

Findings of Fact

**Related to the Certification of the
Final
Environmental Impact Report
for the
Saratoga Way Extension Project**

CEQA Lead Agency: El Dorado County
Date: May 2010

SCH# 2006052125

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Introduction

The California Environmental Quality Act, PRC § 21000, et seq., states that if a project results in significant environmental impacts it may be approved if feasible mitigation measures can avoid or substantially lessen the impact or if there are specific economic, social, or other considerations which make it infeasible to substantially lessen or avoid the impacts.

Therefore, when an environmental impact report (EIR) has been completed which identifies potentially significant environmental impacts; the approving agency must make one or more of the following findings for each significant impact:

- Changes or alternatives which avoid or lessen significant environmental effects as identified in the Final EIR have been required or incorporated into the project; or
- Such changes or alternatives are 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; or
- Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR (PRC § 21081).

All significant and potentially significant impacts identified in the EIR can be reduced to levels of insignificance through mitigation measures identified in the EIR. (The Final EIR incorporates the Draft EIR by reference. References herein to the “EIR” are to the collective documentation contained in the Draft and Final EIR.)

As the *lead agency* for the Saratoga Way Extension Project under California, Title 14, §15367, the County of El Dorado Board of Supervisors hereby adopts the following CEQA findings relating to the *Saratoga Way Extension Project Final Environmental Impact Report*, SCH #2006052125, following certification by the Board of Supervisors.

Purpose and Background

The objectives, location, and existing environmental setting for the Saratoga Way Extension Project (“Project”) are presented in detail in the May 2010 *Saratoga Way Extension Project Final Environmental Impact Report* (“Final EIR”). The primary objectives of the Project, as described in the EIR (Draft EIR, Chapter 2) include:

1. Implement roadway/circulation improvements identified for Saratoga Way in the Circulation Element of the 2004 El Dorado County General Plan (El Dorado County, 2004) and identified as necessary through subsequent and supplemental traffic operations analysis conducted for U.S. Highway 50 and surface roadways in western El Dorado County.
2. Improve traffic circulation within western El Dorado County and, specifically, on roadways adjacent to the El Dorado Hills Boulevard/Latrobe Road Interchange (EDH Interchange) by providing parallel capacity north of U.S. Highway 50.

3. Install continuous bicycle and pedestrian facilities to interconnect the communities of El Dorado Hills and the City of Folsom in the vicinity immediately north of U.S. Highway 50 consistent with the objectives of the 2005 El Dorado County Bicycle Transportation Plan (EDCTC 2005).
4. Minimize environmental and social impacts through project design and mitigation while achieving the other Project objectives.

Procedural Background

DOT filed a Notice of Preparation (NOP) of an Environmental Impact Report for the Saratoga Way Extension Project on May 18, 2006 with the State Clearinghouse (SCH #2006052125). The 30-day NOP public comment period ended on June 19, 2006. The NOP and copies of comments received are included as an appendix to the EIR (Draft EIR, Appendix A).

In accordance with CEQA review requirements; the Draft EIR was distributed for public and agency review and comment for 45 days, from August 13, 2009 and ending September 28, 2009. The Draft EIR was made available for public review at DOT Placerville Office, 2850 Fairlane Court, Placerville; at DOT Engineering Division Office, 4505 Golden Foothill Parkway, El Dorado Hills; at El Dorado Hills Branch Library, 7455 Silva Valley Parkway, El Dorado Hills, and the DOT CEQA website at <http://www.edcgov.us/DOT/ceqa.html>. Additionally, DOT conducted a public meeting to receive public comments on the Draft EIR on September 8, 2009 at the El Dorado Hills Branch Library.

Following consideration of comments on the Draft EIR, DOT completed a Final EIR responding to environmental issues raised in the comments on the Draft EIR.

Discretionary Actions

Discretionary actions for the Project include the County's selection and implementation of the preferred alternative and stream crossing option for the Project, acquisition of temporary construction easements, acquisition of permanent right-of-way for the Project, and acquisition of and compliance with all permits necessary for construction and operation of the Project. These findings are made by the El Dorado County Board of Supervisors pursuant to §15091 of the CEQA Guidelines.

General Findings

Terminology of Findings

Section 15091 of the CEQA Guidelines requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions.

1. “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effect as identified in the FEIR.”
2. “[s]uch 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. “[s]pecific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.”

For purposes of these findings, the term “mitigation measure” constitutes a “change or alteration” as discussed above. The term “avoid or substantially lessen” refers to the effectiveness of one or more of the mitigation measures to reduce an otherwise significant or potentially significant environmental effect to a less-than-significant level.

Certification of Final EIR

In accordance with CEQA in adopting these findings, the Board of Supervisors considered the environmental effects as shown in the Final EIR prior to approval. These findings represent the independent judgment and analysis of the Board of Supervisors. In the course of reviewing and responding to comments received during the public review period on the Draft EIR, supplemental analysis of indoor and outdoor noise levels was conducted to verify information and impact conclusions presented in the Draft EIR. The supplemental analysis is included in the Final EIR and does not alter the impact determinations presented in the Draft EIR.

Evidentiary Basis for Findings

These findings are based upon substantial evidence in the entire record before the Board of Supervisors. The references to the Draft and Final EIR set forth in the findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

Findings Regarding Mitigation Measures

Except as otherwise stated in these findings, in accordance with CEQA Guidelines sections 15091, 15092, and 15093, the County Board of Supervisors finds that the environmental effects of the Project:

1. Will not be significant; or
2. Will be mitigated to a less-than-significant level by the Mitigation Measures presented in the EIR.

These findings fully account for all significant and potentially significant effects identified in the EIR. No significant and unavoidable impacts are identified in the EIR, as all impacts will be mitigated to a less-than-significant level through compliance with applicable federal, state and local regulatory requirements and through implementation of the mitigation measures contained in the EIR and in the *Mitigation Monitoring Plan* for the Project which is included with the Final EIR as Attachment B.

Location and Custodian of Records

Pursuant to PRC §21081.6 and California Code of Regulations, title 14, §15091, El Dorado County DOT is custodian of documents and other material that constitute the record of proceedings upon which the County's decision is based, and such documents and other material are located at the El Dorado County Department of Transportation Offices, 2850 Fairlane Court, Placerville, CA.

Findings Regarding Monitoring and Reporting of CEQA

Mitigation Measures

As required in PRC §21081.6, the County finds that the *Mitigation Monitoring Plan* for the Project, which includes all mitigation measures identified in the Final EIR, meets CEQA monitoring requirements:

- a) The measures are specific and, as appropriate, define performance standards to measure compliance under the Mitigation Monitoring Plan.
- b) The Mitigation Monitoring Plan has been designed with detailed descriptions of conditions, implementation, verification, compliance timing and reporting requirements to ensure their fulfillment.
- c) The Mitigation Monitoring Plan ensures that the Mitigation Measures are in place, as appropriate, throughout the life of the Project.

Findings Regarding Alternatives

CEQA Guidelines §15126.6 requires discussion of a reasonable range of alternatives to a project. However, an EIR need not consider an alternative whose implementation is remote or speculative. In determining the preferred alternative for the CEQA assessment, the County considered a range of alternatives, as well as a "No Project Alternative". The County eliminated from further consideration all alternatives considered with the exception of the proposed Project and the No Project Alternative. The alternatives development process is discussed in the EIR (Draft EIR, Chapter 5).

The County finds that the No Project Alternative does not meet the Project objectives of implementing roadway/circulation improvements identified for Saratoga Way in the Circulation Element of the 2004 El Dorado County General Plan (El Dorado County, 2004); of improving traffic circulation on roadways adjacent to the El Dorado Hills Boulevard/Latrobe Road Interchange (EDH Interchange) by providing parallel capacity north of U.S. Highway 50; or of installing continuous bicycle and pedestrian facilities to interconnect the communities of El Dorado Hills and the City of Folsom in the vicinity immediately north of U.S. Highway 50 consistent with the objectives of the 2005 El Dorado County Bicycle Transportation Plan (EDCTC 2005).

The County finds that the proposed Project achieves each of the Project objectives and that no feasible alternatives to the proposed Project are available which would lessen environmental effects as compared to the proposed Project while achieving the Project objectives.

Findings for Impacts and Mitigation Measures Identified in the Final EIR

Table 1-1 of the Final EIR summarizes each of the impacts identified in the EIR, summarizes the mitigation measures identified for each significant and potentially significant impact, and identifies the level of significance of each impact before and after mitigation.

Findings Regarding Less than Significant Environmental Impacts

The EIR finds the following environmental impacts to be less than significant, and finds, therefore, that the following impacts do not require mitigation.

Land Use

Impact 3.2-1: Consistency with General Plan policies.

Impact 3.2-2: Compatibility with existing and future land uses.

Impact 3.2-3: Consistency with El Dorado County Board of Supervisors Resolution No. 29-2008.

Utilities, Public Services and Safety

Impact 3.3-1: Temporary service interruptions resulting from relocation of utility infrastructure.

Impact 3.3-2: Delay in emergency response resulting from construction activities and lane closures.

Impact 3.3-3: Potential for increased crime due to improved access provided by Project.

Impact 3.3-4: Risk to workers and the public from use of hazardous materials during construction.

Transportation and Circulation

Impact 3.4-1: Traffic congestion and delays resulting from construction and lane closures.

Impact 3.4-6: Potential residential neighborhood cut-through traffic and diverted trips.

Noise

Impact 3.5-2: Increases in predicted traffic noise levels under existing (2007) conditions.

Impact 3.5-3: Increases in predicted traffic noise levels under long-term (2030) conditions.

Impact 3.5-4: Potential for excessive ground-borne vibration from vehicle travel on Saratoga Way.

Air Quality

Impact 3.6-1: Emissions of ozone precursors and fugitive dust particulate matter during construction.

Impact 3.6-2: Emissions of diesel particulate matter during construction.

Impact 3.6-3: Potential emissions of naturally occurring asbestos during construction.

Impact 3.6-4: Motor vehicle ozone precursor emissions impacts on regional air quality.

Impact 3.6-5: Carbon monoxide concentrations at study area intersections.

Impact 3.6-6: Greenhouse gas emissions and global climate change.

Soils and Geology

Impact 3.7-1: Risk of damage to Project facilities resulting from potentially active faults and earthquakes.

Biological Resources

Impact 3.9-1: Temporary and permanent loss of annual grassland.

Cultural Resources

Impact 3.10-1: Disturbance or destruction of rock walls.

Visual Resources

Impact 3.11-1: Temporary degradation of visual character resulting from construction activities.

Impact 3.11-2: Permanent alteration of existing visual character of the Project site as viewed from adjacent areas.

Impact 3.11-3: Permanent alteration of existing visual character of the Project site as viewed from scenic viewpoints identified in the El Dorado County General Plan.

Impact 3.11-4: Light and glare from Project traffic signals and motor vehicles.

Findings Regarding Significant and Potentially Significant Impacts

The EIR finds the following environmental impacts to be significant or potentially significant in the absence of mitigation measures. The EIR finds that mitigation measures identified in the EIR for each of these impacts will avoid or substantially lessen potentially significant or significant effects of the Project. Findings with regard to each of the significant and potentially significant impacts identified in the EIR and the effectiveness of the mitigation measure identified for each of these impacts are:

Utilities, Public Services and Safety

Impact 3.3-5: Potential for disturbance of unknown areas of soils contaminated with hazardous materials.

Mitigation Measure 3.3-5: The County shall conduct a Phase 1 ESA of the Project study area and shall implement appropriate remediation to ensure worker and public safety in the event that hazardous materials or conditions are identified.

Finding: The County finds that Mitigation Measure 3.3-5, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.3-5 to less than significant and shall be implemented as a required element of the Project.

Transportation and Circulation

Impact 3.4-2: Potential delays and unsafe conditions for bicyclists and pedestrians during construction.

Mitigation Measure 3.4-2: The Project traffic management plan shall contain provisions for safe and efficient bicycle and pedestrian movement.

Finding: The County finds that Mitigation Measure 3.4-2, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.4-2 to less than significant and shall be implemented as a required element of the Project.

Noise

Impact 3.5-1: Construction noise would cause short-term variations in the ambient noise environment during construction in proximity to existing residences.

Mitigation Measure 3.5-1: The County shall require that construction contractors comply with all applicable local regulations regarding noise suppression and attenuation and shall require that engine-driven equipment be fitted with mufflers according to manufacturers' specifications.

Finding: The County finds that Mitigation Measure 3.5-1, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.5-1 to less than significant and shall be implemented as a required element of the Project.

Soils and Geology

Impact 3.7-2: Low to moderate increase in soils erosion.

Mitigation Measure 3.7-2: The County shall prepare an erosion control plan containing specific provisions for best management practices (BMPs) for reducing and controlling erosion from areas of excavation, fill, vegetation clearing and grading during and following Project construction.

Finding: The County finds that Mitigation Measure 3.7-2, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.7-2 to less than significant and shall be implemented as a required element of the Project.

Water Resources

Impact 3.8-1: Potential increases in stormwater runoff and sedimentation due to vegetation clearing and potential adverse effects on surface water quality and downstream beneficial uses.

Mitigation Measure 3.8-1: The County shall prepare a stormwater pollution prevention plan (SWPPP) containing specific provisions for best management practices (BMPs) for reducing and controlling erosion from areas of excavation, fill, vegetation clearing and grading during and following Project construction.

Finding: The County finds that Mitigation Measure 3.8-1, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.8-1 to less than significant and shall be implemented as a required element of the Project.

Biological Resources

Impact 3.9-2: Potential loss of Sanford's arrowhead habitat and individuals of the species during construction.

Mitigation Measure 3.9-2: The County shall avoid disturbance of the fresh emergent wetland to the greatest extent practicable, and the County shall conduct preconstruction surveys for Sanford's arrowhead and shall salvage and transplant any individuals that would be affected during Project construction.

Finding: The County finds that Mitigation Measure 3.9-2, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.9-2 to less than significant and shall be implemented as a required element of the Project.

Impact 3.9-3: Adverse effects on special-status bird species from vegetation clearing and other construction activities.

Mitigation Measure 3.9-3: The County shall avoid construction activities between March and July to the extent practicable, conduct pre-construction surveys for active raptor nests within 250 feet of construction areas, establish construction-free buffer zones and implement other measures to avoid or minimize potential impacts on special-status bird species.

Finding: The County finds that Mitigation Measure 3.9-3, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.9-3 to less than significant and shall be implemented as a required element of the Project.

Impact 3.9-4: Temporary and permanent loss of potentially suitable burrowing owl habitat.

Mitigation Measure 3.9-4: The County shall conduct pre-construction surveys for western burrowing owls within 500 feet of the Project study area, and as needed a buffer area shall be established, passive relocation shall be used and suitable foraging habitat or credits shall be acquired.

Finding: The County finds that Mitigation Measure 3.9-4, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.9-4 to less than significant and shall be implemented as a required element of the Project.

Impact 3.9-5: Potential impacts to valley elderberry longhorn beetle (VELB) from removal of one elderberry shrub during construction.

Mitigation Measure 3.9-5: The County shall conduct pre-construction surveys of elderberry shrubs within the Project study area and, if presence is detected, shall obtain and comply with appropriate authorizations from the U.S. Fish and Wildlife Service prior to the removal of the elderberry shrub.

Finding: The County finds that Mitigation Measure 3.9-5, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.9-5 to less than significant and shall be implemented as a required element of the Project.

Impact 3.9-6: Discharge of dredged or fill material and migration of disturbed soils and/or pollutants into waters of the U.S.

Mitigation Measure 3.9-6: The County shall obtain and meet the conditions of all required permits and authorizations associated with direct and indirect impacts to waters of the U.S. and shall implement sediment control measures.

Finding: The County finds that Mitigation Measure 3.9-6, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.9-6 to less than significant and shall be implemented as a required element of the Project.

Impact 3.9-7: Potential damage to one valley oak tree adjacent to construction area.

Mitigation Measure 3.9-7: The root zone of the valley oak tree (*Quercus lobata*) in the Project study area shall be clearly identified by a qualified arborist prior to construction, construction equipment operation and earthmoving shall avoid the valley oak tree root zone to the extent feasible, root impact minimization techniques shall be implemented and an assessment of the tree's survivability shall be conducted by a qualified arborist if work within the root zone cannot be avoided, and replacement trees shall be planted to offset the loss of the oak tree if the tree cannot be preserved.

Finding: The County finds that Mitigation Measure 3.9-7, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.9-7 to less than significant and shall be implemented as a required element of the Project.

Cultural Resources

Impact 3.10-2: Disturbance or destruction of unidentified buried cultural resources and human remains during construction.

Mitigation Measures 3.10-2: The County shall incorporate cultural resources and human remains inadvertent discovery programs into construction contract documents.

Finding: The County finds that Mitigation Measure 3.10-2, as fully described in the Mitigation Monitoring Plan in Attachment B of the Final EIR, would reduce Impact 3.10-2 to less than significant and shall be implemented as a required element of the Project.

Findings Concerning Cumulative Impacts

The County finds that the Project-specific impacts, which are either less than significant or would be mitigated to less-than-significant levels with implementation of mitigation measures identified in the EIR and Mitigation Monitoring Plan, would not result in significant adverse cumulative impacts when considered in association with other past, present or reasonably foreseeable future projects.

Findings Concerning Growth Inducement

The County finds that, as a result of the improved access and circulation that would be provided by the Project, the Project would contribute to the potential for residential/population and commercial growth in the Project area consistent with existing land use and zoning designations of the Project area and consistent with growth anticipated in the 2004 El Dorado County General Plan. The County finds that environmental effects of potential growth for which the Project may result in increased potential is adequately evaluated and disclosed in the Final Environmental Impact Report prepared for the 2004 El Dorado County General Plan and the County finds that future specific proposals for residential and commercial development within the Project area will be subject to separate CEQA compliance and findings by the County with regard to the environmental effects of such development.