid or substantially lessen this impact. As explained in the EIR, with implementation of this mitigation measure, this potential impact on scenic resources (Impact AES-2) would be reduced, but would remain significant.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will result in aesthetic impacts by changing the visual integrity of scenic resources within the county. The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact AES-2 to a less than significant level.

### **Impact AES-3: Substantially degrade the existing visual character or quality of the site and its surroundings**

**Summary description:** Several classes of uses that may be allowed under the proposed ZOU, including Ranch Marketing, Agricultural and Timber Resource Lodging, Ski Area, and Industrial General, have the potential to adversely affect existing views.

#### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

#### **Basis for Findings:**

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

#### **Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards**

Revise proposed Policy 7.1.2.1, existing Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D, as follows.

*Policy 7.1.2.1* Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to a prohibition on development or disturbance where special-status species habitat is present and exceptions for access,

reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.

*Policy 7.4.1.6* All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Development projects on slopes over 30% is prohibited where special-status species habitat is present. On slopes less than 30% where ~~Where~~ avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the County and in the creation and implementation of the INRMP.

Section 17.30.060, subsection C. Development Standards applicable to slopes 30% or greater.

Development that will result in ground disturbance on slopes 30 percent or greater with a vertical height of 50 feet or more shall be prohibited, except where reasonable use of the property would be denied, as provided in subsection E, or the activity is exempt under subsection D, below.

Any development allowed on slopes 30 percent or greater with a vertical height of less than 50 feet shall require a grading or building permit and shall include an erosion and sediment control plan in compliance with the County Grading Design Manual. Development shall be prohibited where ground disturbance would adversely affect important habitat through conversion or fragmentation. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent Biological Resources Study, to be prepared by a qualified biologist, which examines the site for important habitat consistent with General Plan Implementation Measure CO-U.

Where required by the Grading Design Manual, technical studies from qualified professionals, such as soils or geotechnical reports to assess the erosion potential or slope stability may be required. Recommendations for erosion control or slope stabilization measures contained in the technical reports shall be implemented as a requirement of the grading or building permit. A surety bond, cash deposit or other security acceptable to the county may be required to ensure that long term erosion control measures, such as slope landscaping, are permanently established.

Section 17.30.060, subsection D. Exemptions.

The following types of development are exempt from the provisions of this Section:

1. Development that will avoid disturbance of slopes 30 percent or greater;
2. ~~Development on slopes 30 percent or greater which are less than 50 feet in vertical height;~~

- ~~32.~~ Construction of public or private streets and roads, emergency vehicle access or driveways;
43. Development approved prior to the adoption of this ordinance which has identified the extent of allowable development. These include approved variances, tentative and final subdivision and parcel maps, planned developments or other actions;
54. Disturbance of existing artificial slopes created under a permit issued by the county or for which a permit was not required at the time the slopes were created;
65. Repair of existing infrastructure, or replacement or repair of existing structures in substantially the same footprint;
76. Disturbance on slopes necessary for public safety, such as ~~removal of poisonous or noxious plants~~, controlled removal or thinning of vegetation as part of a fire protection program when not adversely affecting habitat, or other public safety purpose;
87. Development of a public trail comprising a component of the county's regional parks and trails master plans;
98. Projects located in the Tahoe Basin. Such projects are subject to the policies and regulations of the Tahoe Regional Planning Agency Code of Ordinances;
- ~~109.~~ Underground utilities with accessory above ground components, utility poles and guy wires, and other similar features;
- ~~110.~~ Agricultural activities that utilize BMPs, as recommended by the County Agricultural Commission and adopted by the Board.

Mitigation Measure BIO-1a would reduce impacts related to allowing development on slopes of 30% or greater. However, because this type of development would adversely affect the vividness and intactness of scenic views, this impact would remain significant and unavoidable.

The Board of Supervisors has incorporated the above mitigation measure into the adopted TGPA and ZOU. The new Policy 7.1.2.1, revised Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D of the Zoning Ordinance will reduce the degradation of existing visual character or quality by limiting development on slopes greater than 30%. The Final EIR identifies no additional measures that would avoid or substantially lessen this impact. As explained in the Final EIR, with implementation of this mitigation measure, this potential impact on existing visual character or quality (AES-3) would be reduced, but would remain significant.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will result in the degradation of existing visual character or quality by changing the visual integrity of scenic resources within the county. The Board of Supervisors finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact AES-3 to a less than significant level.

## **Impact AES-4: Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area**

**Summary description:** Several classes of uses that may be allowed by right under the proposed ZOU, including Ranch Marketing and Agricultural and Timber Resource Lodging, have the potential to be sources of light and glare. These uses would be located in the agricultural and forestry zones, which are located primarily in rural areas that tend to be dark at night. These land uses would be subject to the outdoor lighting regulations under Chapter 17.34 of the ZOU. However, Agricultural and Timber Resource Lodging would be exempt from those regulations, and the proposed regulations appear to be less stringent than those currently in effect under Zoning Ordinance Section 17.14.170. These two types of uses would have a reasonably foreseeable potential to result in sufficient light to adversely affect nighttime views, and other uses in rural areas would have the potential to result in indirect lighting that would affect nighttime views.

*Chapter 17.25 (Recreational Facilities)* would expand the types of uses currently allowed in the recreational facilities zone. If these intensive uses were to be approved in areas designated on the General Plan for residential or open space uses, it is reasonably foreseeable that they would substantially alter the existing visual character of the surrounding area. The intensity (e.g., height, lighting, signage), typical components (e.g., parking lots, signs, permanent structures), and typical operational impacts (e.g., traffic, noise, lighting) of these types of uses would not be amenable to sufficient moderation to avoid this substantial alteration because they would be so different than their surroundings.

### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

### **Basis for Findings:**

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

#### **Mitigation Measure AES-4: Revise proposed Zoning Ordinance Chapter 17.34 and Section 17.40.170**

Revise Chapter 17.34, Section 17.34.020 as follows.

##### **17.34.020 Outdoor Lighting Standards**

- A. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way as illustrated in Figure 17.34.020.1 (Light Source Not Directly Visible Outside Property Perimeter).

Parking lot and other security lighting shall be top and side shielded to prevent the light pattern from shining onto adjacent property or roadways, excluding lights used for illumination of public roads. External lights used to illuminate a sign or the side of a building or wall shall be shielded to prevent the light from shining off of the surface intended to be illuminated. Outdoor floodlights shall not project above 20 degrees below the horizontal plane.

B. Any commercial, industrial, multi-family, civic, or utility project that proposes to install outdoor lighting shall submit plans for such lighting, to be reviewed by the Planning Director as a part of a site plan review.

1. If the project requires an administrative permit, conditional or minor use permit, design review permit, or development plan permit, said lighting plan shall be included as a part of that application, and shall be subject to approval by the approving authority.
2. Lighting plans shall contain, at a minimum, the location and height of all light fixtures, the manufacturer's name and style of light fixture, and specifications for each type of fixture.

Revise Section 17.40.170.B.5 as follows.

5. Lodging facilities shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area, and walkways shall be kept free of obstructions or hazards of any type. With the exception of Agricultural Homestays, Guest Ranches, and Agricultural and Timber Resource Lodging, the entrance, parking and walkways shall be illuminated in compliance with Chapter 17.34 (Outdoor Lighting). If outdoor lighting is proposed for an Agricultural Homestay, Guest Ranch, and Agricultural and Timber Resource Lodging, the lighting shall conform to Chapter 17.34.

The Board of Supervisors has incorporated the above mitigation measure into the adopted ZOU. The revised Chapter 17.34 and Section 17.40.170 of the Zoning Ordinance will reduce the nighttime light and glare impacts by limiting the extent to which lighting would be allowed to shine onto adjacent property or roadways. As explained in the Final EIR, with implementation of this mitigation measure, this light and glare impact (Impact AES-4) would be reduced to a less-than-significant level for all zones except the Recreational Facilities zone. Impacts related to light and glare in the Recreational Facilities zone would be significant and unavoidable.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will result in the introduction of new sources of light and glare in areas of the county that are currently dark at night. The Final EIR identifies no additional measures that would avoid or substantially lessen this impact. The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board

could adopt at this time which would reduce Impact AES-4 to a less than significant level in the Recreational Facilities zone.

### **Impact AG-1: Convert Important Farmland, Grazing Land, land currently in agricultural production, or cause land use conflict that results in cancellation of a Williamson Act contract**

**Summary description:** A small amount of agricultural land is converted in the county each year as a result of suburbanization or land being removed from production. However, as General Plan implementation occurs, the Project does not propose General Plan amendments that would result in additional conversions of agricultural lands. The changes to the existing Agricultural Districts' boundaries would ensure that agricultural properties that qualify for inclusion within Agricultural Districts are encompassed by the District boundaries and that any parcels that do not qualify to be within the District boundaries are removed. The impact would be the same as that identified in 2004 when the General Plan was adopted: significant and unavoidable.

Although lots adjacent to or within Agricultural zones must be reviewed by the County Agricultural Commission for compatibility with surrounding agricultural uses prior to consideration of a CUP, the lack of a Health Resort and Retreat Center use size limitation in the ZOU could cause conflicts with agricultural operations over traffic and activity levels from this land use or conversion of a substantial amount of farmland to a nonagricultural use. In addition, the development of Public Utility Service Facilities, Intensive uses in the PA, AG, RL, FR, and TPZ zones upon approval of a CUP would be incompatible with the purpose of the PA, AG, and RL zones, which is to provide for agriculture and agriculturally related activities in a rural/agricultural setting.

#### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

#### **Basis for Findings:**

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

#### **Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers**

Amend the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E.2 to read as follows.

*E. Health Resort and Retreat Center.*

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in those zones allowing residential uses and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers may provide up to a maximum 20 guestrooms within one or more structures, in compliance with the development standards of the applicable residential or agricultural zones.

**Mitigation Measure AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones**

Amend Table 17.21.020 to replace the use type "Public Utility Service Facilities: Intensive," with use type "Public Utility Service Facilities: Minor."

Overall, the Project's impact related to agricultural conversion and the cancellation of Williamson Act contracts would be significant and unavoidable because of the unavoidable direct conversion associated with suburbanization or land being removed from production as a result of implementation of the General Plan. No additional mitigation measures are available beyond those incorporated into the General Plan with its adoption in 2004 that would mitigate this overall impact.

Mitigation Measure AG-1a places reasonable size limits on Health Resort and Retreat Centers consistent with the requirements for Bed And Breakfast Inns, thereby limiting the potential for incompatibility with agricultural uses, and reducing indirect pressure for cancellation of Williamson Act contracts to a less-significant level. The Zoning Ordinance requires that ranch marketing and visitor-serving activities remain an accessory to an ongoing agricultural use. That, along with the County Williamson Act provisions for compatible uses will limit direct conversions of Williamson Act land that would otherwise occur from the introduction of non-compatible uses. Direct impacts related to Public Utility Service Facilities, Intensive allowed in the PA, AG, RL, FR, and TPZ zones upon approval of a CUP would be reduced to a less-significant level by Mitigation Measure AG-1b, which limits Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones and specifies that Public Utility Service Facilities, Intensive are not allowable in the PA, AG, and RL zones.

The Board of Supervisors has incorporated the above mitigation measures into the adopted ZOU. As explained in the Final EIR, impacts related to direct and indirect conversion of farmland would be reduced by Mitigation Measures AG-1a and AG-1b, but not to a less-significant level. No additional mitigation measures are available beyond those incorporated into the General Plan with its adoption in 2004 would mitigate this overall impact.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will result in the loss of existing agricultural land within the county. The Final EIR identifies no additional measures that would avoid or substantially lessen this impact. The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact AG-1 to a less than significant level.

## **Impact AG-2: Remove substantial areas of agricultural land from production by ranch marketing, winery, and visitor-serving activities**

**Summary description:** The 2004 General Plan and existing Zoning Ordinance provide for Ranch Marketing, Winery, and visitor serving activities. The TGPA does not propose any substantive changes to the General Plan relative to these activities. However, the ZOU includes a number of changes to existing Zoning Ordinance provisions that have the potential to remove agricultural land from production, particularly the introduction of Health Resort and Retreat Center as a potential use. The ZOU does not provide a size limit on the Health Resort and Retreat Center use. As a result, while such a use may be compatible with surrounding agricultural uses, it could nonetheless convert productive agricultural land on its site.

### **Finding:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

### **Basis for Finding:**

This effect is avoided by the following mitigation measures incorporated into the Project upon its adoption.

#### **Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers**

Amend the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E.2 to read as follows.

##### *E. Health Resort and Retreat Center.*

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in those zones allowing residential uses and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.

3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers may provide up to a maximum 20 guestrooms within one or more structures, in compliance with the development standards of the applicable residential or agricultural zones.

**Mitigation Measure BIO-1c: Limit music festivals and concerts**

Add a footnote to Table 17.40.260.2 at the matrix entries for the LA and PA zones, as follows:

Use Type	LA	PA
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

Add a footnote to Table 17.40.260.2 at the matrix entries for the AG zones, as follows.

Use Type	AG (160+acres)	AG (40 160 acres)	AG (less than 40 acres)
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

**Mitigation Measure BIO-2: Return event site to pre-event condition**

Amend Section 17.040.260.F.1.e as follows.

- e. **Special Events.** Special events, subject to the following limitations:
- (1) Total of 24 events per calendar year.
  - (2) Maximum capacity of 250 persons at one time.
  - (3) Special events shall be limited in time duration to 48 hours, and the event site shall be returned to its pre-event condition after each use.
  - (4) The total number of special events shall be limited to the number provided in this paragraph and shall not be cumulative if a lot also qualifies for events under Paragraph I.4 or Section 17.40.400 (Wineries).
  - (5) Special events may be held throughout the year and are not limited to the harvest season.

The Board of Supervisors has incorporated the above mitigation measures into the adopted ZOU. As explained in the Final EIR, impacts related to the conversion of productive agricultural land will be reduced to a less-than-significant level by Mitigation Measure AG-1a, which limits the size of proposed Health Resort and Retreat Centers. The Zoning Ordinance itself limits the size of these

activities and requires that ranch marketing and visitor-serving activities remain an accessory to an ongoing agricultural use. That will limit conversions of agricultural land.

In addition, Mitigation Measure BIO-1c will limit the agricultural areas available for music festivals and concerts, and Mitigation Measure BIO-2 will require that where special events are allowed the site must be returned to its pre-event condition. These measures will avoid permanent conversion of agricultural lands as a result of ranch marketing, winery, and visitor-serving activities efforts.

### **Impact AG-4: Convert timberland, including lands currently in timber production and lands zoned for timber production, to non-forestry uses**

**Summary description:** The ZOU has several provisions that could result in the conversion of timberland to non-forestry uses, particularly the potential for Industrial, General uses, and Ski Areas in FR and TPZ zones with a CUP.

**Finding:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.

**Basis for Finding:** This impact is less than significant with the following mitigation measure incorporated into the Project on its adoption.

**Mitigation Measure AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone**

Amend Table 17.21.020 to remove the CUP allowance from the matrix cells relating to the FR and TPZ zones as follows.

Use Type	FR	TPZ
Health Resort and Retreat Center	CUP	CUP
Industrial, General	CUP	--
Off-highway or off-road vehicle recreation area	CUP	--
Ski Area	CUP	--
Public Utility Service Facilities: <del>Intensive</del> <u>Minor</u>	CUP	CUP

The Board of Supervisors has incorporated the above mitigation measure into the adopted ZOU. As explained in the Final EIR, impacts related to allowing Industrial, General uses and Ski Areas in FR and TPZ with a CUP would be reduced to a less-than-significant level by implementation of Mitigation Measure AG-4, which would restrict these incompatible uses from being located in those zones. In addition, if needed public utility service facilities are approved in these areas, the facilities will be limited to minor ones.

## **Impact AQ-1: Generate construction-related emissions in excess of EDCAQMD thresholds**

**Summary description:** As described in the Final EIR, it is currently unknown what level of construction activities would occur with implementation of the Project, and therefore emissions from construction activities associated with the Project cannot be quantified. However, should construction activities exceed the EDCAQMD's thresholds for ROG and NO<sub>x</sub> of 82 pounds per day or should fuel use exceed those values found in Table 3.3-6 of the Final EIR, a significant construction-related impact would occur.

### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

### **Basis for Findings:**

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

#### **Mitigation Measure AQ-1: Implement measures to reduce construction-related exhaust emissions**

The following additional zoning code change shall be included in the ZOU as Section 17.30.090.

##### **17.30.090. Construction Related Exhaust**

For development requiring a discretionary permit, the following measures shall be implemented to reduce construction-related exhaust emissions. The project shall implement one or more of the following measures:

- 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% NO<sub>x</sub> reduction compared to the most recent CARB 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.

- 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 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. The Air District and other qualified officials may conduct periodic site inspections to determine compliance. In the case where any equipment found to exceed the opacity requirement would require immediate repaired, and notification of non-complaint equipment to EDCAQMD.
- 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.
- 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.

The Board of Supervisors has incorporated the above mitigation measure into the adopted ZOU. Implementation of Mitigation Measure AQ-1 would help to reduce construction-related exhaust emissions and further reduce construction impacts by reducing construction-related exhaust emissions. However, construction emissions could remain in excess of EDCAQMD thresholds if a future development project undertaken under the ZOU is large.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will result in construction emissions that may exceed standards. The Final EIR identifies no additional measures that would avoid or substantially lessen this impact. The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact AQ-1 to a less than significant level.

### **Impact AQ-2: Generate on-road mobile source criteria pollutant emissions in excess of EDCAQMD thresholds**

**Summary description:** The 2004 General Plan EIR indicates that growth would lead to an increase in vehicle miles travelled (VMT) and mobile source emissions, potentially conflicting with the air quality attainment plan. El Dorado County's adopted 2004 General Plan is not reflected in the currently approved ozone state implementation plan (SIP) (1994 1-hour ozone SIP). While the 2004 General Plan is reflected in the 8-hour ozone SIP, that SIP has not been approved by the federal Environmental Protection Agency. The potential conflict with the attainment plan remains.

This impact is significant and unavoidable.

**Finding:**

- 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 environmental impact report.

**Basis for Findings:**

VMT increases in direct correlation to population where development follows a rural/suburban pattern. (Urban Land Institute 2008) Adoption of the 2004 General Plan established the county's future pattern of land uses as required under State Planning and Zoning Law (Government Code Section 65300, et seq.). Pursuant to General Plan policy, much of the county's future growth will be directed to the Community Regions and Rural Centers. These are planned for suburban and rural densities. Although the mixed use policies adopted as part of the TGPA/ZOU will encourage development that is VMT-thrifty, past experience indicates that mixed use development does not account for more than a small portion of new development in the county. By law, the Housing Element is required to accommodate the county's projected housing needs (Government Code Section 65860, et seq.). This precludes any attempt to limit population growth that would avoid this impact.

The Board finds that there are no feasible mitigation measures that the Board could adopt at this time that would reduce Impact AQ-2 to a less-than-significant level. The Project alternatives are infeasible for the reasons described in Section 11 above.

### **Impact AQ-5: Expose sensitive receptors to substantial pollutant concentrations**

**Summary description:** The 2004 General Plan EIR indicates that development under the General Plan would result in significant and unavoidable exposure of sensitive receptors to toxic air emissions. The adopted General Plan Policies 2.2.5.20 and 2.2.5.21 that limit the approval of incompatible uses in proximity to one another are anticipated to help minimize exposure of sensitive receptors to substantial pollutant concentrations, but not to less-than-significant levels. Although the TGPA would only minimally increase the number of future residents that may be exposed to substantial pollution concentrations, implementation of the General Plan through the Zoning Ordinance would result in a substantial increase in new residential units and new residents over the planning period to 2035.

This impact is significant and unavoidable.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

Adoption of the 2004 General Plan established the county's future pattern of land uses as required under State Planning and Zoning Law (Government Code Section 65300, et seq.). Pursuant to General Plan policy, much of the county's future growth will be directed to the Community Regions and Rural Centers, with the highest densities reserved for the Community Regions located along U.S. Highway 50. By law, the Housing Element is required to accommodate the county's projected housing needs (Government Code Section 65860, et seq.). This precludes any attempt to limit population growth in the county. Because of present and planned future development patterns and the requirements of state law, the Board finds that there are no feasible mitigation measures that the Board could adopt at this time which would reduce Impact AQ-5 to a less-than-significant level. The Project alternatives are infeasible for the reasons described in Section 11 above.

**Impact AQ-6: Expose sensitive receptors to substantial odors**

**Summary description:** The 2004 General Plan EIR indicated that development under the General Plan would result significant exposure of sensitive receptors to odors and identified Mitigation Measure 5.1-3(b) to help reduce the severity of this impact. This measure corresponds to General Plan Policy 2.2.5.21 which provides, in part: "Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed." With implementation of this policy, the 2004 General Plan EIR indicated this impact would be significant and unavoidable.

The ZOU proposes to allow Industrial, General, and large public facilities upon approval of a CUP in areas that may contain sensitive receptors. To help minimize potential odors, the EDCAQMD recommends operational changes, add-on controls or process changes such as carbon absorption, relocation of stack/vents to reduce odors, or using a sufficient set-back distance between odor sources and receptors, with the latter being the most effective strategy. These methods would be implemented as mitigation measures as part of the CEQA process that would be required prior to approval of any CUP. Nonetheless, conditions remain similar to those at the time of the 2004 General Plan EIR. Accordingly, the TGPA/ZOU Final EIR concludes that this impact is significant and unavoidable.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

Adoption of the 2004 General Plan established the county's future pattern of land uses as required under State Planning and Zoning Law (Government Code Section 65300, et seq.). Pursuant to General Plan policy, much of the county's future growth will be directed to the Community Regions and Rural Centers, with the highest densities reserved for the Community Regions located along U.S. Highway 50. By law, the Housing Element is required to accommodate the county's projected housing needs (Government Code Section 65860, et seq.). This precludes any attempt to limit

population growth in the county in a way that would avoid this impact. Because of present and planned future development patterns and the requirements of state law, the Board finds that there are no feasible mitigation measures that the Board could adopt at this time which would reduce Impact AQ-5 to a less-than-significant level. The Project alternatives are infeasible for the reasons described in Section 11 above.

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

**Summary description:** The proposed ZOU includes Zoning Ordinance Section 17.30.030.G (protection of wetlands and sensitive riparian habitat) that would establish standards requiring the avoidance and minimization of impacts on wetlands and sensitive riparian habitat. These standards would apply to all ministerial and discretionary permits proposed adjacent to perennial streams, rivers, or lakes, any intermittent streams and wetlands shown on the latest U.S. Geological Survey Quad maps, and any sensitive riparian habitat within the county. This component of the ZOU would reduce the Project's potential to convert and fragment certain wildlife habitat, but it would not ensure that sufficient habitat is maintained to avoid fragmentation. Specifically, as described in the EIR, the proposed amendments to Policy 2.4.1.5 (infill development), Policy 7.1.2.1 and Zoning Ordinance Section 17.30.060 (hillside development), new Zoning Ordinance Sections 17.21.020 (land uses in Planned Agricultural, Rural Lands, Forest Resource, and TPZ zones), 17.24.020 (residential R1A, R2A, R3A, and RE zones only), 17.25.010 and 17.25.020 (recreational facilities in RFL and RFH zones), and 17.40.260 (Ranch Marketing), would result in significant impacts associated with the loss and fragmentation of wildlife habitat.

#### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

#### **Basis for Findings:**

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

#### **Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards**

Revise proposed Policy 7.1.2.1, existing Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D, as follows.

*Policy 7.1.2.1* Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to a prohibition on development or disturbance where special-status species habitat is present and exceptions for access,

reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.

*Policy 7.4.1.6* All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Development projects on slopes over 30% is prohibited where special-status species habitat is present. On slopes less than 30% where ~~Where~~ avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the county and in the creation and implementation of the INRMP.

Section 17.30.060, subsection C. Development Standards applicable to slopes 30% or greater.

Development that will result in ground disturbance on slopes 30 percent or greater with a vertical height of 50 feet or more shall be prohibited, except where reasonable use of the property would be denied, as provided in subsection E, or the activity is exempt under subsection D, below.

Any development allowed on slopes 30 percent or greater with a vertical height of less than 50 feet shall require a grading or building permit and shall include an erosion and sediment control plan in compliance with the County Grading Design Manual. Development shall be prohibited where ground disturbance would adversely affect important habitat through conversion or fragmentation. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent Biological Resources Study, to be prepared by a qualified biologist, which examines the site for important habitat consistent with General Plan Implementation Measure CO-U.

Where required by the Grading Design Manual, technical studies from qualified professionals, such as soils or geotechnical reports to assess the erosion potential or slope stability may be required. Recommendations for erosion control or slope stabilization measures contained in the technical reports shall be implemented as a requirement of the grading or building permit. A surety bond, cash deposit or other security acceptable to the county may be required to ensure that long term erosion control measures, such as slope landscaping, are permanently established.

Section 17.30.060, subsection D. Exemptions.

The following types of development are exempt from the provisions of this Section:

1. Development that will avoid disturbance of slopes 30 percent or greater;
- ~~2. Development on slopes 30 percent or greater which are less than 50 feet in vertical height;~~

32. Construction of public or private streets and roads, emergency vehicle access or driveways;
43. Development approved prior to the adoption of this ordinance which has identified the extent of allowable development. These include approved variances, tentative and final subdivision and parcel maps, planned developments or other actions;
54. Disturbance of existing artificial slopes created under a permit issued by the county or for which a permit was not required at the time the slopes were created;
65. Repair of existing infrastructure, or replacement or repair of existing structures in substantially the same footprint;
76. Disturbance on slopes necessary for public safety, such as ~~removal of poisonous or noxious plants,~~ controlled removal or thinning of vegetation as part of a fire protection program when not adversely affecting habitat, or other public safety purpose;
87. Development of a public trail comprising a component of the county's regional parks and trails master plans;
98. Projects located in the Tahoe Basin. Such projects are subject to the policies and regulations of the Tahoe Regional Planning Agency Code of Ordinances;
109. Underground utilities with accessory above ground components, utility poles and guy wires, and other similar features;
1110. Agricultural activities that utilize BMPs, as recommended by the County Agricultural Commission and adopted by the Board.

**Mitigation Measure BIO-1b: Limit the approval of Private Recreation Areas**

Add a footnote to Table 17.24.020 at the matrix entries for Private Recreation Area under the R1A, R2A, R3A, and RE zones to read as illustrated below.

Use Type	R1A	R2A	R3A	RE
Private Recreation Area	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>

<sup>3</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

**Mitigation Measure BIO-1c: Limit music festivals and concerts**

Add a footnote to Table 17.40.260.2 at the matrix entries for the LA and PA zones, as follows:

Use Type	LA	PA
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

Add a footnote to Table 17.40.260.2 at the matrix entries for the AG zones, as follows.

Use Type	AG (160+acres)	AG (40 160 acres)	AG (less than 40 acres)
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

The Board of Supervisors has incorporated the above mitigation measures into the adopted TGPA and ZOU. Impacts wildlife habitat related to allowing development on 30% hillsides will be reduced to a less-than-significant level by Mitigation Measure BIO-1a, which amends Policy 7.1.2.1, existing Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D to limit the relaxation of hillside development standards. Implementation of Mitigation Measure BIO-1b, which limits the approval of Private Recreation Areas, will reduce impacts associated with Private Recreation Areas to a less-than-significant level. Implementation of Mitigation Measure AG-1a, which limits the size of proposed Health Resort and Retreat Centers, would reduce the adverse effect of a Health and Resort Center on habitat to a less-than-significant level. Implementation of Mitigation Measure BIO-1c restricts certain Ranch Marketing events to areas without special-status species habitat and reduces impacts related to Ranch Marketing uses to a less-than-significant level.

The ZOU includes a new river and stream setback requirement (Zoning Ordinance Section 17.30.030.G) that will help reduce the impacts of future development along water bodies.

However, as described in the EIR, impacts related to loss and fragmentation of wildlife habitat associated with infill uses, Public Utility Services Facilities authorized in residential zones upon approval of a CUP, impacts of Ski Area, Large Amusement Complex, and Hotel or Motel uses, and allowing intensive land uses in Planned Agricultural, Rural Lands, and Resources zones, are

significant and unavoidable. Future development under the General Plan, as implemented by the ZOU, will also result in the loss and fragmentation of habitat as the Community Regions develop. The Final EIR identifies no additional measures that would avoid or substantially lessen this impact.

Adoption of the 2004 General Plan established the county's future pattern of land uses as required under State Planning and Zoning Law (Government Code Section 65300, et seq.). Pursuant to General Plan policy, much of the county's future growth will be directed to the Community Regions and Rural Centers, with the highest densities reserved for the Community Regions located along U.S. Highway 50. Both of these types of areas contain existing wildlife habitat that will be adversely affected by future development. By law, the Housing Element is required to accommodate the county's projected housing needs (Government Code Section 65860, et seq.). This precludes any attempt to limit population growth in the county in such a way that would avoid wildlife habitat.

Although existing General Plan policies will help reduce the impact of new development on these areas (see, for example, the policies under Objective 7.4.1: Rare, Threatened, and Endangered Species and Objective 7.4.2: Identify and Protect Resources), the impact cannot be avoided.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Because of present and planned future development patterns and the requirements of state law, the Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time that would reduce Impact BIO-1 to a less than significant level.

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

**Summary description:** The proposed amendments to Policies 2.4.1.5 (infill development), Policy 7.1.2.1 and Zoning Ordinance Section 17.30.060 (hillside development), Zoning Ordinance Section 17.21.020 (land uses in Agricultural, Rural Lands, and Resources zones), Zoning Ordinance Section 17.24.020 (residential R1A, R2A, R3A, and RE zones only), Zoning Ordinance Section 17.25.010 and 17.25.020 (recreational facilities in RFL and RFH zones), and Zoning Ordinance Section 17.40.260 (Ranch Marketing), would result in significant impacts on special-status species. In addition, the discussion under Impact BIO-1 also applies to this impact.

### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

**Basis for Finding(s):** This effect is lessened, but not avoided, by the following mitigation measure incorporated into the Project upon its adoption.

**Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers**

Amend the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E.2 to read as follows.

*E. Health Resort and Retreat Center.*

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in those zones allowing residential uses and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers may provide up to a maximum 20 guestrooms within one or more structures, in compliance with the development standards of the applicable residential or agricultural zones.

**Mitigation Measure AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones**

Amend Table 17.21.020 to replace the use type "Public Utility Service Facilities: Intensive," with use type "Public Utility Service Facilities: Minor."

**Mitigation Measure AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone**

Amend Table 17.21.020 to remove the CUP allowance from the matrix cells relating to the FR and TPZ zones as follows.

Use Type	FR	TPZ
Health Resort and Retreat Center	CUP	CUP
Industrial, General	CUP	--
Off-highway or off-road vehicle recreation area	CUP	--
Ski Area	CUP	--
Public Utility Service Facilities: <del>Intensive</del> <u>Minor</u>	CUP	CUP

**Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards**

Revise proposed Policy 7.1.2.1, existing Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D, as follows.

*Policy 7.1.2.1* Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to a prohibition on development or disturbance where special-status species habitat is present and exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.

*Policy 7.4.1.6* All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Development projects on slopes over 30% is prohibited where special-status species habitat is present. On slopes less than 30% where ~~Where~~—avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the county and in the creation and implementation of the INRMP.

Section 17.30.060, subsection C. Development Standards applicable to slopes 30% or greater.

Development that will result in ground disturbance on slopes 30 percent or greater with a vertical height of 50 feet or more shall be prohibited, except where reasonable use of the property would be denied, as provided in subsection E, or the activity is exempt under subsection D, below.

Any development allowed on slopes 30 percent or greater with a vertical height of less than 50 feet shall require a grading or building permit and shall include an erosion and sediment control plan in compliance with the County Grading Design Manual. Development shall be prohibited where ground disturbance would adversely affect important habitat through conversion or fragmentation. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent Biological Resources Study, to be prepared by a qualified biologist, which examines the site for important habitat consistent with General Plan Implementation Measure CO-U.

Where required by the Grading Design Manual, technical studies from qualified professionals, such as soils or geotechnical reports to assess the erosion potential or slope stability may be required. Recommendations for erosion control or slope stabilization measures contained in the technical reports shall be implemented as a requirement of the grading or building permit. A surety bond, cash deposit or other security acceptable to the county may be required to ensure that long term erosion control measures, such as slope landscaping, are permanently established.

Section 17.30.060, subsection D. Exemptions.

The following types of development are exempt from the provisions of this Section:

1. Development that will avoid disturbance of slopes 30 percent or greater;

- ~~2.~~ Development on slopes 30 percent or greater which are less than 50 feet in vertical height;
- ~~3~~2. Construction of public or private streets and roads, emergency vehicle access or driveways;
- ~~4~~3. Development approved prior to the adoption of this ordinance which has identified the extent of allowable development. These include approved variances, tentative and final subdivision and parcel maps, planned developments or other actions;
- ~~5~~4. Disturbance of existing artificial slopes created under a permit issued by the county or for which a permit was not required at the time the slopes were created;
- ~~6~~5. Repair of existing infrastructure, or replacement or repair of existing structures in substantially the same footprint;
- ~~7~~6. Disturbance on slopes necessary for public safety, such as ~~removal of poisonous or noxious plants,~~ controlled removal or thinning of vegetation as part of a fire protection program when not adversely affecting habitat, or other public safety purpose;
- ~~8~~7. Development of a public trail comprising a component of the county's regional parks and trails master plans;
- ~~9~~8. Projects located in the Tahoe Basin. Such projects are subject to the policies and regulations of the Tahoe Regional Planning Agency Code of Ordinances;
- ~~10~~9. Underground utilities with accessory above ground components, utility poles and guy wires, and other similar features;
- ~~11~~10. Agricultural activities that utilize BMPs, as recommended by the County Agricultural Commission and adopted by the Board.

**Mitigation Measure BIO-1b: Limit the approval of Private Recreation Areas**

Add a footnote to Table 17.24.020 at the matrix entries for Private Recreation Area under the R1A, R2A, R3A, and RE zones to read as illustrated below.

Use Type	R1A	R2A	R3A	RE
Private Recreation Area	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>

<sup>3</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

**Mitigation Measure BIO-1c: Limit music festivals and concerts**

Add a footnote to Table 17.40.260.2 at the matrix entries for the LA and PA zones, as follows:

Use Type	LA	PA
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

Add a footnote to Table 17.40.260.2 at the matrix entries for the AG zones, as follows.

Use Type	AG (160+acres)	AG (40 160 acres)	AG (less than 40 acres)
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

**Mitigation Measure BIO-2: Return event site to pre-event condition**

Amend Section 17.040.260.F.1.e as follows.

**e. Special Events.** Special events, subject to the following limitations:

- (1) Total of 24 events per calendar year.
- (2) Maximum capacity of 250 persons at one time.
- (3) Special events shall be limited in time duration to 48 hours, and the event site shall be returned to its pre-event condition after each use.
- (4) The total number of special events shall be limited to the number provided in this paragraph and shall not be cumulative if a lot also qualifies for events under Paragraph I.4 or Section 17.40.400 (Wineries).
- (5) Special events may be held throughout the year and are not limited to the harvest season.

The Board of Supervisors has incorporated the above mitigation measures into the adopted TGPA and ZOU. Impacts related to allowing development on 30% hillsides would be reduced to a less-than-significant level by Mitigation Measure BIO-1a, which limits the size of Health Resort and Retreat Centers. Implementation of Mitigation Measure BIO-1b, which limits the approval of Private Recreation Areas, reduces impacts associated with those facilities to a less-than-significant level. Implementation of Mitigation Measure BIO-1c restricts certain Ranch Marketing events to areas

without special-status species habitat and implementation of Mitigation Measure BIO-2 strengthens protection of special-status species by further restricting Ranch Marketing events, reducing impacts related to Ranch Marketing uses to a less-than-significant level. Implementation of Mitigation Measure AG-1a, which limits the size of proposed Health Resort and Retreat Centers, reduces the potential adverse effect of a Health and Resort Center on habitat, and on special status species reliant on that habitat, to a less-than-significant level.

Impacts on habitat, and on special status species reliant on that habitat, related to infill uses, Public Utility Services Facilities authorized in residential zones upon approval of a CUP, and allowing Ski Area, Large Amusement Complex, and Hotel or Motel in the RFL and RFH zones will be significant and unavoidable. In addition, allowing intensive land uses in Planned Agricultural, Rural Lands, and Resources zones (e.g., Feed and Farm Supply Store; Industrial, General; Off-Road Vehicle Recreation Area or Ski Area) could require the conversion of a substantial area and, despite being subject to CEQA analysis and mitigation, will have a significant and unavoidable impact on special-status species reliant upon that habitat. The Final EIR identifies no additional measures that would avoid or substantially lessen this impact.

The ZOU includes a new river and stream setback requirement (Zoning Ordinance Section 17.30.030.G) that will help reduce the impacts of future development on special status species along water bodies.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will result in the loss and fragmentation of wildlife habitat within the county. The Board of Supervisors finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact BIO-2 to a less than significant level. The Project alternatives are infeasible for the reasons described in Section 11 above.

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

**Summary description:** Impact BIO-3 is concerned with the ability of wildlife to move freely through the landscape. This is related to the loss and fragmentation of habitat (see Impacts BIO-1 and BIO-4) in that continuous habitat provides the best corridors for wildlife movement. All of the Project components described as significant and unavoidable under Impact BIO-1 would also be significant and unavoidable under Impact BIO-3. However, Impact BIO-3 would be a greater effect overall than the Project impacts described in Impact BIO-1 in that impacts related to Ranch Marketing would be reduced with implementation of Mitigation Measures BIO-1c, and BIO-2, but not to a less-than-significant level, as special events, music festivals, and concerts would potentially affect wildlife movement on adjoining lands as a result of the noise, traffic, and lighting that are typically associated with these activities.

**Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

**Basis for Findings:**

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

**Mitigation Measure BIO-1c: Limit music festivals and concerts**

Add a footnote to Table 17.40.260.2 at the matrix entries for the LA and PA zones, as follows:

Use Type	LA	PA
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

Add a footnote to Table 17.40.260.2 at the matrix entries for the AG zones, as follows.

Use Type	AG (160+acres)	AG (40 160 acres)	AG (less than 40 acres)
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

**Mitigation Measure BIO-2: Return event site to pre-event condition**

Amend Section 17.040.260.F.1.e as follows.

**e. Special Events.** Special events, subject to the following limitations:

- (1) Total of 24 events per calendar year.
- (2) Maximum capacity of 250 persons at one time.
- (3) Special events shall be limited in time duration to 48 hours, and the event site shall be returned to its pre-event condition after each use.
- (4) The total number of special events shall be limited to the number provided in this paragraph and shall not be cumulative if a lot also qualifies for events under Paragraph I.4 or Section 17.40.400 (Wineries).

- (5) Special events may be held throughout the year and are not limited to the harvest season.

The Board of Supervisors has incorporated the above mitigation measures into the adopted ZOU. Implementation of Mitigation Measures BIO-1c, which modifies Zoning Ordinance Table 17.40.260.2 to limit music festivals and concerts, and BIO-2, which amends Section 17.040.260.F.1.e to require the return of event sites to pre-event conditions, will reduce the impacts on wildlife movement. The ZOU includes a new river and stream setback requirement (Zoning Ordinance Section 17.30.030.G) that will help reduce the impacts of future development on wildlife movement corridors along water bodies.

The EIR identifies no additional measures that would avoid or substantially lessen this impact. As explained in the Final EIR, with implementation of this mitigation measure, this potential impact on wildlife movement (Impact BIO-3) would be reduced, but would remain significant.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will adversely affect the movement of wildlife within the county. The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact BIO-3 to a less than significant level. The Project alternatives are infeasible for the reasons described in Section 11 above.

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

**Summary description:** Impact BIO-4 is distinguished from Impact BIO-1 by applying more broadly to “sensitive habitat” rather than the “wildlife habitat” specifically and by considering habitat degradation in addition to its loss. All of the Project components described as significant and unavoidable under Impact BIO-1 would also be significant and unavoidable under Impact BIO-4. Specifically, amendments to Policy 7.1.2.1 and Zoning Ordinance Section 17.30.060 (hillside development), Zoning Ordinance Section 17.24.020 (conditional uses on large lot residential zones), Zoning Ordinance Section 17.40.260 (Ranch Marketing) would result in degradation of habitat.

#### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

## Basis for Findings:

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

### Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards

Revise proposed Policy 7.1.2.1, existing Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D, as follows.

*Policy 7.1.2.1* Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to a prohibition on development or disturbance where special-status species habitat is present and exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.

*Policy 7.4.1.6* All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Development projects on slopes over 30% is prohibited where special-status species habitat is present. On slopes less than 30% where ~~Where~~—avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the county and in the creation and implementation of the INRMP.

Section 17.30.060, subsection C. Development Standards applicable to slopes 30% or greater.

Development that will result in ground disturbance on slopes 30 percent or greater with a vertical height of 50 feet or more shall be prohibited, except where reasonable use of the property would be denied, as provided in subsection E, or the activity is exempt under subsection D, below.

Any development allowed on slopes 30 percent or greater with a vertical height of less than 50 feet shall require a grading or building permit and shall include an erosion and sediment control plan in compliance with the County Grading Design Manual. Development shall be prohibited where ground disturbance would adversely affect important habitat through conversion or fragmentation. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent Biological Resources Study, to be prepared by a qualified biologist, which examines the site for important habitat consistent with General Plan Implementation Measure CO-U.

Where required by the Grading Design Manual, technical studies from qualified professionals, such as soils or geotechnical reports to assess the erosion potential or slope stability may be required. Recommendations for erosion control or slope stabilization

measures contained in the technical reports shall be implemented as a requirement of the grading or building permit. A surety bond, cash deposit or other security acceptable to the county may be required to ensure that long term erosion control measures, such as slope landscaping, are permanently established.

Section 17.30.060, subsection D. Exemptions.

The following types of development are exempt from the provisions of this Section:

1. Development that will avoid disturbance of slopes 30 percent or greater;
- ~~2. Development on slopes 30 percent or greater which are less than 50 feet in vertical height;~~
- ~~3~~2. Construction of public or private streets and roads, emergency vehicle access or driveways;
- ~~4~~3. Development approved prior to the adoption of this ordinance which has identified the extent of allowable development. These include approved variances, tentative and final subdivision and parcel maps, planned developments or other actions;
- ~~5~~4. Disturbance of existing artificial slopes created under a permit issued by the county or for which a permit was not required at the time the slopes were created;
- ~~6~~5. Repair of existing infrastructure, or replacement or repair of existing structures in substantially the same footprint;
- ~~7~~6. Disturbance on slopes necessary for public safety, such as ~~removal of poisonous or noxious plants~~, controlled removal or thinning of vegetation as part of a fire protection program when not adversely affecting habitat, or other public safety purpose;
- ~~8~~7. Development of a public trail comprising a component of the county's regional parks and trails master plans;
- ~~9~~8. Projects located in the Tahoe Basin. Such projects are subject to the policies and regulations of the Tahoe Regional Planning Agency Code of Ordinances;
- ~~10~~9. Underground utilities with accessory above ground components, utility poles and guy wires, and other similar features;
- ~~11~~10. Agricultural activities that utilize BMPs, as recommended by the County Agricultural Commission and adopted by the Board.

**Mitigation Measure BIO-1b: Limit the approval of Private Recreation Areas**

Add a footnote to Table 17.24.020 at the matrix entries for Private Recreation Area under the R1A, R2A, R3A, and RE zones to read as illustrated below.

Use Type	R1A	R2A	R3A	RE
Private Recreation Area	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>	PD/CUP <sup>3</sup>

<sup>3</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

**Mitigation Measure BIO-1c: Limit music festivals and concerts**

Add a footnote to Table 17.40.260.2 at the matrix entries for the LA and PA zones, as follows:

Use Type	LA	PA
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

Add a footnote to Table 17.40.260.2 at the matrix entries for the AG zones, as follows.

Use Type	AG (160+acres)	AG (40 160 acres)	AG (less than 40 acres)
Music festivals & concerts	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>	T/CUP <sup>1</sup>

<sup>1</sup> Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats.

**Mitigation Measure BIO-2: Return event site to pre-event condition**

Amend Section 17.040.260.F.1.e as follows.

**e. Special Events.** Special events, subject to the following limitations:

- (1) Total of 24 events per calendar year.
- (2) Maximum capacity of 250 persons at one time.
- (3) Special events shall be limited in time duration to 48 hours, and the event site shall be returned to its pre-event condition after each use.
- (4) The total number of special events shall be limited to the number provided in this paragraph and shall not be cumulative if a lot also qualifies for events under Paragraph I.4 or Section 17.40.400 (Wineries).
- (5) Special events may be held throughout the year and are not limited to the harvest season.

The Board of Supervisors has incorporated the above mitigation measures into the adopted TGPA and ZOU. Implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-2 will reduce

habitat degradation impacts by limiting the relaxation of hillside development standards, limiting the approval of Private Recreation Areas, limiting music festivals and concerts, and requiring the return of event sites to pre-event conditions. The Final EIR identifies no additional measures that would avoid or substantially lessen this impact.

The ZOU includes a new river and stream setback requirement (Zoning Ordinance Section 17.30.030.G) that will help reduce the impacts of future development on sensitive species found along water bodies.

As explained in the Final EIR, with implementation of these mitigation measures, this potential habitat degradation impact (Impact BIO-4) would be reduced, but would remain significant. State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will adversely affect sensitive habitats within the county. The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact BIO-4 to a less than significant level. The Project alternatives are infeasible for the reasons described in Section 11 above.

### **Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5**

**Summary description:** Table 3.5-2 of the Final EIR describes El Dorado County conditional land uses of concern, including Golf Course, Off-Highway Vehicle Recreational Area, Ski Area, Public Utility Service Facility, Intensive, Large Amusement Complex, and General Industrial, all of which are intensive uses that typically result in substantial ground disturbance during construction, operation, or both. As described in the Final EIR, because they are allowed only upon approval of a CUP, they are subject to CEQA's analysis and mitigation requirements. In addition, General Plan Policies 7.5.1.3 (cultural resources studies required prior to approval of discretionary projects), 7.5.1.6 (treatment of significant cultural resources in accordance with CEQA standards) and 7.5.2.4 (prohibit the modification of all NRHP- and CRHR-listed properties in a way that preclude their continued listing) would largely duplicate CEQA's requirements to moderate the impacts of these development projects. However, despite these protections, it is reasonably foreseeable that these types of uses could result in a significant effect on one or more historical resources because they would be considered for approval in rural areas where the potential for encountering historical resources is relatively high, because they typically result in substantial disturbance of the site on which they are constructed or operated, and because El Dorado County is rich in historical resources.

#### **Finding:**

- 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 environmental impact report.

**Basis for Finding:**

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will adversely affect historical resources within the county. Because destructive impacts to historical resources cannot be fully mitigated (*League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Architectural Heritage Assoc. v. County of Monterey* (2004) 122 Cal.App.4th 1095), no mitigation is available to reduce this impact to a less-than-significant level. Therefore, this impact remains significant and unavoidable.

**Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5**

**Summary description:** The conditional land uses described in Table 3.5-2 of the EIR, including Golf Course, Off-Highway Vehicle Recreational Area, Ski Area, Public Utility Service Facility, Intensive, Large Amusement Complex, and General Industrial, are intensive uses that typically result in substantial ground disturbance during construction, operation, or both. Because they are allowed only upon approval of a CUP, they would be subject to CEQA's analysis and mitigation requirements. General Plan Policy 7.5.1.6 (treatment of significant cultural resources in accordance with CEQA standards) would duplicate this requirement. Application of General Plan Policy 7.5.1.1 (County to establish a Cultural Resources Ordinance) to these development projects (per the consistency review under Policy 2.2.5.20) would largely avoid adverse changes to archeological resources by providing a framework for the mitigation of impacts. However, the Cultural Resources Ordinance envisioned in this policy has not been adopted. Further, the County's Guidelines for Cultural Resources Studies is helpful in ensuring that archaeological surveys will be conducted by qualified professionals and that CEQA analysis is properly carried out, but it does not identify specific mitigation measures to avoid impacts on archaeological resources and cannot ensure that no development project will result in a substantial adverse change in those resources.

The ZOU includes Zoning Ordinance Section 17.30.030.G (protection of wetlands and sensitive riparian habitat) that would establish standards requiring the avoidance and minimization of impacts on wetlands and sensitive riparian habitat. These standards would require specific setbacks and would apply to all ministerial and discretionary permits proposed adjacent to perennial streams, rivers, or lakes, any intermittent streams and wetlands shown on the latest U.S. Geological Survey Quad maps, and any sensitive riparian habitat within the county. Because the areas adjacent to streams and waterways are among the most likely to contain archaeological resources, this component of the ZOU would reduce the Project's potential to adversely change the significance of archaeological resources. However, it would not cover a sufficient amount of the county's archaeologically sensitive land to substantially reduce the potential for new development to adversely affect archaeological resources. Therefore, it is reasonably foreseeable that these types of uses could result in a significant effect on one or more archaeological resources, because they would be considered for approval in rural areas where the potential for encountering archaeological resources is relatively high, because they typically result in substantial disturbance of the site on

which they are constructed or operated, and because El Dorado County is rich in archaeological resources.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

Mitigation measures for archaeological resources are necessarily project-specific and site-specific in order to effectively avoid or substantially lessen the impacts of the development project being proposed on the particular archaeological resource being adversely affected. Mitigation measures take into account the characteristics of the project, its impact mechanisms, the particular resources being affected, and feasible and effective means of reducing its impacts. The Project (i.e., TGPA and ZOU) does not include specific development projects. Therefore, development of feasible and effective mitigation that would assure that all future development projects would avoid significant effects on archaeological resources is not possible.

In the future, discretionary development projects that are subject to CEQA and that do not qualify for a statutory or categorical exemption from CEQA will be subject to AB 52 (Chapter 532, Statutes of 2014). Pursuant to this statute, the County will consult with California Native American Tribes, upon request of the tribe, over the potential for significant impacts, mitigation measures, and project alternatives. This is expected to reduce the potential for adverse effects on archaeological resources located on development project sites, but is not expected to fully avoid such effects.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development is expected to adversely affect archaeological resources within the county, particularly in places where such resources are not currently known to exist. When a Cultural Resources Ordinance is adopted pursuant to General Plan Policy 7.5.1.1, it may provide for some level of mitigation of this impact. However, this impact is significant and unavoidable. The Project alternatives are infeasible for the reasons described in Section 11 above.

**Impact LU-4: Substantially alter or degrade the existing land use character of the County**

**Summary description:** Several policies and zoning provisions could result in the substantial alteration or degradation of the existing land use character of the county. Specifically, Policy 2.1.2.5, which proposes to increase mixed-use density within Rural Centers to a maximum of 10 dwellings per acre contains language which may inadvertently be interpreted to authorize up to 20 dwellings per acre. In addition, the proposed relaxation of the prohibition on development on slopes of 30% or greater would potentially result in a significant and unavoidable impact on land uses within those areas and therefore would substantially alter the existing land use character. The proposed

provisions for Health Resort and Retreat Centers, Agricultural and Timber Resource Lodging, and Ranch Marketing could substantially alter the character of agricultural and timber resource areas.

The proposed Ranch Marketing provisions would authorize several types of uses with the potential to substantially alter the character of the area in which they are located, depending on the size and intensity of that use. Although there are no specific uses being proposed on any site at this time and the purpose of the Ranch Marketing provisions is to provide farmers and ranchers a broader range of agriculture-related income-generating activities, these types of uses have the potential to substantially alter the character of the area in which they are located by introducing a new source of noise, traffic, and aesthetic impacts. This would be particularly true where the use would not be subject to a minor use permit, CUP or TUP and the County's ability to impose conditions to minimize impacts would therefore be limited. This significant impact determination also holds for general industrial in the FR and TPZ zones by CUP; off-highway or off-road vehicle recreation area in the FR and TPZ zones by CUP; Ski Area by CUP in the RL, FR, and TPZ zones; and Public Utility Services Facilities, Intensive in the PA, AG, RL, FR, and TPZ zones by CUP. Although the CUP requirement would provide for discretionary review of projects and afford the opportunity to apply project-specific mitigation, it would not necessarily avoid or substantially lessen the potential for these intensive uses to alter or degrade the existing land use character of their surroundings.

Similarly, Public Utility Services Facilities, Intensive (e.g., electrical receiving facilities or substations, sewage treatment facilities, and power generating facilities) authorized in residential zones upon approval of a CUP would expand the list of uses potentially allowed in the current Zoning Ordinance and could substantially alter the existing land use character of the residential and rural residential areas in which they would be located. Chapter 17.25 (Recreational Facilities) would expand the types of uses currently allowed in the recreational facilities zone which, if approved in areas designated on the General Plan for residential or open space uses, would substantially alter the existing land use character of the surrounding area.

**Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

**Basis for Findings:**

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

**Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers**

Amend the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E.2 to read as follows.

*E. Health Resort and Retreat Center.*

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in those zones allowing residential uses and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers may provide up to a maximum 20 guestrooms within one or more structures, in compliance with the development standards of the applicable residential or agricultural zones.

**Mitigation Measure AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones**

Amend Table 17.21.020 to replace the use type “Public Utility Service Facilities: Intensive,” with use type “Public Utility Service Facilities: Minor.”

**Mitigation Measure AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone**

Amend Table 17.21.020 to remove the CUP allowance from the matrix cells relating to the FR and TPZ zones as follows.

Use Type	FR	TPZ
Health Resort and Retreat Center	CUP	CUP
Industrial, General	CUP	--
Off-highway or off-road vehicle recreation area	CUP	--
Ski Area	CUP	--
Public Utility Service Facilities: <del>Intensive</del> <u>Minor</u>	CUP	CUP

**Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards**

Revise proposed Policy 7.1.2.1, existing Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D, as follows.

*Policy 7.1.2.1* Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to a prohibition on development

or disturbance where special-status species habitat is present and exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.

*Policy 7.4.1.6* All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Development projects on slopes over 30% is prohibited where special-status species habitat is present. On slopes less than 30% where ~~Where~~—avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia, and other stakeholders shall be involved and consulted in defining the important habitats of the county and in the creation and implementation of the INRMP.

Section 17.30.060, subsection C. Development Standards applicable to slopes 30% or greater.

Development that will result in ground disturbance on slopes 30 percent or greater with a vertical height of 50 feet or more shall be prohibited, except where reasonable use of the property would be denied, as provided in subsection E, or the activity is exempt under subsection D, below.

Any development allowed on slopes 30 percent or greater with a vertical height of less than 50 feet shall require a grading or building permit and shall include an erosion and sediment control plan in compliance with the County Grading Design Manual. Development shall be prohibited where ground disturbance would adversely affect important habitat through conversion or fragmentation. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent Biological Resources Study, to be prepared by a qualified biologist, which examines the site for important habitat consistent with General Plan Implementation Measure CO-U.

Where required by the Grading Design Manual, technical studies from qualified professionals, such as soils or geotechnical reports to assess the erosion potential or slope stability may be required. Recommendations for erosion control or slope stabilization measures contained in the technical reports shall be implemented as a requirement of the grading or building permit. A surety bond, cash deposit or other security acceptable to the county may be required to ensure that long term erosion control measures, such as slope landscaping, are permanently established.

Section 17.30.060, subsection D. Exemptions.

The following types of development are exempt from the provisions of this Section:

1. Development that will avoid disturbance of slopes 30 percent or greater;

- ~~2.~~ Development on slopes 30 percent or greater which are less than 50 feet in vertical height;
- ~~3.~~2. Construction of public or private streets and roads, emergency vehicle access or driveways;
- ~~4.~~3. Development approved prior to the adoption of this ordinance which has identified the extent of allowable development. These include approved variances, tentative and final subdivision and parcel maps, planned developments or other actions;
- ~~5.~~4. Disturbance of existing artificial slopes created under a permit issued by the county or for which a permit was not required at the time the slopes were created;
- ~~6.~~5. Repair of existing infrastructure, or replacement or repair of existing structures in substantially the same footprint;
- ~~7.~~6. Disturbance on slopes necessary for public safety, such as ~~removal of poisonous or noxious plants~~, controlled removal or thinning of vegetation as part of a fire protection program when not adversely affecting habitat, or other public safety purpose;
- ~~8.~~7. Development of a public trail comprising a component of the county's regional parks and trails master plans;
- ~~9.~~8. Projects located in the Tahoe Basin. Such projects are subject to the policies and regulations of the Tahoe Regional Planning Agency Code of Ordinances;
- ~~10.~~9. Underground utilities with accessory above ground components, utility poles and guy wires, and other similar features;
- ~~11.~~10. Agricultural activities that utilize BMPs, as recommended by the County Agricultural Commission and adopted by the Board.

**Mitigation Measure LU-4a: Revise Policy 2.1.2.5, Commercial/Mixed-Use (in Rural Centers)**

Revise the proposed Policy 2.1.2.5 amendment as follows, to clarify its intent.

*Policy 2.1.2.5* Mixed-use developments which combine commercial and residential uses in a single project are permissible and encouraged within Rural Centers. Within Rural Centers, the mixed uses may occur either vertically and/or horizontally. The maximum residential density shall be ~~four~~ 10 dwelling units per acre in Rural Centers in identified mixed-use areas as defined in the Zoning Ordinance. The residential component of a mixed-use project may include a full range of single and/or multi-family design concepts.

Revise Policy 2.2.5.2 as follows to clarify its application.

*Policy 2.2.5.2* All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, ~~and special~~ administrative use permits, minor use permits, conditional use permits, and permits for ranch marketing uses, shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments,

such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

**Mitigation Measure LU-4b: Require proposed Ranch Marketing uses to be reviewed for compatibility with adjoining agricultural uses**

Revise Section 17.40.260.A.3, Ranch Marketing, as follows.

3. Agricultural production is the primary use or function of the property. The Agricultural Commissioner may review the proposed Ranch Marketing area to ensure that the site conforms to the standards 17.40.260.D.2.

Ranch marketing activities proposed within Agricultural Districts, as identified on the General Plan land use maps, on or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Planning Director for consistency with General Plan Policy 2.2.5.2 and by the Agricultural Commissioner for compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority.

Implementation of Mitigation Measure LU-4a will reduce impacts related to potentially increased allowable density within mixed-use developments to a less-than-significant level by revising amended Policy 2.1.2.5, Commercial/Mixed- Use (in Rural Centers) to clarify its intent. Implementation of Mitigation Measure AG-1a will reduce impacts related to Health Resort and Retreat Centers to a less-than-significant level by limiting the size of proposed Health Resort and Retreat Centers. Implementation of Mitigation Measure LU-4b will reduce impacts related to Ranch Marketing uses less-than-significant level by revising Zoning Ordinance Section 17.40.260.A.3, Ranch Marketing, to require proposed Ranch Marketing uses to be reviewed for compatibility with adjoining agricultural uses. Implementation of Mitigation Measure AG-1b and Mitigation Measure AG-4 will reduce impacts related to Public Utility Services Facilities in the TPZ to a less-than-significant level by restricting incompatible uses from being located in the TPZ zone.

Implementation of Mitigation Measure AG-1b and Mitigation Measure AG-4, which limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones and restrict incompatible uses from being located in the TPZ zone, will reduce impacts related to off-highway or off-road vehicle recreation area and ski area uses, but not to a less-than-significant level. Implementation of Mitigation Measure BIO-1a, which limit the relaxation of hillside development standards, will reduce impacts associated with allowing development on slopes of 30% or more, but not to a less-than-significant level. Impacts related to Public Utility Services Facilities authorized in residential zones upon approval of a CUP and impacts related to the proposed changes to the Recreational Facilities zone would be significant and unavoidable. The EIR identifies no additional measures that would avoid or substantially lessen this impact. As explained in the EIR, with implementation of these mitigation measures, this potential impact associated with the alteration or degradation of the county's existing land use character (Impact LU-4) would be reduced, but would remain significant.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development is expected to substantially alter or degrade the existing land use character of the county. The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact LU-4 to a less than significant level.

### **Impact LU-5: Create substantial incompatibilities between land uses**

**Summary description:** While the effect of the TGPA on land use compatibility would be less than significant, several provisions of the ZOU could create land use incompatibilities. Specifically, the proposed Zoning Ordinance provisions for Ranch Marketing do not require that proposed Ranch Marketing operations be consistent with surrounding land uses, except in those situations where a CUP is required. The other, more intensive land uses identified for proposed Sections 17.21.020, 17.24.020, 17.25.010, and 17.40.210.E typically generate noise, lighting, traffic, or other impacts that are incompatible with residential, open space, and resource uses, particularly when in a rural setting, and cannot be sufficiently moderated to ensure that they would not result in substantial incompatibilities between land uses. In addition, the expanded provisions for Home Occupations (Section 17.40.160) would allow certain business uses in residential zones either by right, by administrative permit, or, where more intensive by discretionary permit on parcels exceeding one acre in area. These expanded provisions would increase the potential for introducing incompatible uses.

#### **Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

#### **Basis for Findings:**

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

**Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers**

Amend the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E.2 to read as follows.

*E. Health Resort and Retreat Center.*

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in those zones allowing residential uses and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers may provide up to a maximum 20 guestrooms within one or more structures, in compliance with the development standards of the applicable residential or agricultural zones.

**Mitigation Measure AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones**

Amend Table 17.21.020 to replace the use type "Public Utility Service Facilities: Intensive," with use type "Public Utility Service Facilities: Minor."

**Mitigation Measure AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone**

Amend Table 17.21.020 to remove the CUP allowance from the matrix cells relating to the FR and TPZ zones as follows.

Use Type	FR	TPZ
Health Resort and Retreat Center	CUP	CUP
Industrial, General	CUP	--
Off-highway or off-road vehicle recreation area	CUP	--
Ski Area	CUP	--
Public Utility Service Facilities: <del>Intensive</del> <u>Minor</u>	CUP	CUP

**Mitigation Measure LU-4b: Require proposed Ranch Marketing uses to be reviewed for compatibility with adjoining agricultural uses**

Revise Section 17.40.260.A.3, Ranch Marketing, as follows.

3. Agricultural production is the primary use or function of the property. The Agricultural Commissioner may review the proposed Ranch Marketing area to ensure that the site conforms to the standards 17.40.260.D.2.

Ranch marketing activities proposed within Agricultural Districts, as identified on the General Plan land use maps, on or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Planning Director for consistency with General Plan Policy 2.2.5.2 and by the Agricultural Commissioner for compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority.

**Mitigation Measure LU-5: Revise the Home Occupancy provisions to restrict the use of hazardous materials**

Revise Section 17.40.160C(10) for clarity as follows:

10. ~~Any~~All materials used or manufactured as part of the home occupation ~~may~~shall be subject to the review and approval of Environmental Management and the applicable fire department prior to issuance of a building permit or business license sign off by the Department that would enable the home occupation to proceed. No materials used or manufactured as part of the home occupation that would have the potential to pose a hazard to health or safety shall be allowed.

Implementation of Mitigation Measure LU-4b will reduce impacts related to Ranch Marketing incompatibilities to a less-than-significant level by revising Zoning Ordinance Section 17.40.260.A.3, Ranch Marketing, to require proposed Ranch Marketing uses to be reviewed for compatibility with adjoining agricultural uses. Implementation of Mitigation Measure LU-5 will reduce compatibility impacts associated with home occupations by revising Section 17.40.160C(10) of the Zoning Ordinance for clarity to restrict the use of hazardous materials.

Impacts related to the other, more intensive land uses identified above for proposed Sections 17.21.020, 17.24.020, 17.25.010, and 17.40.210.E would be reduced, but not to a less-than-significant level, by Mitigation Measures AG-1a, AG-1b, AG-4, and LU-4b, all of which limit the size or location of these uses based on compatibility.

In addition to the above mitigation measures, General Plan Policy 2.2.5.2 requires discretionary permits to be reviewed for consistency with General Plan policies. No approvals are granted unless the project or permit is found to be consistent with the General Plan. This helps to avoid incompatibilities between land uses, but does not apply to ministerial permits.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development, including ministerial development, is expected to result in inconsistencies among land uses. The Final EIR identifies no additional measures that would

avoid or substantially lessen this impact. As explained in the Final EIR, with implementation of these mitigation measures, this potential impact associated with land use incompatibility (Impact LU-5) would be reduced, but would remain significant. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact LU-5 to a less than significant level.

### **Impact NOI-1: Exposure of noise-sensitive land uses to short-term (construction) noise**

**Summary description:** The proposed Chapter 17.37 of the Zoning Ordinance addresses noise standards and includes new limitations on construction noise. Therefore, enactment of the Project would reduce the potential for excessive construction noise, but it may not be feasible in all situations to reduce construction noise to be in compliance with applicable noise standards.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

The noise standards adopted as part of the ZOU (Chapter 17.37) impose new enforceable limits on noise. However, these standards do not apply to construction noise during daylight hours, provided that the construction machinery is fitted with factory installed mufflers. When construction occurs near sensitive receptors, there is the foreseeable possibility that such receptors will be exposed to excessive levels of noise.

The Project alternatives are infeasible for the reasons described in Section 11 above.

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development is expected to result in exposure to short-term noise. No mitigation is available to reduce this impact to a less-than-significant level. Therefore, this impact remains significant and unavoidable.

### **Impact NOI-2: Exposure to ground transportation noise sources as a result of the TGPA**

**Summary description:** The 2004 General Plan EIR states that development under the General Plan would result in significant and unavoidable exposure of existing, as well as future, noise-sensitive land uses to transportation noise. The TGPA would encourage higher density development within high-density residential and mixed use developments in Community Regions and Rural Centers, as well as infill locations. The effect of increasing maximum densities on noise can be assessed by evaluating the increased trip generation. As described in the TGPA/ZOU Final EIR, increasing the

maximum density in Community Regions and Rural Centers would increase trip generation and would correspond to significant and unavoidable increased traffic noise.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development is expected to result in increases in traffic with the associated increase in transportation noise along road corridors. Although General Plan Policy TC-Xa and its related policies and implementation measures will work to ensure that traffic congestion does not exceed acceptable levels on select roadways, that does not ensure that such traffic will not result in excessive noise levels at adjoining sensitive receptors. No mitigation is available to reduce this impact to a less-than-significant level. The Project alternatives are infeasible for the reasons described in Section 11 above. Therefore, this impact remains significant and unavoidable.

### **Impact NOI-3: Exposure to ground transportation noise sources as a result of the ZOU**

**Summary description:** Proposed changes to the Zoning Ordinance could result in increased trip generation. Chapter 17.21 would expand the allowable uses in Agricultural, Rural Lands, and Resource Zones to include Health Resort and Retreat Centers, Agricultural and Timber Lodging, and Ranch Marketing, (which could include outdoor entertainment and concerts). Chapter 17.25 would allow expanded uses in Recreational zones including Large Amusement Complexes and outdoor entertainment.

Although it is not possible to predict how large any of these facilities would be or where they would be located, it is reasonably foreseeable that these expanded uses could result in substantial increases in traffic on local roads that could result in temporary noise increases greater than 5 dB.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development is expected to result in increases in traffic with the

associated increase in transportation noise along road corridors. Although General Plan Policy TC-Xa and its related policies and implementation measures will work to ensure that traffic congestion does not exceed acceptable levels on select roadways, that does not ensure that such traffic will not result in excessive noise levels at adjoining sensitive receptors. This would include increased noise along roadways near the prospective land uses described above. No mitigation is available to reduce this impact to a less-than-significant level. The Project alternatives are infeasible for the reasons described in Section 11 above. Therefore, this impact remains significant and unavoidable.

#### **Impact NOI-4: Exposure of noise-sensitive land uses to fixed or non-transportation noise sources**

**Summary description:** The TGPA proposes changes to current policy restrictions that prohibit commercial and industrial land use designations in the Rural Regions. Policy 2.2.1.2 deletes a requirement that industrial lands be restricted to areas within or in close proximity to Community Regions and Rural Centers. Chapter 17.21 of the ZOU would expand the allowable uses in agricultural, rural lands and resource zones to include Health Resort and Retreat Centers, Agricultural and Timber Lodging, and Ranch Marketing (which could include outdoor entertainment and concerts). Chapter 17.25 would allow expanded uses in Recreational zones including Large Amusement Complexes and outdoor entertainment.

These proposed changes would allow noise-generating commercial and industrial uses to occur in areas where those uses are not currently allowed, which could result in the potential exposure of existing noise-sensitive uses to noise levels in excess of County noise standards and substantial permanent increases in noise levels of greater than 5 dB. However, these sources would be moderated by General Plan Public Health, Safety, and Noise Element Policy 6.5.1.7, which states that noise created by new proposed non-transportation noise sources will be mitigated so as not to exceed the noise levels standards in Table 6-2 of the General Plan. Additionally, adoption of new noise standards in Chapter 17.37 of the Zoning Ordinance will impose enforceable limits on non-transportation noise.

#### **Finding:**

- 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 environmental impact report.

#### **Basis for Finding:**

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development is expected to result in the exposure of noise-sensitive land uses to non-transportation noise sources. The new noise standards adopted as part of the ZOU (Chapter 17.37) impose new enforceable limits on non-transportation noise. However, given that the specifics of new development projects and their relationship to existing and future non-transportation, noise-generating land uses cannot be known at this time, it is reasonable to

assume that there may be instances where noise levels exceed acceptable standards at sensitive receptors.

No mitigation is available to reduce this impact to a less-than-significant level. The Project alternatives are infeasible for the reasons described in Section 11 above. Therefore, this impact remains significant and unavoidable.

### **Impact NOI-5: Exposure to aircraft noise**

**Summary description:** The Project could increase the density of residential development in some areas and increase the number of residences that could be exposed to aircraft noise if those areas are in the vicinity of airports or airport flight paths. General Plan Public Health, Safety, and Noise Element Policy 6.5.1.8 does not permit new development in those areas unless it could be shown that noise could be mitigated to the level specified in Table 6-1 of the General Plan. However, this policy would not address single noise events.

#### **Finding:**

- 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 environmental impact report.

#### **Basis for Finding:**

The TGPA/ZOU Project is consistent with the County's Airport Land Use Compatibility Plans (ALUCPs). Those plans include provisions for limiting new development in areas subject to excessive aircraft noise from airports. However, ALUCP noise impact levels are based on weighted average noise levels. Single noise events may exceed acceptable noise levels without exceeding average noise. The new noise standards adopted as part of the ZOU (Chapter 17.37) exempt from their requirements aircraft in flight "where regulation thereof has been preempted by state or federal law."

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development may result in the exposure of noise-sensitive land uses to aircraft noise sources. No mitigation is available to reduce this impact to a less-than-significant level. The Project alternatives are infeasible for the reasons described in Section 11 above. Therefore, this impact remains significant and unavoidable.

### **Impact PH-1: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)**

#### **Summary description:**

The 2004 General Plan EIR found that the General Plan would induce population growth. The TGPA amendments to Policies 2.1.1.3 and 2.1.2.5 would increase the maximum residential density allowed

in mixed use development projects. Historically, the county has not experienced a high demand for mixed use development. Given that up to 20,000 additional residences might be built within the county based on the General Plan provisions absent these policy amendments, the number of additional residences attributable to the TGPA would not be a substantial change in the amount of growth associated with implementation of the General Plan.

Policies 2.2.3.1, 2.2.3.2, and 2.2.5.4 would be amended to revise the 30% open space requirement for Planned Development to exempt certain types of residential development from that requirement and to allow high-density residential planned developments to provide for half of their 30% open space requirement in private yards. The effect of these amendments would be to marginally increase the potential extent of development on those properties that would no longer be subject to the 30% open space requirement. This would include: residential Planned Developments consisting of five or fewer lots or dwelling units; infill projects within Community Regions and Rural Centers on existing sites 3 acres or less in area; Multi-Family Residential developments; and Commercial/Mixed Use developments. In light of the potential for residential development under the General Plan provisions absent these policy amendments (i.e., up to an additional 20,000 residential units), the number of additional residences that could result from implementation of the amendments is not expected to be a substantial increase beyond that anticipated in the 2004 General Plan EIR.

New Policy 2.4.1.5 promoting infill development would encourage development within existing communities when at least two parcels adjacent to the proposed development site are already developed. Because this policy would not expand on the allowable development intensities under the General Plan it is not expected to induce substantial new population growth.

The proposed changes to Policies 5.2.1.3 and 5.3.1.1 would relax the current requirement that higher intensity development connect to public water and wastewater disposal systems, instead allowing development to proceed without connecting to public systems when public systems are not reasonably available, allowing some development of parcels where it might not currently take place because of complications in connecting to public services. However, such parcels would continue to be limited by physical site constraints including availability of reliable groundwater supplies and ability to meet the building code requirements for individual septic system leach fields. The effects of these policy changes therefore would not be expected to substantially change population growth associated with implementation of the General Plan.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate projected housing demand (Government Code Section 65580). Additional planned development will result in substantial population growth within

the county. No mitigation is available to reduce this impact to a less-than-significant level. The Project alternatives are infeasible for the reasons described in Section 11 above. Therefore, this impact remains significant and unavoidable.

**Impact TRA-1: Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways**

**Summary description:** Development under the TGPA/ZOU could result in a decrease in LOS on U.S. Highway 50 and other county roads that could be addressed through construction of additional lanes, including high occupancy vehicle (HOV) lanes or other widening projects that would add capacity to the freeway. Specifically, Caltrans' 2014 *Transportation Concept Report and Corridor System Management Plan, United States Route 50* (2014 TCR/CSMP) identifies U.S. Highway 50 improvements to include auxiliary lanes and Intelligent Transportation Systems (ITS) from the Sacramento/El Dorado County Line to Ponderosa Road, two HOV lanes plus ITS from there to Greenstone, and auxiliary lanes and ITS from Greenstone to Missouri Flat during the 2035 planning period. The improvements are shown by roadway segment in Table 1 of the 2014 TCR/CSMP. These improvements are considered concept facilities, meaning that they are the roadway improvements that are planned and programmed over the next 20 years (California Department of Transportation 2014).

Although the County's Transportation Demand Model included these improvements in its analysis, there is no assurance of when these improvements to U.S. Highway 50 would be in place. This is because of the inherent limitations in Measure Y's fee-based funding approach, as discussed in Section 3.9, Transportation, of the Final EIR. Impacts to County-maintained roads could be approved by a vote of the El Dorado County electorate or the Board of Supervisors to include on a list of roads that are allowed to operate at LOS F. However, it cannot be assured that this would happen.

Although it is not possible to quantify the potential traffic that may be generated from future home occupations over the term of the planning horizon because the future number and type of such activities, and the size of parcels on which they may be undertaken, is unknown and cannot be known with any accuracy, there is a reasonable probability, given that additional employees could be allowed on large lots in rural areas, that traffic impacts on rural roads could be significant in some instances where roads are narrow.

**Findings:**

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The mitigation measures and the reasons why they substantially lessen the environmental effect are described below.
- 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 environmental impact report.

**Basis for Findings:**

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

**Mitigation Measure TRA-1: Extend timeframe of General Plan Transportation and Circulation Element Policy TC-Xa**

The Board of Supervisors shall review and consider an extension to Policy TC-Xa of the Transportation and Circulation Element of the General Plan prior to its expiration on December 31, 2018. The intent of this measure is to ensure that the current mitigation policies of TC-Xa are applied to future discretionary development within the TGPA/ZOU areas should the Board of Supervisors conclude the measures are still appropriate for development in El Dorado County.

The first line of Policy TC-Xa will be amended as follows.

Policy TC-Xa. The following policies shall remain in effect until December 31, 2018. These policies will be automatically extended indefinitely beyond that date unless subsequently repealed or amended by majority vote of El Dorado County’s electorate.

**Mitigation Measure TRA-2: Reduce the Proposed Number of Employees Allowed by Right at Home Occupations**

Table 17.40.160.2 shall be amended prior to adoption as follows:

**Table 17.40.160.2 – Home Occupation Employee Limits**

	RM	R1	R20K	R1A/ R2A	R3A	RE	Rural Lands, Agricultural, and Resource Zones
< 1 acres	1	1	1	1	1	1	1
1-5 acres	1	1	2	2	2	2	<u>4</u> <del>2</del>
> 5 but less than 10 acres	1	1	2	2	<u>4</u> <del>2</del>	<u>4</u> <del>2</del>	<u>7</u> <del>2</del>
> 10 acres	1	1	2	2	<u>4</u> <del>2</del>	<u>7</u> <del>2</del>	<u>10</u> <del>2</del>

Section 17.40.160G shall be amended prior to adoption as follows:

- G. **Conditional Use Permit.** Where a proposed home occupation exceeds the standards under Subsections C or D above, a Conditional Use Permit shall be required. A Conditional Use Permit shall not be approved for a proposed home occupation that would result in a potential traffic hazard.

The Board of Supervisors has incorporated the above mitigation measures into the adopted TGPA and ZOU. Implementation of Mitigation Measure TRA-1 will reduce this impact by amending General Plan Transportation and Circulation Element Policy TC-Xa to extend its timeframe. This will thereby retain the policy basis for the County’s TIM fee program and related Capital Improvement Program established under Policy TC-Xb. Proceeds from the TIM fees are used to fund specific road improvements that will maintain the specified levels of service (LOS) of LOS E in Community Regions

and LOS D in Rural Centers and Rural Regions, except for those road segments listed in Table TC-2 (Policy TC-Xd).

Implementation of Mitigation Measure TRA-2 would reduce this impact by reducing the number of employees allowed by right. If a proposed home business is large enough to require a larger number of employees, then that number can be considered under a discretionary conditional use permit, as provided in new Section 17.40.170G of the Zoning Ordinance. This would allow a traffic study to be undertaken and, if impacts could not be mitigated, an EIR prepared disclosing the significant impact.

The Final EIR identifies no additional measures that would avoid or substantially lessen this impact. As explained in the Final EIR, with implementation of this mitigation measure, this potential conflict with established level-of-service standards and travel demand measures or other standards (Impact TRA-1) would be reduced, but would remain significant.

The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce Impact TRA-1 to a less than significant level. The Project alternatives are infeasible for the reasons described in Section 11 above.

### **Impact WS-1: Create a need for new or expanded entitlements or resources for sufficient water supply**

**Summary description:** The TGPA/ZOU Final EIR concludes that the El Dorado Irrigation District (EID) will have sufficient supplies to meet projected water demand under the General Plan to 2035. However, based on the longer term view provided by the El Dorado County Water Agency's *Water Resources Development and Management Plan, 2014 West Slope Update*, future development on the West Slope under the General Plan will have a significant and unavoidable impact on water supplies in EID's service area after 2035. The Georgetown Divide Public Utilities District (GDPUD) and Grizzly Flat Community Services District (GFCSD) will be subject to significant and unavoidable impacts due to insufficient supply to meet customer demand prior to 2025. Future development under the General Plan, including the TGPA, will have a significant and unavoidable impact on water supply within these districts.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

State Planning and Zoning Law (Government Code Section 65300, et seq.) requires the Board of Supervisors to adopt a General Plan that provides for additional growth and development. This includes a Housing Element that will accommodate the county's share of the projected housing demand (Government Code Section 65580). The statutory mandate for planning effectively requires the County to designate sufficient residential land in its General Plan to meet the demands of projected future growth. The California Department of Finance estimates that El Dorado County's

population (including the cities of Placerville and South Lake Tahoe) will increase from 181,567 persons in 2010 to 205,624 persons by 2035 (California Department of Finance 2014). According to the Housing Element, the 2010 average countywide household size (persons/occupied unit) is 2.55. At that rate, another 9,434 residential units would be needed to accommodate population growth by 2035.

The level of development planned on the County's West Slope under the General Plan will exceed available supply unless new sources are obtained. As discussed in Section 3.10, Water Supply, of the Final EIR, the EDCWA is pursuing additional supplies for EID ("Fazio water" and "EDWPA supplemental water rights") that would enable that district to meet water demands within its service area to build-out of the General Plan. At this time, the acquisition of those rights is not assured. The Project alternatives are infeasible for the reasons described in Section 11 above. Therefore, no mitigation is available to reduce this impact to a less-than-significant level and this impact is significant and unavoidable.

**Impact WS-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)**

**Summary description:** The 2004 General Plan EIR discusses impacts on groundwater in Chapter 5.5 and concluded that future development would result in a significant, unavoidable impact on groundwater. The impact identified in 2004 remains salient today. Future development under the General Plan, as revised by the TGPS and implemented by the ZOU, would result in a significant and unavoidable effect on groundwater supplies.

The conditional uses in the ZOU may place increased demands on groundwater supplies because the ZOU involves rezoning for different types of uses, such as new commercial services in rural areas (e.g., microbrewery; Bed & Breakfast; health resort and retreat center; ski resort including a day lodge, one or more restaurants, maintenance facilities, a retail shop, and parking lot), public utility service facilities (e.g., power, water, sewage disposal, telecommunications, and similar services), agricultural uses (e.g., ranch marketing, local food and farm supply stores), and industrial uses. Although actual water demand will depend on the size and intensity of the use, as well as the number of such uses that may be approved under the ZOU, any of these new activities could have substantial water needs.

If these activities occur in areas outside of public water district service areas, local groundwater supplies will be the source of their water. These projects will be subject to CEQA analysis, including consideration of water supply availability, as part of the discretionary permit review that would precede any approval. In the case of large projects that would have a water demand equivalent to 500 or more residential units, a water supply assessment (WSA) would be required as part of the CEQA review to analyze potential increased demand and the associated supply capacity. However, neither a CEQA analysis nor a WSA is required to ensure that water would be available to meet project demands (*Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4<sup>th</sup>

1277; *Watsonville Pilots Assoc. v. City of Watsonville* (2010) 183 Cal.App.4<sup>th</sup> 1059). Therefore, because water supplies are not assured, it is uncertain if groundwater supplies could be relied upon to meet the demands of proposed projects in all cases.

**Finding:**

- 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 environmental impact report.

**Basis for Finding:**

Practical and policy constraints will limit the Project's impact on groundwater supplies. There are several General Plan policies that act to restrict development in areas where public water supplies are not available. The following policies would apply to future development under the General Plan, including the TGPA and as implemented by the ZOU.

General Plan Policy 5.2.1.3: "All medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects shall be required to connect to public water systems when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers."

This policy limits the potential for development with higher water demands to be allowed in portions of Community Regions where groundwater is the only water source.

General Plan Policy 5.2.3.4: "All applications for divisions of land and other discretionary or ministerial land uses which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process. The County shall not approve any discretionary or ministerial projects unless the County finds, based on evidence provided by the applicant, or other evidence that may be provided, that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question."

This policy provides a check on development that might otherwise occur where groundwater supply is insufficient. It does not apply to agricultural activities that would not require a discretionary or ministerial permit.

General Plan Policy 5.2.3.5: "The average residential density shall not be greater than one dwelling unit per five acres in proposed groundwater dependent developments except in areas known to have groundwater supply limitations. In those areas, a minimum parcel size of ten acres or larger may be required if it is demonstrated such larger parcels are necessary to limit the impact on groundwater supply in the area."

This policy limits the potential draw on groundwater that could result from future development. These minimum density requirements would restrict the subdivision of land into smaller parcels, regardless of the maximum density provision of the General Plan designation applied to that land.

General Plan Policy 5.3.1.2: "The creation of lots less than five acres in size in Medium-Density Residential areas relying on on-site septic systems shall only occur when a public water supply is available for domestic use. If public water is not available, such lots shall not be less than five acres."

This policy limits the potential draw on groundwater that could result from future development. These minimum density requirements would restrict the subdivision of land into parcels smaller than five acres in area, regardless of the 1 dwelling per acre maximum density provision of the Medium-Density Residential designation.

Further, El Dorado County Environmental Management Department Policy 800-02 regulates the installation of wells and limits well permits when sufficient water flow is not available.

None of these constraints on development take into account the cumulative demands on a given aquifer created by numerous individual development projects. Nor do they ensure that the project will avoid adversely affecting nearby wells over the longer term. As a result, development may be allowed until such time as the aquifer reaches a critical point.

There are no feasible mitigation measures that would reduce this impact to a less-than-significant level. The following three potential measures are not feasible for the reasons described below.

**Water District Service Area Annexations:** The El Dorado County Water Agency has postulated that increased demands for water supplies may increase the need for expanded services from public water purveyors supplies through annexations of lands into public water supplier service areas, extensions of service to areas where well production is declining or where wells have failed and through transport of water by truck to existing residents that cannot economically connect to a public water supply system (El Dorado County Water Agency 2014). However, the GDPUD and GFCSD do not have surplus supplies that could be provided to expanded service areas. As a result, they are not candidates for expanded service areas. EID has additional supplies to serve their existing service area to 2035, but not longer-term supplies.

The El Dorado County Local Agency Formation Commission (LAFCO) is responsible for reviewing all proposed annexations to EID and has the exclusive authority under the Cortese-Knox-Herzberg Local Government Reorganization Act of 2000 (Government Code 56000, et seq.) to approve annexations. It is bound by the Act and by its own policies to consider numerous factors in determining whether to approve an annexation (see Government Code Section 56668). These include: ability to serve, level and range of service, time frames, and conditions to receive service; timely availability of adequate water supply; significant negative service impacts; service area boundaries that are logical, contiguous, and not difficult to serve; and effect of the proposal on cost and adequacy of service in area and adjacent areas; among other factors (El Dorado County LAFCO 2014). The LAFCO has considered limited annexations to EID's service area over the years. However, LAFCO is unlikely to approve extensive annexations, such as would be needed to supply rural development, that would exceed EID's forecasted capacity to serve customers within their existing service area and that would result in difficult to serve or discontinuous service area boundaries.

**Inter-Regional Groundwater Storage Opportunities:** The County has chosen not to identify groundwater recharge areas in its general plan because without a discrete groundwater basin that would benefit from recharge basins and broad floodplains to serve as basins for storm flows, such

areas are not effective in providing recharge and storage of stormwater in El Dorado County. However several Integrated Regional Water Management (IRWM) regions in the Sacramento River Valley have significant groundwater storage opportunities. The County could seek inter-regional solutions that reach outside of the existing IRWM planning boundaries to enhance supply reliability in El Dorado County. EDCWA is currently working on a ground water banking concept north of the Lower American River in conjunction with the El Dorado Water and Power Authority's Water Reliability Project that is currently under technical, institutional and environmental review (El Dorado County Water Agency 2014). However, while this option is being explored as a means to augment the surface water supplies of the county's water districts, it would not solve the problem of increased demand on groundwater supplies of uncertain reliability that could result from new, higher demand (in comparison to typical rural uses) developments reliant upon the groundwater available from the aquifer below their project site.

Regional groundwater banking may provide additional supplies to EID and other water districts in the future, but whether a regional groundwater banking scheme is feasible (i.e., achievable in a timely manner considering economic and practical limitations), the extent of the supply that it might provide, which water districts might benefit and to what extent their supplies would be augmented, and whether future annexations would allow these supplies to serve new customers are features that are unknown and cannot be known at this time. Therefore, it would be speculative to conclude that a water reliability project would be an achievable and practical mitigation measure.

**Adopt a Groundwater Management Plan:** Adoption of a groundwater management plan would be infeasible within a reasonable period of time due to the current lack of the baseline data necessary to develop such a plan. Necessary baseline data would include multi-year sampling of water levels in groundwater wells on a countywide basis in sufficient sample numbers (i.e., data points) to be able to describe the outlines of the county's numerous fractured, non-contiguous aquifers, understand the variations in groundwater supply during wet and dry years within those aquifers, and project the aquifers' safe yield rates.

Although the County Surveyor's office maintains a database of well depths and production rates in gallons per minute (the County's "GOTNET" data system), this information is not comprehensive, long-term data. In fact, it represents only instantaneous measurements, as opposed to long-term monitoring, and because of the variable nature and undefined boundaries of the fractured aquifers, instantaneous measurements are insufficient to characterize changes that may be occurring within any given aquifer and the available water supply within the aquifer. The State Water Resources Control Board's GAMA data used for the Voluntary Domestic Well Assessment Project El Dorado County Data Summary Report (SWRCB 2005) was developed to characterize groundwater quality and presents median depths of wells surveyed in 1978 (Carla Calkins, Water Well Survey Report, June 1978). This is historical data, over 35 years old, and is not linked to any data points since that time. It is of limited use in characterizing existing conditions.

Therefore, although there is well information available, it is not sufficient to provide the detailed analysis needed to adequately characterize groundwater conditions in the western portion of the County. The data that is available (i.e., GOTONET, State Water Board, and DWR) is not comprehensive, it consists of one-time observations or at too few well locations to (1) map/identify

the boundaries of the groundwater aquifers or the sources of supply; (2) accurately characterize groundwater supplies within the fractured aquifers; (3) identify specific aquifers where wells are non-productive over the long term; (4) characterize the use/recovery rates within aquifers; or (5) provide other data points necessary to preparing a GWMP.

To best illustrate the infeasibility of preparing a GWMP for the County's fractured rock aquifer, ICF hydrologist Alexa La Plante prepared an example of a scope and cost estimate for preparation of an appropriate GWMP for El Dorado County (ICF International Memo to Staff, *Groundwater Management in Fractured Rock Aquifers*, November 23, 2015). This document describes the copious amount of detailed technical data that would be required for preparation of a County GWMP, and outlines prescribed methods for collecting this data over a period of at least several years. The sample scope uses the best available science to illustrate why a GWMP would be infeasible for the western slope of El Dorado County due to intensive labor requirements, long timeframes (at minimum several years), high project cost, and unpredictable results of the groundwater monitoring process in fractured rock aquifers.

The Project alternatives are infeasible for the reasons described in Section 11 above.

## Section 16 References

California Department of Finance. 2014. P-2: *State and County Population Projections by Race/Ethnicity and Age (5-year groups) 2010 through 2060*. Sacramento, CA. December 15.

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RESOLUTION NO. 195-2015

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR TARGETED GENERAL  
PLAN AMENDMENT AND ZONING ORDINANCE 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**

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## **SECTION A.**

### **GENERAL 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 TGPA/ZOU 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, with the amendments embodied in the TGPA and the conforming regulations of the new zoning ordinance. The environmental impacts of the TGPA will occur in the context of future implementation of the General Plan. The environmental impacts of the ZOU reflect the environmental impacts of the general plan that it will implement and the additional impacts that may result from key land uses that could be allowed upon approval of a conditional use permit.

The baseline for the TGPA/ZOU EIR's analyses is 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 TGPA/ZOU EIR has examined the potential impacts of the TGPA/ZOU 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 in this proceeding. The Board of Supervisors has carefully balanced the benefits of adoption of the TGPA/ZOU project against the unavoidable adverse impacts 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 Project amends the General Plan and enacts a new updated Zoning Ordinance. The Project amends certain General Plan policies, and revises the adopted General Plan Land Use Diagram (General Plan Figure LU-1) as follows by: 1) dividing the Camino/Pollock Pines Community Region into three Rural Centers – Camino, Cedar Grove, and Pollock Pines (FEIR Figure 2-3), 2) expanding the Agricultural District Boundary of Garden Valley-Georgetown, Coloma, Camino-Fruitridge, Gold Hill, Oak Hill, Pleasant Valley, and Fair Play-Somerset (FEIR Figure 2-4), and 3) by correcting a limited number of General Plan Land Use Designations on individual parcels (FEIR Figure 2-5a-l) identified as mapping corrections through the Comprehensive Zoning Ordinance Update. In addition, to ensure that zoning is consistent with the General Plan as required by Government Code Section 65860, the County is updating and reorganized the Zoning Ordinance to modernize this General Plan implementation tool. This includes revisions of the

text and the County Zoning Map, including but not limited to County initiated zone changes that impact individual parcels that were previously inconsistent with the General Plan's land use designations, addition of historic district overlays over the downtown areas of El Dorado and Diamond Springs, and the addition and deletion of zone districts to ensure conformance with General Plan goals, objectives, policies and the General Plan Land Use Diagram.

In light of the development expected to occur from implementation of the General Plan, as amended, and the ZOU, the EIR identifies 38 significant environmental impacts that cannot be mitigated to a less-than-significant level, including 10 instances where the project's contribution to a cumulative impact is substantial. These impacts are listed below and briefly described by the Final EIR chapter in which they are found and the impact number.

These impacts are the result of future development under the General Plan. They are essentially the same impacts as identified in the 2004 EIR certified in conjunction with the adoption of the General Plan. The TGPA would make small, if any, contributions to the impacts. The ZOU, because it would implement the General Plan by bringing zoning into consistency with the General Plan, would also lead to the impacts identified in the 2004 EIR certified with adoption of the General Plan.

#### **Aesthetics (Section 3.1)**

- AES-1: Result in a substantial adverse effect on a scenic vista
- AES-2: Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings along a scenic highway
- AES-3: Substantially degrade the existing visual character or quality of the site and its surroundings
- AES-4: Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area

#### **Agricultural and Forestry Resources (Section 3.2)**

- AG-1: Convert Important Farmland, Grazing Land, land currently in agricultural production, or cause land use conflict that results in cancellation of a Williamson Act contract

#### **Air Quality and Greenhouse Gases (Section 3.3)**

- AQ-1: Generate construction-related emissions in excess of EDCAQMD thresholds
- AQ-2: Generate on-road mobile source criteria pollutant emissions in excess of EDCAQMD thresholds
- AQ-5: Expose sensitive receptors to substantial pollutant concentrations
- AQ-6: Expose sensitive receptors to substantial odors

#### **Biological Resources (Section 3.4)**

- BIO-1: Result in the loss and fragmentation of wildlife habitat
- BIO-2: Have a substantial adverse effect on special-status species
- BIO-3: Have a substantial adverse effect on wildlife movement
- BIO-4: Result in the removal, degradation, and fragmentation of sensitive habitats

#### **Cultural Resources (Section 3.5)**

- CUL-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5
- CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5

#### **Land Use and Planning (Section 3.6)**

- LU-4: Substantially alter or degrade the existing land use character of the County
- LU-5: Create substantial incompatibilities between land uses.

#### **Noise (Section 3.7)**

- NOI-1: Exposure of noise-sensitive land uses to short-term (construction) noise
- NOI-2: Exposure to ground transportation noise sources as a result of the TGPA
- NOI-3: Exposure to ground transportation noise sources as a result of the ZOU
- NOI-4: Exposure of noise-sensitive land uses to fixed or non-transportation noise sources
- NOI-5: Exposure to aircraft noise

#### **Population and Housing (Section 3.8)**

- PH-1: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)

#### **Transportation and Traffic (Section 3.9)**

- TRA-1: Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways

### **Water Supply (Section 3.10)**

- WS-1: Create a need for new or expanded entitlements or resources for sufficient water supply
- WS-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)

### **Cumulative Impacts (Chapter 5)**

The project would make a substantial contribution to significant and unavoidable cumulative impacts related to Aesthetics, Agricultural and Forestry Resources, Air Quality and Greenhouse Gases, Cultural Resources, Biological Resources, Land Use and Planning, Noise, Population and Housing, Transportation and Traffic, and Water Supply.

### **Mitigation Measures**

The Final EIR identifies 14 mitigation measures that direct revisions to the General Plan policies and zoning standards, as provided by CEQA Guidelines Section 15126.4. By revising General Plan policies and Zoning Ordinance standards to reduce or avoid the impacts of future development the County is enlarging the programmatic environmental protections established under its General Plan and Zoning Ordinance. These General Plan policies will be implemented pursuant to General Plan Policy 2.2.5.2, which states:

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

The zoning standards will be implemented through the County's regulatory powers under the Zoning Ordinance.

No additional feasible mitigation measures have been determined to be available for these significant and unavoidable impacts. The Board of Supervisors finds that, in light of the mitigation measures adopted in conjunction with adoption of the General Plan in 2004, along with the 14 mitigation measures adopted with the Project, there are no other available feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce these impacts to a less-than-significant level. To the extent that these adverse impacts will not be eliminated or lessened to a less-than significant level, the Board of Supervisors finds that specific legal and social considerations identified herein support approval of the project despite these unavoidable impacts.

During the analysis of the potential impacts of the TGPA/ZOU project, the EIR preparers considered the extent to which existing federal, state, and local regulations pertinent to the resource being reviewed would reduce the project's impact. The regulations are listed in the "regulatory setting" discussions in the EIR's impact sections. One example of this approach is in Section 3.3, Air Quality and Greenhouse Gases. The regulatory setting discusses the El Dorado County Air Quality Management District's (EDCAQMD's) regulations that limit the production of fugitive dust during construction. Impact AQ-1 (generate construction-related emissions in excess of EDCAQMD thresholds) considers the extent to which those regulations would help future actions avoid exceeding the AQMD's dust standards. In that example, the TGPA/ZOU EIR concluded that future, large projects that are consistent with the TGPA/ZOU may have a significant effect on the environment.

Similarly, the analysis considered existing General Plan policies that would reduce the project's impact. The pertinent objectives and policies are listed in the regulatory setting section. For example, Section 3.3, Air Quality and Greenhouse Gases, identifies General Plan Policies 6.3.1.1 through 6.3.1.3 addressing naturally occurring asbestos. In addition, Section 3.10, Water Supply, identifies General Plan Policies 5.2.3.4 and 5.2.1.11 addressing groundwater, and Policies 5.2.1.9 and 5.2.1.10 addressing surface water supplies. In some cases, the existing General Plan policies that are listed in the regulatory setting are pertinent to the issue, but are of limited practical use in reducing the TGPA/ZOU's impacts. Those policies that would reduce the TGPA/ZOU's impacts are specifically identified in the impact analysis found in the Final EIR.

Where existing regulations or policies would not avoid the potential impact or reduce it below a level of significance, the TGPA/ZOU EIR includes mitigation measures that will further avoid or reduce that impact. For Impact AQ-1, for example, the TGPA/ZOU EIR includes Mitigation Measure AQ-1, which describes a specific change to the ZOU that would reduce air pollutant emissions during construction. As noted earlier, the TGPA/ZOU Final EIR concluded that there would nonetheless be significant effects from construction emissions.

The analyses also considered the components of the TGPA/ZOU project itself that would reduce its impacts. For example, the ZOU includes a new noise ordinance that will establish enforceable limits on noise production. Although it would not avoid the potential noise impacts of development under the TGPA/ZOU, the impact analysis in Section 3.7 of the TGPA/ZOU Final EIR notes that the noise ordinance will reduce the impacts to a certain degree.

## **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 impacts.

#### **Balancing Competing Goals**

In its role as the County's legislative body, the Board of Supervisors balances competing goals in approving the TGPA/ZOU project. The project balances policies regarding population growth, continued viability of the agricultural industry, economic development, zoning consistency, and environmental protection, while remaining consistent with the existing General Plan.

## **SECTION C.**

### **OVERRIDING CONSIDERATIONS**

The Board of Supervisors has made a number of specific determinations regarding the remaining significant and unavoidable impacts that are relevant to the decision to approve the project:

#### **Legal, Social, and Economic Considerations.**

Substantial evidence in the record demonstrates various legal, social, and economic benefits that the County will derive from the implementation of the TGPA/ZOU project.

#### ***Legal – General Plan and Zoning Consistency***

General Plan Consistency: The ZOU is being undertaken pursuant to Implementation Program Measure LU-A of the General Plan. That measure sets out a number of specific objectives for the zoning ordinance in order that it will be consistent with the General Plan. The ZOU advances many, but not all, of the provisions of Implementation Measure LU-A. Additional provisions are advanced by adoption of the proposed design standards. Provisions implemented by the ZOU and design standards include the following:

LU-A: Review the Zoning Ordinance to identify revisions that accomplish the following:

- Provide for mixed commercial and residential uses [Policy 2.1.1.3];
- Provide consistency between the General Plan land use designations and the Zoning Ordinance [Policy 2.2.1.2];
- Identify needed revisions to and improved application of the Planned Development combining zone district [Policies 2.2.3.1, 2.2.3.2, 2.2.3.3, 2.2.3.4, 2.2.5.4, and 8.1.5.1];

- Develop a density bonus program [Policy 2.2.4.1];
- Provide a Neighborhood Services zone district [Policy 2.2.5.8]
- Establish provisions for extended family support services and institutional uses in residential areas [Policy 2.2.5.9];
- Allow support services for agricultural and timber production in Rural Regions, including agricultural employee housing, feed and supply stores, veterinary services, agricultural and timber processing, and sales of agricultural and timber products [Policies 2.2.5.10 and 2.2.5.11];
- Identify and separate incompatible uses (including public facilities) by setbacks and buffering [Policies 2.2.5.14 and 2.2.5.18];
- Establish standards for parking lot shading and street trees in all new development projects [Policy 2.3.1.2];
- Provide standards and incentives for commercial development [Policies 2.5.2.1, 2.5.2.2, and 2.5.2.3];
- Strengthen limitations on light and glare [Policy 2.8.1.1];
- Create an avalanche overlay zone [Policy 6.3.2.3];
- Create a dam failure inundation overlay zone [Policies 6.4.2.1 and 6.4.2.2];
- Establish open space protection measures [Policies 7.6.1.1 and 7.6.1.3]; and
- Promote tourist lodging facilities. [Policy 9.3.9.1]

LU-D: Revise the Zoning Ordinance to ensure that all uses permitted by right in any zoning district are compatible. Allow potentially incompatible uses subject to a discretionary review process with performance standards to ensure appropriate separation of incompatible uses. Include in the Zoning Ordinance a requirement that any project located adjacent to an existing sensitive land use shall be required to avoid impacts on the existing use.

LU-E: Review and identify needed revisions to the *El Dorado County Design and Improvements Standards Manual*.

HS-I: To provide a comprehensive approach to noise control, adopt a Noise Ordinance that includes, but is not limited to, the following:

- A. Procedures to ensure that noise mitigation measures, as determined through an acoustical analysis, are implemented in the project review process and, if determined necessary, through the building permit process;
- B. Procedures to monitor compliance with the standards of the Noise Ordinance after completion of projects where noise mitigation measures were required; and

- C. Application of the noise standards to ministerial projects, with the exception of single-family residential building permits, if not in areas governed by the Airport Land Use Compatibility Plan.

HS-K: Review the Zoning Ordinance and identify changes that would accomplish the following:

- A. Include an airport combining zone district for each of the Safety Zones as defined in the Airport Land Use Compatibility Plan for each of the county's public airports; and
- B. Develop and apply a combining zone district for areas within the Airport Influence Zone of each of the public airports to discourage the placement of incompatible uses.

CO-A: Review the Zoning Ordinance to identify revisions that accomplish the following:

- B. Develop standards for use of native plants in landscaping;
- E. Develop standards for minimizing erosion and sedimentation associated with earthwork and grading.

CO-O: Prepare and adopt a riparian setback ordinance. The ordinance, which shall be incorporated into the Zoning Code, should address mitigation standards, including permanent protection mechanisms for protected areas, and exceptions to the setback requirements. The ordinance shall be applied to riparian areas associated with any surface water features (i.e., rivers, streams, lakes, ponds, and wetlands) ...

AF-A: Review the Zoning Ordinance to identify revisions that accomplish the following:

- A. Provisions that establish minimum densities of and setbacks on lands adjacent to agriculturally-zoned lands and timberlands to protect current and future agricultural and timber production on those lands as set forth below:
  1. 10-acre minimum parcel size adjacent to agriculturally-zone land;
  2. 200-foot setback adjacent to agriculturally-zoned lands;
  3. 160-acre minimum parcel size for TPZ-zoned lands;
  4. 160-acre minimum parcel size for Natural Resources-designated lands above 3,000-foot elevation;
  5. 40-acre minimum parcel size for Natural Resources-designated lands below 3,000-foot elevation;
  6. 10-acre minimum parcel size for lands adjacent to timberlands; and
  7. 200-foot setback adjacent to timberlands.
- C. Provisions requiring alternative and/or supplemental findings for approval for special use permits to establish additional dwellings for permanent and seasonal agricultural employees;
- E. Provisions setting forth appropriate by-right and conditional use permit development to support the agricultural industry.

AF-J: Complete an inventory of agricultural lands in active production and/or lands determined by the Agricultural Commission to be suitable for agricultural production. Once the inventory is complete, perform a suitability review... and amend the Agricultural District boundaries as appropriate.

ED-P: Revise the Zoning Ordinance so that classes of permitted uses for commercial, industrial, and research and development uses on land so designated on the General Plan Land Use Maps, and/or that have been pre-planned through planned developments, specific plans, and other master planned lands, are expanded.

ED-II: The Zoning Ordinance shall provide for agricultural dependent commercial and industrial uses on lands within Rural Regions.

ED-JJ: The Zoning Ordinance shall allow the sales and marketing of products grown in El Dorado County and crafts made in El Dorado County in areas designated for agricultural use.

ED-QQ: Establish standards in the Zoning Ordinance that provide compatible home businesses that complement residential uses in the Community Regions, Rural Centers, and Rural Regions.

Zoning Consistency: California Government Code Section 65860 requires the Zoning Ordinance to be consistent with the General Plan. That includes both policy consistency and land use map consistency. The ZOU proposes to add new zone classifications and eliminate select existing zone classifications, and includes new zoning provisions in part to make the zoning classifications and allowable uses consistent with the General Plan's policies. The parcel-specific zone changes are being undertaken in order to make the zoning for those parcels consistent with the General Plan's land use map. Failure to maintain consistency between the General Plan and Zoning Ordinance exposes the County to potential liability.

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. A zoning ordinance shall be consistent with a city or county general plan only if both of the following conditions are met:

- (1) The city or county has officially adopted such a plan.
- (2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.

(b) Any resident or property owner within a city or a county, as the case may be, may bring an action or proceeding in the superior court to enforce compliance with subdivision (a). Any such action or proceeding shall be governed by Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. No action or proceeding shall be maintained pursuant to this section by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance.

(c) In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be

amended within a reasonable time so that it is consistent with the general plan as amended.

- (d) Notwithstanding Section 65803, this section shall apply in a charter city of 2,000,000 or more population to a zoning ordinance adopted prior to January 1, 1979, which zoning ordinance shall be consistent with the general plan of the city by July 1, 1982.

The California Supreme Court has affirmed the supremacy of the General Plan atop the hierarchy of local land use regulation. Its decision in *Leshar Communications v. City of Walnut Creek* (1990) 52 Cal.3d 531 explains:

A zoning ordinance that is inconsistent with the general plan is invalid when passed (*deBottari v. City Council* (1985) 171 Cal.App.3d 1204, 1212 [217 Cal.Rptr. 790]; *Sierra Club v. Board of Supervisors* (1981) 126 Cal.App.3d 698, 704 [179 Cal.Rptr. 261]) and one that was originally consistent but has become inconsistent must be brought into conformity with the general plan. (§ 65860.) The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the charter to which the ordinance must conform.

#### ***Legal – Housing Element Consistency***

El Dorado County adopted the 2013-2021 Housing Element of its General Plan on October 29, 2013. Pursuant to Government Code Section 65302, the County must adopt a Housing Element as one component of its General Plan. Government Code Section 65583 requires that the Housing Element include a schedule of actions to provide opportunities for housing sufficient to meet the county's anticipated demand.

The project will advance the Housing Element by specifically meeting three of Housing Element's Implementation Measures.

- The ZOU includes provisions for emergency shelters and permits shelters by right in the CG (Commercial, General) zone and upon approval of a conditional use permit in the CC (Commercial, Community) zone. This will implement Measure HO-2013-29.
- The ZOU includes revisions to allow mixed-use development in commercial zones. The TGPA would allow mixed-use residential density up to 20 units per acre. Both of these provisions implement Measure HO-2013-31.
- The ZOU includes provisions for employee housing that comply with Health and Safety Code Section 17021.6(c). This will implement Measure HO-2013-32.
- The TGPA will establish the basis for a future infill development ordinance with the adoption of Policy 2.4.1.5. No ordinance is being proposed at this time, however Policy 2.4.1.5 sets out the basic policies that the ordinance will be expected to incorporate. This will implement Measure HO-2013-14.

### ***Legal - Implementation of the General Plan***

The General Plan includes specific Implementation Measures that the County will adopt to carry out the goals and policies enumerated in the Plan. The TGPA/ZOU project will complete several of these Implementation Measures, as set out in the *2013 General Plan Annual Progress Report* of June 2014. Appendix A2 of the June 2014 report identifies the following Implementation Measures that will be completed by the TGPA/ZOU.

LU-A: the project will amend the zoning ordinance and rezoning individual properties to achieve consistency with the General Plan.

LU-D: the ZOU will amend the zoning ordinance to specify that potentially incompatible land uses may be approved by conditional use permit.

LU-E: the project includes revisions to the County design manual, although not all of the elements described in LU-E and TC-C.

HS-I: the project includes a noise ordinance, as included in this measure.

HS-K: the project includes zoning provisions to avoid airport impacts. The provisions have been found by the Airport Land Use Commission to meet the requirements of the airport land use plans.

CO-A: the project will address several of the provisions listed in this Implementation Measure, including use of native plants in land use, a historic design combining district, and standards for minimizing erosion.

CO-O: the project will include riparian setback provisions, as called for in the Implementation Measure.

AF-D: the project includes an expansion of the [ag district], which will provide for the conservation of agricultural lands.

ED-P: the ZOU will include new zones as needed to reflect the General Plan land use designations, as called for in this measure.

### ***Social – Preferred Policy***

Measure Y, the adopted ballot initiative that is the basis for the County's comprehensive program to mitigate the traffic impacts of new development, will expire by its own terms at the end of December 2018. The General Plan Transportation and Circulation Element policies beginning with Policy TC-Xa were enacted to incorporate and expand upon Measure Y, providing support for the County's Traffic Impact Mitigation (TIM) fee program and related Capital Improvement Plans (CIPs). The CIPs 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 TGPA, as amended by Mitigation Measure TRA-1: Extend timeframe of General Plan Transportation and Circulation Element Policy TC-Xa, will extend the effective life of the Measure Y policies indefinitely. This 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. The TGPA/ZOU will thereby keep this preferred General Plan policy in place.

#### ***Social – Regulatory Consistency***

Many existing problems with regulating and enforcing land use in El Dorado County have occurred because of inconsistencies, lack of clarity, and the archaic nature of the existing, over 30 year-old, Zoning Ordinance. By updating the Zoning Ordinance and corresponding Zoning Maps, the TGPA/ZOU project creates an internally-consistent, clarified and modernized Zoning Ordinance consistent with the County's General Plan. As part of the project, the Zoning Ordinance Update will have the social benefit of a consistent regulatory environment, creating a sense of certainty for land purchasers who want to know what to expect on adjacent lands, applicants for development projects who depend on consistent procedures and standards by which they need to abide, and decision makers who need to be uniform in applying the code.

#### ***Social –Housing and Employment Choice***

Similar to the social considerations for expanding housing and employment opportunities stated in the El Dorado County [2004] General Plan CEQA Statement of Overriding Considerations, the TGPA/ZOU encourages a diverse range of housing types, and provides new allowances for housing associated with mixed-use development. The TGPA will do this by encouraging mixed-use development in neighborhood commercial centers and by reducing barriers to the development of single family detach moderately-priced homes as an alternative to affordable below moderate housing and traditional apartment style multi-family housing allowed by right on multi-family lands, or as part of the residential component of a mixed use development project. The TGPA expands agriculture district boundaries, offers more flexibility for ranch marketing, and employment associated with new commercial/industrial uses in the Rural Region. The ZOU will do this by implementing the provisions of the General Plan that support creating additional commercial zones to appropriate commercial uses in specific areas, the creation of community based design standards for mixed use development, and by expanding opportunities for agri-tourism, private forest lands, agriculture support services, ranch marketing and home businesses.

#### ***Economic – Agricultural Benefits***

The TGPA/ZOU protects the economic viability of agricultural land uses by expanding opportunities for ranch marketing and its associated economic benefits for agriculturalists. Ranch marketing provides farmers an additional income from value-added products of their agricultural operations. Agricultural operations bring substantial benefits to the local economy in El Dorado County and are important to the county's economic health. The *2013 Agricultural Crop and Livestock Report* of the El Dorado County Department of Agriculture Weights and Measures estimates that agriculture contributed \$441 million to the county economy in 2013. This included \$222 million from ranch marketing and value-added

products (El Dorado County 2014). In addition, agricultural production supports agri-tourism, and contributes sales tax, income tax, property tax, and in the case of tourism, transient occupancy tax to the county. Tourist activities in the county include wine tasting, apple harvesting, and choose-and-cut Christmas trees. The proposed TGPA/ZOU will support these activities and operations and allow enhancements to these types of uses.

In addition, the TGPA expands the area of the Agricultural Districts. The General Plan identifies seven areas where lands are subject to the Agricultural (A) District overlay. The purpose of the overlay designation is to identify those areas within the county that contain important farmlands in order to preserve them primarily for agricultural or agriculture-related land uses. Pursuant to General Plan Implementation Measure AF-J, the County has completed an inventory of agricultural lands and, on that basis, has identified additional lands that are to be subject to the Agricultural District overlay, while simultaneously removing from the overlay those lands that do not meet county criteria for inclusion. The result of the TGPA changes is a net increase in the amount of land protected by the A overlay.

#### ***Economic – Housing Benefits***

Housing development has been shown to be a central component in a strong local economy (Robert Fountain, Building Industry Association of Superior, California, *The Economic Impact of New Housing Construction in the Sacramento Region* [June 24, 2004]). One of the goals of the TGPA-ZOU project is to reduce constraints to the development of moderately-priced housing. To further this goal, the TGPA amends General Plan Policy 2.2.1.2 to expand commercial/mixed use development within Rural Region and also allows mixed-use development in Community Regions and Rural Centers on lands designated Multifamily Residential (MFR). The TGPA-ZOU also removes the commercial-first restriction on mixed-use residential development projects. Offering the potential for higher density residential projects in suitable areas of the county encourages the production of moderate-cost housing by lowering the land and construction costs per residence. Together, these changes will expand opportunities to provide much-needed housing for moderate-income families, and enhance the local jobs-housing balance by providing live-work opportunities for those families.

#### ***Economic – Job Creation Benefits***

Historically, rural lands have sustained economic viability through a mix of agricultural related uses on a single site, including, but not limited to, commercial, residential, industrial, mining, tourism/recreation and other employment-generating activities that benefit the property owner, the local community and the County. The TGPA-ZOU will build on this trend by expanding allowances for commercial, industrial, agricultural support and visitor-serving uses in the Rural Region.

#### ***Economic – Improving Sales Tax Revenues***

The TGPA-ZOU project will increase sales tax revenues within El Dorado County to some extent by enabling the operation of additional tax generators, including agricultural support services, ranch marketing, recreation, and rural commerce.

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## **SECTION D.**

### **CONCLUSION**

The EIR for the County of El Dorado TGPA/ZOU project 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 has 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 Sections B (Specific Findings) and C (Overriding Considerations) of this Statement of Overriding Considerations. Each finding and overriding consideration by itself constitutes a separate, independent, and severable overriding consideration warranting approval of the project.

The Board concludes that the TGPA/ZOU Project should be adopted.

RESOLUTION NO. 195-2015

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR TARGETED  
GENERAL PLAN AMENDMENT AND ZONING ORDINANCE 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**

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

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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 15 (Findings Regarding Impacts and Mitigation Measures) of Exhibit A (CEQA Findings of Fact) to Resolution No. 195-2015 identifies the feasible mitigation measures applicable to the Targeted General Plan Amendment and Zoning Ordinance Update project. The Board of Supervisors has incorporated each of these measures into either the General Plan or the Zoning Ordinance. The mitigation measures will thereby be enforced through application of the policies of the General Plan and regulations of the Zoning Ordinance.

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 or zoning ordinance, "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 in this MMP.

El Dorado County Community Development Agency staff prepares and presents to the Board of Supervisors an annual report on the status of General Plan implementation. This report fulfills the requirements of Government Code Section 65400 and is hereby found by the Board to constitute the mitigation monitoring program for the Targeted General Plan Amendment and Zoning Ordinance Update.

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 Targeted General Plan Amendment and Zoning Ordinance Update was based. Inquiries about the record of proceedings should be directed to:

David Defanti, 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