

Findings of Fact

1 Introduction

These Findings of Fact (Findings) address the environmental effects associated with the DR19-0006-Cool General Retail Project (proposed project) and are adopted by the Board of Supervisors on July 20, 2021. These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code and Sections 15091 and 15092 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et seq (CEQA Guidelines). The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR.

Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. El Dorado County (County) is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines.

Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines state that:

- b) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- c) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- d) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the proposed project identified potentially significant effects that could result from implementation. However, the County finds that the inclusion of certain mitigation measures as part of the project approval would reduce these effects to less-than-significant levels and there are no significant impacts that cannot be mitigated to below a level of significance.

In accordance with CEQA and the CEQA Guidelines, the County adopts these Findings as part of its certification of the Final EIR for the proposed project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the County also finds that the Final EIR reflects the County's independent judgment as the lead agency for the project. As required by CEQA, the County, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The County finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

1.1 Organization and Format of CEQA Findings of Fact

Section 1 contains a summary description of the proposed project and background facts relative to the environmental review process.

Section 2 discusses the CEQA findings of independent judgment. This includes the potentially significant effects of the project that would be mitigated to a less than significant level with implementation of the identified mitigation measures.

Section 3 identifies the feasibility of the project Alternatives that were studied in the EIR.

Section 4 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the MMRP.

Section 5 describes the process of certification of the EIR.

1.2 Summary of Project Description

The project applicant proposes to construct a 9,100 SF. commercial retail building (Dollar General). The single-story building would have a maximum height of 33 feet. The building would be located in the southerly half of the project site, facing the intersection of Highway 49 and Northside Drive. The project design is in the style of new traditional, Western false front architecture. The building has a central entrance, and parapet walls extending along the building façade. The design is responsive to community input and designed to replicate the “Boardwalk” project on the west side of SR 49. The project would include parking for 31 vehicles, a refuse enclosure for solid waste, landscaping, an on-site septic system, and on-site stormwater treatment.

Dollar General hours of operation are Monday thru Sunday 8am to 10pm. Typically, there would be 3 employees during a normal shift and 4-5 customers at a time during peak hours.

Project landscaping would include tree plantings in the parking lot, and a variety of shrubs and ground cover around the parking lot and building. The two mature oak trees at the northwest corner of the property would be preserved, and the area around them left in a natural state. New trees to be planted include Strawberry trees, Ponderosa Pine, and English Oak trees. New shrubs include a mix of manzanita, Coyote brush, blue fescue, juniper, pyracantha, and switch grass. The eastern end of the property would be left undisturbed except where the dedicated septic field would be located.

A monument sign would be located at the northwest corner of the project, near the corner of State Route 49 and Northside Drive. The sign would be approximately 50 SF and approximately 11 feet above ground surface (at the highest point). The design is a wood framed (or optional steel frame) sign, with channelized internally illuminated letters on a wood grain background.

Project lighting includes at least one parking lot fixture and building mounted lighting (“gooseneck” or similar downward shielding light fixtures).

1.3 Project Objectives

CEQA requires the statement of a project’s objectives to be clearly written so as to define the underlying purpose of a project in order to permit development of a reasonable range of alternatives and aid the lead agency in making findings when considering a project for approval. The objectives should describe the purpose of the project and are intended to assist the lead agency in developing a reasonable range of alternatives for consideration in the EIR.

The proposed project includes the following objectives:

1. Provide locally serving commercial retail uses consistent with the Commercial General Plan land use designation.
2. Provide a high quality building design consistent with County guidance.
3. Minimize the grading of the project site and maintain natural topography to the extent feasible.

4. Provide additional property and sales tax revenue to the County.

1.4 Environmental Review Process

Notice of Preparation

In accordance with CEQA (Public Resources Code Section 21092) and the CEQA Guidelines (14 CCR Section 15082), the County issued a Notice of Preparation (NOP) on September 22, 2020 (SCH Number 2020049050). The County circulated the NOP to responsible and trustee agencies, organizations, and interested individuals to solicit comments on the proposed project through October 21, 2020. The County also prepared an Initial Study (IS) for the project that was appended to the NOP identifying those issue areas where impacts would be less than significant (included as Appendix A to the Draft EIR). Eleven comment letters were received during the scoping period. No local, state or federal agencies provided comment during the scoping period. The scoping comments were included as Appendix B to the Draft EIR and Final EIR.

Draft EIR

In accordance with CEQA (Public Resources Code Sections 21000-21177) and the CEQA Guidelines (14 CCR Sections 15000-15387), the County prepared a Draft EIR (which is the subject of these Findings) to address the potentially significant environmental effects associated with the proposed project. The Draft EIR addresses the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Public Services and Recreation
- Transportation
- Utilities and Service Systems
- Wildlife
- Urban Decay

The Draft EIR was published for public and agency review on January 7, 2021 for a public review period that ended on February 23, 2021. During the public review period, the Draft EIR was accessible online at <https://www.edcgov.us/Government/planning>. Copies of the Draft EIR were also available at the County of El Dorado Planning and Building Department during normal business hours. All comment letters received in response to the Draft EIR were reviewed and included in the Final EIR, and responses to these comments relevant to CEQA were addressed in the Final EIR in compliance with the CEQA Guidelines (Sections 15088, 15132).

Final EIR

Section 15088 of the CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues and prepare written response addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the

information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR as needed and as appropriate. The Final EIR assembles in one document all the environmental information and analysis prepared for the proposed project, including comments on the Draft EIR and responses to those comments. In accordance with CEQA Guidelines Section 15132, the Final EIR for the proposed project consists of:

- (i) The Draft EIR and subsequent revisions;
- (ii) Comments received on the Draft EIR;
- (iii) A list of the persons, organizations, and public agencies commenting on the Draft EIR;
- (iv) Written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and
- (v) Other information contained in the EIR, including EIR appendices.

The Final EIR was made available for review by commenting agencies in accordance with CEQA requirements 10 days prior to the public hearing to consider the project and the Final EIR. The Final EIR was also made available to the public online at <https://www.edcgov.us/Government/planning>.

2 CEQA Findings of Independent Judgment

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, the County finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the identified significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

Air Quality

Exposure of Sensitive Receptors to Toxic Air Contaminants (Impact 3.2-3)

Naturally occurring asbestos is toxic air contaminant (TAC) that could be generated during earthmoving activities in areas of El Dorado County. Although the proposed project site has not been identified as an area containing naturally occurring asbestos, current County records indicate the proposed project property parcel is located within the Naturally Occurring Asbestos Review Area. As such, potential impacts to naturally occurring asbestos would be considered potentially significant before mitigation. With implementation of **MM-AQ-1**, any potential asbestos in fugitive dust generated by the proposed project would be minimized to the extent feasible and the impact would be reduced to a less-than-significant level.

Mitigation Measures

MM-AQ-1 Asbestos Assessment and Minimization. The proposed project applicant (or their successor) shall provide a geologic evaluation of the property to determine that no serpentine, ultramafic rock, or asbestos is likely to be found in the area to be disturbed. This geologic evaluation shall be prepared by a Professional Geologist and submitted to the Air Pollution Control Officer (APCO) for consideration prior to issuance of building permits. If an exemption is not granted by the APCO, the proposed project sponsor shall adhere to all applicable regulations and control measures for fugitive dust emissions and asbestos hazards mitigation as required by the El Dorado County Air Quality Management District (EDCAQMD) Rule 223 (Fugitive Dust) and Rule 223-2 (Fugitive Dust – Asbestos Hazard Mitigation).

Finding

The County finds that the above mitigation measure is feasible, will reduce the potential air quality impact of the project to a less-than-significant level, and is adopted by the County. Accordingly, the County finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measure involves a geologic evaluation to determine whether there is serpentine, ultramafic rock, or asbestos likely to be found in the area to be disturbed. If there is none, the

proposed project would not pose the risk of asbestos in fugitive dust generated during construction, and the APCO may grant an exemption. If the APCO does not grant an exemption, the proposed project would be required to implement fugitive dust and asbestos mitigation as required by EDCAQMD. The mitigation plan includes best management practices to reduce exposure, and at the APCO's discretion, may include air quality monitoring and additional actions to reduce exposure to a less-than-significant level. This would mitigate the potential impact to a less-than-significant level. In addition to the analysis in the EIR and Final EIR, the County relies on the performance standards in Rules 223 and 223-2, the California Air Resources Board's Final Regulation Order for the Asbestos Airborne Toxic Control measure for Construction, Grading, Quarrying, and Surface Mining Operation (2002), and the expert opinion from the EDCAQMD Air Quality Engineer (Rania Serieh) that compliance with the mitigation measure "will keep generation of any such dust to the minimum that will prevent exposing any adjacent receptors and public [] to any unacceptable risk."

Biological Resources

Candidate, Sensitive, or Special Status Species (Impact 3.3-1)

Implementation of the proposed project could result in impacts to nesting raptors or other protected migratory birds in the project vicinity, which are protected under the Migratory Bird Treaty Act, due to construction activities such as tree and vegetation removal, ground disturbances, heavy equipment use. According to the California Department of Fish and Wildlife (CDFW) Code 3503, "take" of the nest or eggs of any bird is prohibited, except upon approval from the California Department of Fish and Wildlife. If any of the species discussed above or other nesting birds are present during construction, noise, light, and other construction activities could result in nest failure if active nests are present within the on-site trees slated for removal or within 0.5 mile of the project site at the time of construction. This is a potentially significant impact before mitigation. If construction activities are scheduled during the nesting season (typically February 1 to September 30), preconstruction surveys for nests conducted in accordance with **MM-BIO-1** would ensure impacts to nesting birds would be reduced to a less than significant level.

implementation of the proposed project could also impact pallid bats. The project site provides roosting habitat for pallid bats in tree hollows, under exfoliating bark on trees, abandoned woodpecker holes and in the foliage of trees on the site. Project removal of trees could remove roosting habitat. Foraging habitat for bats on the project site includes the open area and surrounding lands. This habitat along with seven trees (one tree would be preserved) would be removed by the project. Therefore, loss of roosting and foraging habitat along with construction activities could disturb these species if they are present on the site. This is a potentially significant impact before mitigation. Preconstruction surveys and consultation with CDFW for appropriate avoidance/minimization efforts, in accordance with **MM-BIO-2**, would avoid and/or minimize significant impacts to roosting bats.

Mitigation Measures

MM-BIO-1 If project-related construction activities including site clearing, tree removal and grading are scheduled during the nesting season (typically February 1 to September 30), a focused pre-construction survey for nests shall be conducted by a qualified biologist within three (3) days prior to the beginning of project-related activities. The qualified biologist shall survey the area within a minimum 500-foot radius around the boundaries

of the project site. If an active nest is found, a non-disturbance buffer shall be established around the nest. The width of the buffer shall be determined by the qualified biologist based on the species of bird, its general tolerance of disturbance, and the type of activity proposed. If a lapse in project-related work of seven (7) days or longer occurs, another focused survey shall be conducted.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and implement the avoidance measures determined by the qualified biologist prior to initiation of construction activities. This mitigation measure shall be noted on grading and construction plans. If a pre-construction survey is required, the applicant shall provide evidence of the survey to the El Dorado County Planning and Building Department to verify compliance prior to issuance of grading and building permits.

Monitoring Responsibility: El Dorado County Planning and Building Department..

MM-BIO-2

A pre-construction survey shall be performed by a qualified biologist 30 days prior to initiation of construction activities to assess whether roosting bats occur in the abandoned house on the proposed subdivision site. If any roosting bats are detected, consultation with CDFW shall be initiated to identify appropriate measures to be taken to avoid and/or minimize impacts to the species, which can include approval to exclude any bats potentially found on the site before vegetation removal or grading.

Monitoring Requirement: This mitigation measure shall be noted on grading and construction plans. The applicant shall provide evidence of the survey to the El Dorado County Planning and Building Department to verify compliance prior to issuance of grading and building permits.

Monitoring Responsibility: El Dorado County Planning and Building Department.

Finding

The County finds that the above mitigation measures are feasible and will reduce the potential biological resources impacts of the project to less-than-significant levels, and are adopted by the County. Accordingly, the County finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measures involve pre-construction surveys prior to vegetation removal or ground-disturbing activities for nesting birds and roosting bats. Site-specific surveys have failed to identify the presence of these species. However, they are known to occur in the region. If these species are encountered during construction, appropriate measures such as non-disturbance buffers and/or exclusion of roosting bats would be taken. With implementation of the above discussed mitigation

measures, potential impacts to biological resources from the proposed project would be mitigated to less-than-significant levels.

Tribal Cultural Resources

Substantial Adverse Change in the Significance of a Tribal Cultural Resource (Impact 3.4-4)

The geographic area of the project site is not known to contain any resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as designed in Public Resources Code section 5020.1(k), or considered significant by a California Native American tribe. As part of the consultation process with the United Auburn Indian Community of the Auburn Rancheria (UAIC), mitigation measures were identified to address inadvertent discoveries of potential tribal cultural resources. Although unlikely, inadvertent discovery of a TCR during construction could result in a potentially significant impact. Compliance with **MM-TCR-1** would reduce this potential impact to a less-than-significant level.

Mitigation Measures

MM-TCR-1 If any Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find. The appropriate tribal representatives from culturally affiliated tribes shall be immediately notified. Work at the discovery location shall not resume, until the potential TCR is determined, in consultation with culturally affiliated tribes, that the find is not a TCR, or that the find is a TCR and all necessary investigation and evaluation of the discovery under the requirements the Public Resources Code has been satisfied. Preservation in place is the preferred alternative, and every effort must be made to preserve the identified resource in place, including but not limited to project redesign. Should be project redesign be required, the project shall be required to obtain a revision to the Design Review Permit. The contractor shall implement any measures deemed by the County to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find as necessary

Monitoring Requirement: This mitigation measure shall be noted on grading and construction plans.

Monitoring Responsibility: El Dorado County Planning and Building Department.

Finding

The County finds that the above mitigation measure is feasible, will reduce the potential tribal cultural resource-related impact of the project to a less-than-significant level, and is adopted by the County. Accordingly, the County finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measure would ensure construction and ground-disturbing activities would halt if previously unknown tribal cultural resources are unearthed, and such resources would be properly identified, documented, and managed. Investigation of the site and consultation with appropriate Native American tribal organizations have not identified any tribal cultural resources, or revealed high sensitivity for cultural resources within the project site. Therefore, this mitigation provides for encountering previously unknown tribal cultural resources during construction activities. The contractor would implement any measures deemed by the County to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource. With implementation of this mitigation measure, potential impacts to tribal cultural resources would be mitigated to less-than-significant levels.

Pedestrian and Traffic Safety

After considering all of the written and oral comments at both hearings, the County finds that the expert traffic analysis in the EIR and Final EIR is credible and constitutes substantial evidence that the project will not have an impact on pedestrian, bicycle, or traffic safety. The County further finds that the traffic study accurately reflected the traffic, pedestrian, and bicycle usage in the area and was appropriately adjusted to account for reduced traffic due to Covid-19. The County finds that the lay testimony presented before and at the hearing does not constitute substantial evidence that undermines the conclusions in the EIR and Final EIR or identifies any significant impact to pedestrian, bicycle, or traffic safety from the project.

While the County does not find that a new bike facility on Highway 49 or independent pedestrian and bike access to the project are necessary to mitigate an impact to pedestrian or bike safety from the project, the County finds that providing for these facilities is consistent with and would accomplish the goals of the Community Design Guide and El Dorado County General Plan. While members of the community expressed a desire for a Class 1 Bike Path along Highway 49, the County relies on the expertise of the El Dorado County Department of Transportation and the California Department of Transportation District 3 to conclude that a Class 2 Bike Lane is appropriate and planned in the area. The County further finds that the conditions of approval providing for a fair share contribution toward the ultimate construction of a Class 2 Bike Lane and the requirement to construct a 4-foot pedestrian path on Northside Drive satisfy the goals and objectives of the Community Design Guide and the General Plan, including but not limited to General Plan Policies TC-3c, TC-4, TC-4i, TC-5b, TC-9, TC-4b, and TC-4h.

Public Safety

The County has considered the articles submitted and statements alleging that Dollar General stores attract crime. The County finds that these articles and lay comments are based on Dollar General stores in more urban communities that have public safety issues distinct from those in Cool and therefore do not provide credible evidence from which to infer that a Dollar General store in Cool could attract crime. The County further finds that the analysis in the EIR and Final EIR and expert testimony of the El Dorado County Sheriff to the Planning Commission constitute substantial evidence for the finding that the project does not pose a risk to public safety.

3 Findings Regarding Alternatives

Section 15126.6(a) of the CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” The Final EIR identified and considered one feasible alternative.

1. No Project Alternative

As required by the CEQA Guidelines, an EIR’s alternatives analysis must include consideration of the No Project Alternative. The “No Project” analysis discusses the existing conditions as well as what would reasonably be expected to occur in the foreseeable future if the project was not approved (Cal. Code Regs. tit. 14, § 15126.6 (e)(2) and (3)(A)).

The No Project analysis assumes no construction. The existing zoning and general plan classification allow for the construction of a building up to 62,200 square feet (based on a parcel size of 1.68 acres and an FAR of 0.85). Realistically, due to the topography of the site, and the need for parking and a septic system, a potential building would not greatly exceed the 9,100 square foot building that is proposed. Therefore the “allowable use” version of the No Project Alternative would not provide a useful comparison for decision makers or the public. Instead, the No Project Alternative assumes the site would remain vacant. As no construction would occur, the potential for project activities to impact special status birds or bats, expose workers or customers to naturally occurring asbestos, or uncover tribal cultural resources would be avoided.

Finding

The County rejects the No Project Alternative as undesirable as it would not achieve any of the basic project objectives. The County further finds, based on the analysis in the EIR and Final EIR and Response P17-8, that there is not a feasible alternative that would avoid or substantially lessen the environmental effects of the project (which are not significant after mitigation) and there was no credible evidence presented before or during the hearing from which to find otherwise.

Rationale

As no construction would occur, the No Project Alternative would not provide any locally serving commercial retail uses nor would it provide additional property and sales tax revenue to the County. Without the project, these desired project objectives would not be met.

4 General CEQA Findings

4.1 Mitigation Monitoring and Reporting Program

Based on the entire record before the County and having considered the potentially significant impacts of the project, the County hereby determines that all feasible mitigation within the responsibility and jurisdiction of the County has been adopted to reduce or avoid the potentially significant impacts identified in the Final EIR. The feasible mitigation measures are discussed above and are set forth in the MMRP. Section 21081.6 of the Public Resources Code requires the County to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the proposed project is hereby adopted by the County because it fulfills the CEQA mitigation monitoring requirements: The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements or other measures.

4.2 CEQA Guidelines Sections 15091 and 15092 Findings

Prior to approval of the project, the EIR must be certified pursuant to Section 15091 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:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency; and
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

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.

These Findings satisfy the requirements of Sections 15091 and 15092 of the CEQA Guidelines. In doing so, they disclose the final disposition of the potentially significant impacts identified in the Final EIR and the reasons for not adopting any of the project alternatives.

4.3 County Independent Judgment

The Final EIR for the proposed project reflects the independent judgment of El Dorado County in accordance with Public Resources Code 21082.1(c)(3). The El Dorado County Board of Supervisors, as the decision-making body of the lead agency for the project on appeal, has received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record. The County hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

4.4 Reliance on Record

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project.

Record of Proceedings

In accordance with Public Resources Code Section 21167.6(e), the record of proceedings for the County decision on the project includes the following documents:

- The NOP for the project and all other public notices issued in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR for the project and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the project, including comments received on the Draft EIR, responses to those comments, and appendices;
- Documents cited or referenced in the Draft EIR and Final EIR;
- The MMRP for the project;
- All findings and resolutions adopted by the County in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the County's action on the project;
- All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;

- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;
- Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- Any other written materials relevant to the County's compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the County non-privileged retained files for the EIR or project;
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e); and
- The Notice of Determination.

The County intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the County and listed above shall comprise the administrative record for the project.

Custodian of Records

The custodian of the documents or other material that constitute the record of proceedings upon which the County's decision is based is identified as follows:

County of El Dorado Planning and Building Department
2850 Fairlane Court
Placerville, California 95667

Recirculation Not Required

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines, Section 15088.5(a).) "Significant new information," as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible

way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.”

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a “new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;” that a “substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance;” or that a “feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it” (CEQA Guidelines Section 15088.5(a)(1)-(3)).

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR” (CEQA Guidelines Section 15088.5(b)). Recirculation also is not required simply because new information is added to the EIR – indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies.

In this legal context, the County finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

5 Certification of the Final Environmental Impact Report

The County certifies that the Final EIR, dated March 2021, has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the County, and that the County reviewed and considered the information contained therein before approving the proposed project, and that the EIR reflects the independent judgment and analysis of the County (CEQA Guidelines Section 15090).