

RESOLUTION NO.

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 A-2**

**DRAFT CEQA Statement of Overriding Considerations**

---

DRAFT

**TABLE OF CONTENTS**

**CEQA STATEMENT OF OVERRIDING CONSIDERATIONS**

**SECTION A. ....1**

    GENERAL INTRODUCTION..... 1

    SIGNIFICANT AND UNAVOIDABLE IMPACTS ..... 1

        Aesthetics (Section 3.1)..... 2

        Agricultural and Forestry Resources (Section 3.2)..... 2

        Air Quality and Greenhouse Gases (Section 3.3) ..... 2

        Biological Resources (Section 3.4) ..... 2

        Cultural Resources (Section 3.5) ..... 3

        Land Use and Planning (Section 3.6)..... 3

        Noise (Section 3.7) ..... 3

        Population and Housing (Section 3.8)..... 3

        Transportation and Traffic (Section 3.9)..... 3

        Water Supply (Section 3.10) ..... 3

        Cumulative Impacts (Chapter 5) ..... 4

        Mitigation Measures..... 4

**SECTION B.....5**

    SPECIFIC FINDINGS..... 5

        Project Benefits Outweigh Unavoidable Impacts ..... 5

        Balancing Competing Goals ..... 5

**SECTION C.....5**

    OVERRIDING CONSIDERATIONS..... 5

        Legal, Social, and Economic Considerations. .... 6

**SECTION D. ....12**

    CONCLUSION..... 13

## **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 Zoning Ordinance. The TGPA also includes a number of site-specific general plan amendments undertaken to fix mapping errors. In addition, to ensure that zoning is consistent with the General Plan as required by Government Code Section 65860, the County is rezoning individual parcels that were previously inconsistent with the General Plan's land use designations. 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.

With one exception, 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.

The exception to this is greenhouse gas emissions. Those were not considered in the 2004 EIR and therefore, the General Plan's contribution to greenhouse gas emissions was not disclosed. The emissions analysis undertaken for the Project is based on build-out of the General Plan. Therefore, the Project's contribution to this cumulatively considerable impact is only a small part of the overall contribution made by future development pursuant to the General Plan itself.

### **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. As provided by CEQA Guidelines Section 15126.4, the mitigation measures consist of General Plan policies and zoning standards. 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, 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 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 regulations or policies would not avoid the potential impact or reduce it below a level of significance, the TGPA/ZOU EIR includes a mitigation measure 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 consider 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 somewhat.

## **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:

- 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;
- Procedures to monitor compliance with the standards of the Noise Ordinance after completion of projects where noise mitigation measures were required; and
- 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:

- 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
- 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:

- Develop standards for use of native plants in landscaping;
- 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.

**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.

The Board concludes that the TGPA/ZOU Project should be adopted.