

PC 8/8/2024  
ITEM #3, 4 PAGES

**Public workshop August 8, 2024- Village of Marble Valley Specific Plan SP12-0003 Lime Rock Valley Specific Plan SP12-0001 Public Comments**

Bass Lake Action Committee <basslakemembers@gmail.com>

Wed 8/7/2024 7:11 PM

To: Planning Department <planning@edcgov.us>; Aurora M. Osbual <Aurora.Osbual@edcgov.us>; Andy Nevis <Andy.Nevis@edcgov.us>; Daniel Harkin <Daniel.Harkin@edcgov.us>; Lexi Boeger <Lexi.Boeger@edcgov.us>; Brandon Reinhardt <Brandon.Reinhardt@edcgov.us>; Bob Williams <Bob.Williams@edcgov.us>  
Cc: BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>

📎 1 attachments (111 KB)

BLAC Marble Valley Lime Rock Valley Workshop Comment Letter.pdf;

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Hello,

The Bass Lake Action Committee would like to submit the attached public comments from our Traffic and Safety Committee for the scheduled Workshop for the Village of Marble Valley Specific Plan and the Lime Rock Valley Specific Plan.

**John Davey**  
**2024 Bass Lake Action Committee President**  
<http://basslakeaction.org>  
<https://facebook.com/BassLakeAction>



## BASS LAKE ACTION COMMITTEE

A California 501(C)(4) nonprofit corporation 2560118  
<https://basslakeaction.net>

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The County of El Dorado Planning Commission  
2850 Fairlane Court  
Building C  
Placerville, CA 95667

Wednesday August 7, 2024

RE: Village of Marble Valley Specific Plan & Lime Rock Valley Specific Plan Public Workshop

Commissioners,

The Bass Lake Action Committee, a nonprofit public benefit corporation serving members of the Bass Lake community of El Dorado County since 2003, would like to submit the following comments, questions and concerns from our Transportation and Safety Committee (TSC), for your scheduled August 8, 2024 Public Workshop on the Proposed Village of Marble Valley Specific Plan (SP12-0003) and Lime Rock Valley Specific Plan (SP12-0001).

### LOS Impacts on Bass Lake Road

While Level of Service and delay times are no longer an element of CEQA review, replaced by the Vehicle Miles Traveled metric, LOS is a component of the El Dorado County General Plan Transportation element, with Voter enacted Measures Y and E specifically identifying LOS compliance in both Community and Rural Regions for General Plan Consistency. With the addition of a cumulative 4000 housing units, primarily served by Bass Lake Road, our members are concerned about the high degree of traffic volume that will impact Bass Lake Road as the proposed projects develop over time.

## Infrastructure impacts on Bass Lake Road over many years

Both DEIRs stipulate that major portions of water and other utility infrastructure service components will be delivered to the plan areas via Bass Lake Road which will entail a large amount of time for construction. Our members are concerned about the impacts on existing residents as Bass Lake Road will likely experience significant delays for long stretches of time, during peak commute times, including school mornings, as well as the usual pattern of weekday commutes in both the mornings and evenings. The VMVSP DEIR suggests a 19-year build out, while the LRVSP DEIR indicates a 25-year build out.

## Sienna Ridge Shopping Center

Since the VMVSP and LRVSP do not include any grocery facilities, it seems reasonable that most of the future residents of the projects will shop at the Sienna Ridge Shopping Center at Bass Lake Road and Serrano Parkway, as it contains the closest grocer, as well as other common retail amenities. Funneling residents of a cumulative 4000 homes along two lane Bass Lake Road would result in significantly more traffic volume and daily trips that either DEIR represents. Additionally, access to the Sienna Ridge Shopping Center is from a main entrance on Bass Lake Road that has been observed to back up as far south as Brannan Way in the Hawk View residential village. The southern exit of the Sienna Ridge Shopping Center also has unrestricted left and right turn movements in and out, with very poor sightlines to northbound traffic on Bass Lake Road on a curve. Bass Lake Action Committee TSC members would recommend restricting left turn movements OUT of the shopping center onto southbound Bass Lake Road.

## Bass Lake Road and Silver Springs Parkway main access to Green Valley Road

Bass Lake Road is also the main connector roadway north to Serrano Parkway, and further to Green Valley Road (also from the Bass Lake Road - Silver Springs Parkway intersection). Village entrances along Bass Lake Road are only several hundred feet apart, including Serrano Village J6, Serrano Village J7, Bridlewood Canyon, Woodridge, and The Hills of El Dorado. Green Valley Road is THE major local roadway that connects our communities in eastern El Dorado Hills to the City of Folsom, and further to job centers and services in Placer County and Sacramento County. Both DEIRs don't seem to adequately contemplate or address the amount of daily trips that the project will generate along Bass Lake Road at the entrances to these communities.

## Interim US50 Interchange Improvements Will NOT Suffice.

Voter approved Measure Y and Measure E, as part of the El Dorado County Adopted General Plan, require traffic impacts to be fully mitigated.

### Bass Lake Road interchange - interim improvements

Both project DEIRs only ancillary mention "interim improvements" to the Bass Lake Road-US50 interchange. Two projects with 4000 homes, based on varying ITE rate calculations and standard deviations, can generate between 17,800 and 37,720 daily trips. The majority of these daily trips will be under the constrained two lane underpass of US50 at Bass Lake Road, and either continuing further north on Bass Lake Road, onto westbound US50 (for employment, shopping, or other commutes), or onto eastbound US50 for school students who have to travel to Union Mine High School 12 miles away to the east. This amount of generated ADT should be required to fully improve the Bass Lake Road-US50 interchange. What other future project(s) might follow that would meet the need to fully improve the interchange? The proposed Town & Country Village El Dorado hospitality and mixed use project will not generate even a third of the ADT as these two Specific Plans. The remaining buildout of the Bass Lake Hills Specific Plan will fall well short of the combined VMVSP and LRVSP traffic generation as well.

### Cambridge Road Interchange - interim improvements

Like the Bass Lake Road-US50 interchange, the traffic volume generated by these projects should be required to fully improve the Cambridge Road-US50 interchange.

The Bass Lake Action Committee Board of Directors extends thanks to the members of our TSC for their ongoing efforts to identify shortcomings and finding solutions to traffic and safety issues in the Bass Lake area. The Bass Lake Action Committee remains committed to facilitating the best project and development outcomes in our community. We look forward to welcoming the new neighbors these projects will bring to our County.

Respectfully submitted,  
**Ron Cassity**  
**Vice President**  
**Bass Lake Action Committee**

## Village of Marble Valley and Lime Rock Valley Specific Plans - Workshop Comments

Beth <bethat1@gmail.com>

Thu 8/8/2024 7:29 AM

P.C 08/08/24

Item # 3

187 Pages

To: PL-Lime Rock <LRVSP@edcgov.us>; PL-Village of Marble Valley Specific Plan <VMVSP@edcgov.us>; Cameron W. Welch <Cameron.Welch@edcgov.us>; Karen L. Garner <Karen.L.Garner@edcgov.us>; Planning Department <planning@edcgov.us>

📎 1 attachments (7 MB)

LRVSP-VMVSP\_Workshop\_DEIR\_8-8-24.pdf;

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### This Message Is From an External Sender

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Good morning,

We have attached comments for the Planning Commission on the VMVSP and LRVSP Workshop item for this morning's meeting. I have bcc'ed the Commissioners in order to avoid the potential for Brown Act violations, but also to ensure that they receive my comment in advance of this morning's meeting.

I apologize for the late comment letter, but as mentioned in the attached letter, we were surprised that the comments provided to the County on the Draft EIRs for this project were not included in the materials for this workshop item. Members of the community spent appreciable amounts of time and effort detailing their concerns related to the VMVSP/LRVSP project for the Planning Commissioners to consider. To not provide that information to Commission as part of a workshop for the Commission to "Encourage staff to pursue additional research regarding questions from Planning Commissioners and the general public, so that the future formal hearing may be better informed and responsive to specific questions," as indicated in the Staff Report, deprives those community members that have already commented from due consideration of their comments. Several members of the public that I spoke with assumed that the decision-makers, including the Planning Commission, are in receipt of their comments and would consider their comments and input when providing direction to staff regarding the additional information needed to properly consider this item.

As described in my attached letter, we request that the Planning Commission be provided with the public comments received in response to the Draft EIRs for the project as part of a second workshop to better consider public comment that has already been provided related to this item and to ensure that the commenter's concerns are considered prior to giving direction to staff regarding additional information needed to adequately address the VMVSP/LRVSP. The attached letter includes both of our previous comment letters, as well as a summary of the primary concerns we have related to the project.

The Draft EIR is inadequate and is not defensible in its current form. Shortcomings of the environmental review include:

- An incomplete Project Description, including lack of Project-level details, lack of a full description of off-site improvements, and lack of a phasing plan that supports the analysis in the Draft EIR
- Failure to adequately describe the existing environment, including for aesthetics, air quality (TACs), biological resources (special-status species habitat, wildlife movement corridors, sensitive habitats), transportation and circulation (existing roadway system), water supply (water treatment), wildfire (fire hazard severity zones and conditions leading to fire hazards)

- Failure to adequately analyze and disclose the Project's impacts on the environment, including aesthetics, air quality and associated human health effects, greenhouse gas emissions, human health and safety, hydrology, noise, groundwater, land use, public utilities, including water supply, wildfire, and consistency with regulatory documents
- Impact analysis that segments the Project into three separate components (proposed Project, off-site infrastructure, and certain off-site traffic improvements) that are analyzed independently, which does not provide a complete evaluation and understanding of the environmental effects of the full extent of the Project and downplays the effect of the off-site impacts
- Lack of consideration of mitigation measures that would reduce or eliminate specific impacts, including multiple significant and unavoidable impacts for which no mitigation has been considered
- Mitigation measures that do not establish specific standards, requirements, and timing and lack the specificity necessary to ensure implementation and reduction or elimination of impacts
- Failure to disclose and analyze growth inducement
- Failure to adequately identify and analyze the Project's contribution to cumulative impacts
- Lack of reasonable project alternatives designed to reduce or avoid significant impacts
- Internal inconsistency between the Project Description, several environmental impact analysis chapters, as well as the technical appendices, which cause erroneous analysis throughout the Draft EIR
- Inconsistency with the County General Plan policies and programs, as well as mitigation measures adopted for the General Plan, that are intended to reduce the environmental impacts, as well as other impacts not applicable to the CEQA process

We are also concerned with the lack of implementation by the County of multiple General Plan policies and programs, as well as mitigation measures adopted for the General Plan, that are intended to reduce the impacts of all development projects and to protect the health, safety, and quality of life of County residents.

Cordially,  
Beth and Caleb

Planning Commission  
El Dorado County, Planning and Building Department  
Planning Division  
2850 Fairlane Court  
Placerville, CA 95667

Submitted via email

**Subject: Informational Workshop on the Proposed Village of Marble Valley Specific Plan (A14-0004/Z14-0006/SP12-0003/DA14-0002/PD14-0005) and the Proposed Lime Rock Valley Specific Plan (A14-0002/Z14-0003/SP12-0001/ DA14-0004/PD14-0003).**

Dear Honorable Commissioners:

This letter provides preliminary comments on the Proposed Village of Marble Valley Specific Plan and the Proposed Lime Rock Valley Specific Plan (Projects).

In reviewing the materials posted for this Planning Commission workshop, we were surprised to see that the Planning Commissioners were not provided with the comments received by the County on the Projects to date, including comments provided on each of the Draft Environmental Impact Report (Draft EIR) recently circulated for the Projects. County residents, organizations, and districts spent appreciable amounts of time reviewing the Draft EIRs and preparing comments for consideration by the County, including its decision-makers. In the interest of a transparent process that considers the community's input, we respectfully request that County staff provide the Commissioners with the comments received in response to the Notice of Availability of the Draft EIR circulated for each Project and post the comments on the County's website on the pages dedicated to the Projects.

The Projects request discretionary actions from the County, meaning that the Planning Commission and Board of Supervisors has the opportunity to require: 1) that the Projects be modified to reduce impacts, including impacts that are not addressed under CEQA, 2) approve an alternative that is consistent with the adopted County General Plan, or 3) to reject the Projects. This is an important distinction as the County is not required to approve the Projects and should use the Projects' review process to improve the Projects to reflect the vision of the El Dorado County General Plan, as adopted through a comprehensive public process, to retain the rural character of El Dorado County, and to limit sprawl.

The Projects, in their current form, are unacceptable to many members of the community and affected neighborhoods, and given the Projects' history, current zoning that would only allow limited rural residential development, and the length of time (over 11 years) that lapsed between the Notice of Preparation (NOP) and issuance of the Draft EIR, community input on the proposed project design, scope, scale, beyond the requirements of CEQA, should occur.

We would also like to request that the County initiate planning and site design review workshops with the Planning Commission, Board of Supervisors, and the community to explore opportunities to improve the Project and identify viable project alternatives that are appropriately compatible

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with the surrounding neighborhoods and the community character, including nearby rural communities and Cameron Park. This effort should occur prior to issuance of a new Notice of Preparation and prior to the preparation of a recirculated Draft EIR. It is noted that the Project applicant has made presentations with the Village of Marble Valley Specific Plan and Lime Rock Valley Specific Plan representatives throughout the County; however, these presentations have been more of a marketing effort for the two projects (LRVSP and VMVSP) rather than an open discussion regarding the effects of the Projects, concerns of the community, and, most importantly, consideration of methods to address such effects and concerns.

As described in the attached comment letters, which detail our concerns with the Draft Environmental Impact Reports prepared for the Projects, the Draft EIRs fail to comply with the requirements of CEQA and may not be used as the basis for approving the Project. #

Specific comments on the Draft EIRs, which identify fatal flaws in the analysis, identify significant new information that was not analyzed or disclosed, identify significant and unavoidable project impacts that were not analyzed, recommend specific mitigation measures for incorporation into the mitigation monitoring and reporting program (MMRP), and recommend alternatives to reduce the impacts of the project, are provided below. As described in the attached comments below, the Draft EIRs fail to comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) because each Draft EIR is fundamentally flawed and fails as an informational document in multiple aspects, including:

- An incomplete Project Description, including lack of Project-level details, lack of a full description of off-site improvements, and lack of a phasing plan that supports the analysis in the Draft EIR
- Failure to adequately describe the existing environment, including for aesthetics, air quality (TACs), biological resources (special-status species habitat, wildlife movement corridors, sensitive habitats), transportation and circulation (existing roadway system), water supply (water treatment), wildfire (fire hazard severity zones and conditions leading to fire hazards)
- Failure to adequately analyze and disclose the Project's impacts on the environment, including aesthetics, air quality and associated human health effects, greenhouse gas emissions, human health and safety, hydrology, noise, groundwater, land use, public utilities, including water supply, wildfire, and consistency with regulatory documents
- Impact analysis that segments the Project into three separate components (proposed Project, off-site infrastructure, and certain off-site traffic improvements) that are analyzed independently, which does not provide a complete evaluation and understanding of the environmental effects of the full extent of the Project and downplays the effect of the off-site impacts
- Lack of consideration of mitigation measures that would reduce or eliminate specific impacts, including multiple significant and unavoidable impacts for which no mitigation has been considered



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- Mitigation measures that do not establish specific standards, requirements, and timing and lack the specificity necessary to ensure implementation and reduction or elimination of impacts
- Failure to disclose and analyze growth inducement
- Failure to adequately identify and analyze the Project’s contribution to cumulative impacts
- Lack of reasonable project alternatives designed to reduce or avoid significant impacts
- Internal inconsistency between the Project Description, several environmental impact analysis chapters, as well as the technical appendices, which cause erroneous analysis throughout the Draft EIR

As the attached comment letters demonstrate, the Draft EIRs fail to comply with the requirements of CEQA. Each Draft EIR fails in significant aspects to perform its function as an informational document that is meant “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment” and “to list ways in which the significant effects of such a project might be minimized.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 (*Laurel Heights I*))

The Draft EIRs must be withdrawn and revised to address these errors and deficiencies. Because of the substantial omissions in the information disclosed in the Draft EIRs, revisions necessary to comply with CEQA will be, by definition, significant. In addition, substantial revision will be required to address impacts that were not disclosed in the DEIR. Because these revisions are significant, the revised DEIR will need to be recirculated for additional public comment. (Pub. Resources Code Section 21091.1; 14 Cal. Code Regs. (“CEQA Guidelines”) Section 15088.5.)

We strongly encourage the County to halt work on the EIRs until a meaningful community engagement process can occur. This community engagement process should provide opportunities for the Board and Planning Commission to actively engage the community regarding the Project, and develop feasible project alternatives that are more consistent with the character and density of the surrounding residential uses.

Separate from the deficiencies of the Draft EIRs, we have concerns regarding the development proposed by each Project, particularly the inconsistencies with the adopted County General Plan, which establishes the County’s vision for growth and development, logical and orderly planning of community areas, and preservation of natural resources.

As stated on the County’s website (emphasis added):

*“State planning law requires every county adopt and maintain a General Plan. El Dorado County’s General Plan applies to the unincorporated areas of the County. It is our basic planning document. The General Plan is like a guidebook for deciding how land will be used to meet the needs and wants of all its residents.*

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*The county uses the General Plan to make rules (Ordinances and Policies) about land use. **This means that if someone wants to build something, it has to follow the guidelines in the general plan.***

(<https://www.eldoradocounty.ca.gov/Land-Use/Planning-Services/Adopted-General-Plan>)

We are concerned that the County has not implemented policies and programs in the General Plan which were adopted to mitigate the impact of growth and development and that the County is not enforcing its General Plan. We support growth in the County that is consistent with the General Plan, or that provides modest increases over the development anticipated by the General Plan but only when those increases have been evaluated against all of the pending, proposed, and approved projects and remaining capacity of the undeveloped and underutilized areas in the General Plan to ensure that the growth is orderly, logical, efficient, necessary, and consistent with the intent of the County General Plan.

We urge the County to conduct a comprehensive review of its General Plan implementation, the total growth that is planned by the pending, proposed, and approved projects in the County, and the County's anticipated needs for residential and economic growth in order to determine whether any changes should be made to Community Region boundaries and to determine the extent of such changes and the amount of growth that should be accommodated. We recommend that the County conduct such an effort as a County-initiated project that is based on a vision for growth expressed and supported by the County's residents and businesses.

We appreciate the opportunity to submit these comments for consideration of the Planning Commission.

Regards,

Beth Thompson and Caleb Gilbert  
4860 Trails End Road  
Cameron Park, CA 95682

Cameron Welch  
El Dorado County, Planning and Building Department  
Planning Division  
2850 Fairlane Court, Building C  
Placerville, CA 95667

**Subject: Village of Marble Valley Specific Plan Draft EIR Comments (SCH # 2013022043)**

Dear Mr. Welch:

This letter comments on the May 2024 Draft EIR (“Draft EIR”) for the Village of Marble Valley Specific Plan (VMVSP Project or Project). The VMVSP Project requests that the County approve an amendment to the El Dorado County General Plan, rezoning of the project site, rescission of the approved 1998 Marble Valley Master Plan, adoption of the VMVSP, a development agreement, a financing plan, storm sewer permit, grading and improvement plans, tentative and final maps, off-site improvement plans, and building permits (Project). The VMVSP project would also request approval from other agencies, including El Dorado Irrigation District, Regional Water Quality Control Board, State Water Resources Control Board, California Department of Fish and Wildlife, California Department of Education, Buckeye Union School District, and El Dorado County Local Agency Formation Commission (boundary adjustment between fire agencies).

We would like to begin by thanking County staff for distributing the Notice of Availability (NOA) directly to affected residents. We formally request notification for all future project-related issues, including the NOA for the Recirculated Draft EIR, all public hearings/workshops, the Final EIR, and adoption hearings.

The Project requests discretionary actions from the County, meaning that the Board of Supervisors has the opportunity to require: 1) that the Project be modified to reduce impacts, including impacts that are not addressed under CEQA, 2) approve an alternative that is consistent with the adopted County General Plan, or 3) to reject the Project. This is an important distinction as the County is not required to approve the Project and should use the Project review process to improve the Project to reflect the vision of the El Dorado County General Plan, as adopted through a comprehensive public process, to retain the rural character of El Dorado County, and to limit sprawl.

The Project, in its current form, is unacceptable to the community and affected neighborhoods, and given the Project history, previous entitlement of the Marble Valley Master Plan and Tentative Subdivision Map for 398 lots, and the length of time (over 11 years) that lapsed between the Notice of Preparation (NOP) and issuance of the Draft EIR, community input on the proposed project design, scope, scale, beyond the requirements of CEQA, should occur.

We would also like to request that the County initiate planning and site design review workshops with the Planning Commission, Board of Supervisors, and the community to explore opportunities to improve the proposed project and identify viable project alternatives that are appropriately compatible with the surrounding neighborhoods and the community character, including nearby rural communities and Cameron Park. This effort should occur prior to issuance of a new Notice

To: Mr. Cameron Welch, El Dorado County  
Subject: Village of Marble Valley Draft EIR Comments  
Date: July 1, 2024

of Preparation and prior to the preparation of a recirculated Draft EIR. It is noted that the Project applicant has made presentations throughout the County; however, these presentations have been more of a marketing effort for the Project rather than an open discussion regarding the effects of the Project, concerns of the community, and consideration of methods to address such effects and concerns.

## 1. Comments on the Draft Environmental Impact Report

This comment addresses environmental impacts that affect residents, businesses, and agencies in the Project area.

Residents and visitors that live in and use areas in the vicinity of the Project will suffer the public service and environmental impacts related to development, including polluted air, water quality degradation, soil contamination, water treatment limitations, traffic congestion, traffic hazards, emergency access hazards, destruction of wildlife areas, and exposure to hazardous conditions.

While we, our neighbors, and local community recognize the potential benefits of well-planned and designed residential and mixed-use developments, we are also cognizant of the environmental, social, and economic risks associated with intensive development that is not in conformance with its surroundings.

As our comments will demonstrate, the Draft EIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project.

Specific comments on the Draft EIR, which identify fatal flaws in the analysis, identify significant new information that was not analyzed or disclosed, identify significant and unavoidable project impacts that were not analyzed, recommend specific mitigation measures for incorporation into the mitigation monitoring and reporting program (MMRP), and recommend alternatives to reduce the impacts of the project, are provided below. As described in the comments below, the Draft EIR fails to comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) because it is fundamentally flawed and fails as an informational document in multiple aspects, including:

- An incomplete Project Description, including lack of Project-level details
- Failure to adequately describe the existing environment, including for aesthetics, air quality (TACs), biological resources (special-status species habitat, wildlife movement corridors, sensitive habitats), transportation and circulation (existing roadway system), wildfire (fire hazard severity zones and conditions leading to fire hazards)
- Impact analysis that does not address the full extent of the Project and defers analysis of Project components to a later date
- Failure to adequately analyze and disclose the Project's impacts on the environment, including aesthetics, air quality and associated human health effects, human health and safety, noise, groundwater, public utilities, including water supply, and wildfire

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- Impact analysis that segments the Project into three separate components that are analyzed independently, which does not provide a complete evaluation and understanding of the environmental effects of the full extent of the Project
- Lack of consideration of mitigation measures that would reduce or eliminate specific impacts, including multiple significant and unavoidable impacts for which no mitigation has been considered
- Mitigation measures that do not establish specific standards, requirements, and timing and lack the specificity necessary to ensure implementation and reduction or elimination of impacts
- Failure to disclose and analyze growth inducement
- Lack of reasonable project alternatives designed to reduce or avoid significant impacts
- Internal inconsistency between the Project Description, several environmental impact analysis chapters, as well as the technical appendices., which cause erroneous analysis throughout the Draft EIR.

The Draft EIR must be withdrawn and revised to address these errors and deficiencies. Because of the substantial omissions in the information disclosed in the Draft EIR, revisions necessary to comply with CEQA will be, by definition, significant. In addition, substantial revision will be required to address impacts that were not disclosed in the DEIR. Because these revisions are significant, the revised Draft EIR will need to be recirculated for additional public comment. (Pub. Resources Code § 21091.1; 14 Cal. Code Regs. (“CEQA Guidelines”) § 15088.5.)

## 2. CEQA’s General Requirements of Environmental Impact Reports (EIRs)

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project (CEQA Guidelines Section 15002, subd. (a)(1)). The second purpose of CEQA is to require public agencies to avoid or reduce environmental damage when possible by requiring appropriate mitigation measures and through the consideration of environmentally superior alternatives (CEQA Guidelines § 15002, subds. (a)(2)-(3); see also, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d at 553, 564). As discussed in detail below, the Draft EIR fails to meet either of these two key goals of CEQA.

CEQA is intended “to be interpreted in such manner as to afford the fullest possible protection of the environment within the reasonable scope of the statutory language.” (*Laurel Heights Improvement Assn. v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 390 (*Laurel Heights I*). “Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.” (*Laurel Heights I*, p. 392).

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An EIR must accurately describe existing conditions in order to identify the existing environment and establish a setting against which impacts will be evaluated and mitigation measures considered. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645,657-658 (*San Joaquin Raptor*))

This means that an EIR must provide the public and decision-makers with detailed information about the Project's potentially significant and significant environmental effects, identify ways to minimize and mitigate significant adverse impacts, and explore less damaging alternatives. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th (*Sierra Club I*) 502, 511. CEQA requires that an EIR accurately disclose sufficient information to enable the public "to understand and consider meaningfully the issues raised by the proposed project." *Id.* at 516. An EIR must also provide substantial evidence to support its conclusions, including determinations about the significance of project impacts and the effectiveness of mitigation measures. *Laurel Heights I* at 376, 392.

An adequate EIR must contain the facts and analysis necessary to support its conclusions. (*Citizens of Goleta Valley v. Board of Supervisors, supra* at 568)

CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and requires mitigation measures to be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time, providing that specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.

If an EIR identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts. (Public Resources Code Section 21002.1, subd. (a), 21100, subd. (b)(3)) CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures. (Public Resources Code Sections 21002 through 21002.1) Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

As described below, the Draft EIR lacks meaningful analysis of the full Project, fails to establish the existing setting related to all aspects of the Project, lacks analysis regarding the effectiveness of most mitigation measures, does not provide adequate detail to ensure mitigation measures will be enforced, and neglects to consider mitigation measures for multiple significant and unavoidable impacts. Many of the mitigation measures that are proposed are unenforceable, vague, or so undefined that it is impossible to evaluate their effectiveness.

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### 3. Adequacy of Analysis

On page 1-2, the Draft EIR states that it is a project EIR, noting that a project EIR focuses primarily on the changes in the environment that would result from a development project. However, the document goes on to state that it covers environmental impacts at a project-level for onsite improvements consistent with the level of detail provided in the VMVSP, supported by site-specific studies. However, in relation to offsite improvements, the Draft EIR states that the offsite improvements are analyzed to the extent that details were available at the time that the Draft EIR was prepared and later environmental review may be required once infrastructure details are known. The Draft EIR has failed to identify details of anticipated off-site improvements that should be known as part of the preparation of the infrastructure planning for the Village at Marble Valley Master Plan, does not adequately describe the details of off-site improvements that can be determined at this time, and does not describe what information cannot yet be ascertained. With this lack of identification and review of offsite improvements, the Draft EIR does not identify nor analyze the full extent of changes to the environment, including off-site improvements, that would result from the Project. In this regard, the discussion of the Existing Setting and analysis of the environmental impacts of the Project for all environmental topics, cumulative topics, and Project alternatives is deficient and flawed and incomplete.

### 4. Project Description

The Project Description fails to provide a full description of all aspects of the Project and thus fails to analyze the magnitude of the Project's alteration. Without a complete description of all aspects of the project, the Draft EIR does not provide sufficient specificity to enable meaningful comments on the changes to the environment that would result from Project implementation.

#### A. Location and Extent of Development

While the Draft EIR identifies the proposed land use designations and total acres, total number of units, and total square footage of non-residential uses identified for development, it does not describe how development will be allocated throughout the Project site, including the distribution of units throughout the Project site (e.g., the number of units accommodated by each of the areas identified for residential development and non-residential development).

Table 2-3 provides some of this information, however, the parcels referenced in Table 2-3 (Parcels 1A, 1B, 1C, 1D, 2A, 2B, etc.) are not shown on any figures, so there is no way to relate the information in Table 2-3 to how the uses are distributed throughout the areas designated for development on the project site. At least one figure should be provided that illustrates the location of the parcels referenced by Table 2-3.

Further, Table 2-3 does not identify the amount of development per individual parcel (Parcels 1A, 1B, 1C, 1D, 2A, 2B, etc.), which makes it difficult to understand how development will occur throughout the Project site.

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Table 2-3 does not identify the amount of non-residential development anticipated for the schools, the Village Commercial parcel subsets, the Village Park (recreational facilities, restrooms, etc.), the Public Utilities parcels, nor the Agriculture Tourism, and Open Space parcels. The anticipated size, mass, appearance, height, floor area ratio, and other characteristics of development are not described, although the VMVSP provides information regarding these issues, including information regarding lot coverage, lot sizes, setbacks, maximum heights, floor area ratios, and parking requirements.

### Non-Residential Uses

The Project Description does not describe the range of built uses that could be constructed and does not address the estimated size of built uses, including the event center, wine center, any recreational facilities or sports fields at the parks or schools, or recreational facilities in the open space areas. Without a discussion of the size of the wine center, the event center, sports fields, open space facilities, etc. that could be developed as part of the Project and consideration of these components as part of the environmental analysis, the environmental analysis of the Project is inadequate.

### Additional Residential Unit Capacity Not Disclosed nor Analyzed in the Draft EIR

While the VMVSP provides for second units, the Draft EIR fails to address the number of second units, also referred to as accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), and the number of units allowed under Senate Bill 9 (SB 9). State law mandates that ADUs, JADUs, SB 9 units, and be permitted by-right (nondiscretionary) and has streamlined the approval requirements and development standards for these types of units. See Government Code Sections 66310 through 66342 for provisions related to approval of ADUs and JADUs. See Government Code Section 65852.21 related to SB 9 units.

These State laws significantly increase the potential intensity of development in single family (ADUs, JADUs, and SB 9 units), multifamily (ADUs), and mixed use areas (ADU, JADU, and SB 9 units depending on the mix of uses). The provision for ADUs and JADUs would allow three units to be constructed on each lot with a single family unit, would allow multiple ADUs and JADUs on lots with a multifamily unit; and would allow up to four units under SB 9 on a single family lot. These provisions of State law accommodate significantly more units than disclosed in the Project Description. These potential residential uses are not included in the analysis of environmental impacts in Chapters 3 (Impact Analysis), 4 (Alternatives), or 5 (Other CEQA Considerations) of the Draft EIR. These units are likely to occur as the County's housing trends have shown an upward trend in the development of second units, from 48 entitled in 2019 to 84 in 2023 (source: Housing Element Implementation and APR Data Dashboard, <https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard>, accessed 6/28/2024).

The VMVSP identifies that residential units may be constructed on the park school, and public utility sites; page 3-12 of the VMVSP document identifies that the County may approve the abandonment or relocation of the public parks, schools, and public utility sites through a minor



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administrative process. The VMVSP document also indicates on page 3-12 that the land uses of the vacated site(s) would “revert” to the VRL, VRM, VRH, VC, and OS designations consistent with the underlying zoning. The Draft EIR does not identify the number of units that could occur in these locations nor address this potential for additional residential development on the park, school, and public utility sites. These uses are not reflected in Table 2-2 nor in the description of parks provided in Section 2.3.3, Project Features, nor are they addressed elsewhere in the Project Description. These potential residential uses are not included in the analysis of environmental impacts in Chapters 3 (Impact Analysis), 4 (Alternatives), or 5 (Other CEQA Considerations) of the Draft EIR. It is likely that these uses could occur, given the recent Central El Dorado Hills Specific Plan request to significantly modify the approvals for the Serrano Golf Course to redevelop the golf course, which serves as a significant recreational amenity, with a mixture of single family and multifamily housing. Absent restrictions and commitments in the VMVSP that the school, recreation, and other public/quasi-public sites will be made permanently available for educational, recreational, and similar uses that do not involve residential, commercial, office, or industrial development, it is reasonably foreseeable that a similar switch could be made for VMVSP in the future and the potential development of the park, school, and public utility sites must be disclosed and considered in the Draft EIR.

In summary, the Draft EIR must address the number of ADUs, JADUs, SB 9 units, and units located on the park, school, and public utility sites that could occur with implementation and operation of the Project and must analyze these uses as part of the Project, including in relation to aesthetics, circulation and transportation, noise, air quality, greenhouse gas emissions, hazards, population and housing, water supply and treatment, wastewater collection and treatment, storm drainage impacts, schools and recreation facilities, waste disposal, cumulative effects, and growth-inducing impacts of the Project.

### Access Points

While the Project Description states that it has access from two existing interchanges of US Highway 50 (US 50) on page 2-10, the Project Description does not address how the Project will connect to offsite roads.

The Project Description does not detail the improvements to Marble Valley Parkway/Bass Lake Road, including any new intersections, which will be needed for Project traffic to safely access the Bass Lake Road/US 50 interchange that will serve the Project.

Similarly, the Project Description does not detail the improvements, such as roadway widening, intersection improvements (stop sign or stop light control) to the Project’s connection to Cambridge Road and the Cambridge Road/Flying C intersection.

Figure 2-7 also does not show the improvements needed to connect to Cambridge Road, as the Project’s proposed collector street abruptly ends at the northeast Project boundary - at this location, the Project road shown in blue on the figure would connect to an existing dirt or gravel road and does not provide a complete connection to Cambridge Road or Flying C Road.

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The Project's circulation plan must demonstrate adequate and safe access to the local roads, intersections, and interchanges that will serve the Project and the Project Description must include this information so that the improvements can be evaluated as part of the Project, including roadway safety issues.

### Emergency Vehicle Access

The Project Description fails to describe the extent, intended use, and feasibility of proposed emergency vehicle access (EVA) points and routes. On page 3.7-23, it identifies five EVAs, on page 3.14-18 only one EVA point is identified with the potential for a second EVA, and Figure 2-7 only identifies one EVA. There is no description of how and where each EVA will connect to existing roads and what extensions or roadway improvements are necessary for the EVAs. There is also no discussion if any EVAs that are proposed on private property have been accepted or approved by the property owner(s).

### Access to Private Streets

Apart from the EVAs, it appears that the potable water transmission line shown on Figure 2-13 is planned to go through Ridge Pass Road, a private road to which the Project applicant has not been granted access. On page 2-10, Figure 2-7 shows a road extension to Deer Creek Road – how will this extension be closed off from the private Cameron Estates roads?

There are likely other areas where the Project assumes access to privately owned roads – these assumptions should be clearly stated in the Draft EIR, including the extent of use planned for privately-owned lands.

Section 2.4 of the Project Description must be revised to list all entities that will be asked by the Project to permit access.

Without working with the private property owners, districts, or other entities that manage private roads to ensure access, the Project makes assumptions that are not supportable regarding the potential to achieve the roadway and infrastructure improvements necessary to serve the Project. The Draft EIR must address alternative solutions to ensure that the full extent of the Project is analyzed where access to private roads is not likely to be granted.

### Off-Site Improvements

The Project Description fails to describe the extent, intended use, and feasibility of various components of the Project. While there is a brief list of offsite improvements on pages 2-11 and 2-12 and a list of General Plan Policy TC-XF improvements on pages 2-12 and 2-13, there is no description of these improvements, such as the length, width, or acreage affected, height of any structures, with the exception of the portions of the potable water transmission main discussed on page 2-12.

Under the Utility Plan discussion on page 2-11, the Draft EIR identifies that a new 44 million gallon per day water treatment plant to be located off of Missouri Flat Road will be needed to support County General Plan development and that up to 1,544 residential units in the Project could be served prior to the construction of the water treatment plant and new water transmission mains.

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The Project Description indicates that these improvements are shown in Figure 2-12 of the Draft EIR.

Figure 2-12 does not include the location of the new 44-million-gallon-per-day (mgd) water treatment plant (WTP). Details regarding the extent of the water supply improvements are also not included. There is no information regarding the location of the water treatment plant, footprint of the new 44-mgd WTP, height of the buildings proposed for this plant, whether a water storage facility will be necessary, and the extent of disturbance for the various water mains shown on Figure 2-12.

While the Draft EIR identifies “Phase 1” of the Marble Valley Potable Water Transmission Main in Figure 2-12, it provides no discussion of subsequent phases of the water supply, transmission, and treatment improvements that will be needed. As the Draft EIR does not include details regarding the 44-mgd water treatment plant and associated water storage facilities, the environmental impact analysis for the Project has not considered the environmental effects of these improvements, despite that these improvements are necessary to serve the Project as described on page 2-11.

For each off-site improvement, the location of the improvement, the extent of the improvements (length, width, acres affected including any construction staging areas what improvements will be located above ground, the general size and height of such improvements, what improvements will occur underground, and the details of traffic/roadway improvements (additional lanes added to interchanges, signalization, etc.) should be provided. The Draft EIR provides a cursory list of potential improvements – for example, the Draft EIR identifies “interim improvements to the US 50/Cambridge Road interchange” and “Water, recycled water (potentially), and wastewater line extensions and improvements to connect to existing EID infrastructure and potential upsizing to accommodate demand” without providing any details regarding the anticipated improvements or the timing of the improvements.

While off-site improvements are generally described, they are not included as part of the Project improvements summarized in Table 2-2, which, by excluding the off-site improvements necessary for the Project, understates the actual acreage that will be disturbed as part of the Project and extent of development that would occur and does not provide an accurate Project Description upon which the environmental analysis for the Project is based.

## **B. Transfer of Residential Uses (Units) and Non-Residential Development (Square Feet)**

Further, the Project Description includes an allowance that would allow development to be reallocated between residential parcels, but does not evaluate the potential effects of reorganizing the project. The Draft EIR grossly understates the potential for modifications to the Project and does not identify any specific standards for considering a reallocation between future parcels. The VMVSP provides in Section 10.3.2 that both residential and non-residential land use allocations may be transferred through an Administrative Modification process, which would allow staff-level approval, and addresses the potential for these changes on pages 3-20 and 3-11

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of the VMVSP document. The Draft EIR does not identify that the Project would include provisions for the transfer of non-residential land use allocations and that the Project could reallocate both residential and non-residential uses throughout the site. This provision to allow massive changes to the Project without a transparent public process underscores the Draft EIR's shortcomings. This provision to administratively allow transfer of residential and non-residential land use allocations means that the built Project could vary extensively from what is being described in the Draft EIR and what will be considered by the decision-makers. The broad discretion of how the transfer could be implemented renders the Project Description uncertain and ambiguous. Further, the public is deprived of an opportunity to comment on what could be significant changes to the Project as the transfer provision would go through an administrative process that is not subject to CEQA. This provision allows the Project to circumvent CEQA. The Project Description must provide a level of certainty regarding the extent of the Project, including all aspects of the Project with the potential to have a significant effect on the environment.

### C. Phasing of Construction Activities

The environmental analysis in Chapters 3, 4, and 5 relies on phasing of the construction of the Project. However, the Draft EIR, including the Project Description, does not describe the phases of the Project.

The Draft EIR, including the Project Description, provides no basis for the assumptions and analysis of impacts that rely on phasing of the Project.

There is no description of the construction activities that will occur in each phase, including site preparation, estimated construction trips, amount of import and export of fill materials and associated heavy truck trips, the number of units under construction, the amount of workers that will commute to the area for each phase of construction, the amount of residential units that will be constructed during each phase, and the amount of non-residential development under construction, including retail, office, park, school, and other proposed non-residential uses to be constructed during each phase. The timing of public facilities, including infrastructure improvements (roadway, water, wastewater, recycled water, stormwater) and public facilities (schools, fire station, etc.) that will be necessary to serve each phase is not provided.

### Summary

Without a detailed description of all aspects of the Project, including the amount of development proposed in each area of the project and the planned phasing of construction activities, how the Project will connect to existing roadways, how the Project will provide emergency vehicle access, and the elimination or revision of the transfer of development rights component, the Project Description does not provide sufficient specificity for the public to provide meaningful comments related to the analysis of the environmental effects of the Project.

Without a complete description of the Project, the existing setting for each environmental topic of the Draft EIR that serves as the basis for analysis in Chapters 3 through 5 is inadequate as the existing setting description does not address the full extent of the Project, including off-site components.

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Without a complete description of the Project, the environmental analysis for each environmental topic addressed in Chapters 3 through 5 is flawed as the analysis fails to address the full extent of the Project.

## 5. Aesthetics

The discussion and analysis of aesthetic and visual impacts included in the Draft EIR are significantly misleading and do not represent an accurate depiction of the visual impacts that would result from the Project.

### A. Project Vicinity Visual Character

The discussion of views of the project site, which affords significant scenic views of Marble Valley, lake/water features, oak woodlands, and ridgelines, are understated in the description of the visual character. The discussion of the Project vicinity visual character is limited to views of the Project within 0.5 mile of the Project site. This limited distance does not address foreground, middleground, and background views of the site, all of which provide the public with scenic views of the Project from various public vantage points throughout a much larger area. As described on page Draft EIR 3.1-11, there are foreground, middleground, and background views of the Project site: the Draft EIR states “transportation corridors with cleared rights-of-way [this should also include transportation corridors adjacent to areas of less dense vegetation] and public and private vantages that are elevated and sparsely vegetated—such as where a hillside or hilltop residence has cleared or thinned vegetation to allow for views—facilitate views that extend beyond the immediate foreground, toward the middleground and background.”

The Draft EIR states that views of the Project site are offered along eastbound US 50, but the median barrier on US 50 limits views for westbound travelers, and trees and terrain prevent views of substantial portions of the Project site’s interior (Figure 3.1-2c, Photo 6). This statement understates views from eastbound US 50 as the barrier does not run the full length of the Project site. Further, the median in US 50 is not high enough to obstruct all views of the site – representative photos of multiple high-quality views of the site from both eastbound and westbound US 50 must be provided to demonstrate actual views of the Project site. Examples of views of the Project site from westbound and eastbound US 50 are provided as Attachments 1 and 2.

In addition to views from US 50, there are multiple public vantage points in the vicinity with views of the Project site. US 50 eastbound between Bass Lake Road and Cambridge Drive affords the public significant views of Marble Valley, including the lake and lands beyond that are not represented in the seven photos of views of the site from nearby areas (Draft EIR Figure 3.1-1 and Photos 1 through 7). Views must be examined from local roads in the vicinity of the Project site that have views of the VMVSP site, including roads and areas where VMVSP provides a middleground and background view. Examples of views of the Project site from Beasley Road/Reid Court, Beasley Road, and Country Club Drive are provided as Attachments 3, 4, and 5. Potential views from other areas must also be considered, including Hollow Oak Drive, the Laurel Oaks area, Bar J Ranch, and other areas with views of the site. Further, residences abutting and in the vicinity

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of the site have extensive views of the foreground, middleground, and background, with views of the valley features and the ridgelines.

The statement on page 3.1-13 that the lake's water surface is obscured from public view and is not seen by nearby sensitive users is incorrect and again understates the existing condition and extent and significance of views of the site. Views of the lake are available from US 50 as well as other vantage points in the broader Project vicinity.

Attachment 1 – Views of Project Site provides examples of views of the site from various vantage points. These are not necessarily the highest quality views and the Draft EIR must better examine the actual views of the site in order to provide a meaningful analysis of the impacts of the Project, including modifications to the scenic resources and views that would result from the Project, as well as to provide a basis to consider mitigation measures and examine the potential effectiveness of mitigation measures.

## B. Views and Viewer Response

### Residents

The description of resident views underplays actual views of the site from nearby residential areas. Cameron Estates residents have extensive views of the Project site, including views from property lines and views from roadways. A full survey of residential areas in the vicinity of the Project site was not conducted for this response; however, given that the description of views of residents is erroneous for this one area, views from residential areas must be reexamined for all areas in order to provide factual information in the Draft EIR and not false statements.

### Businesses

The Draft EIR states "Businesses in Cameron Park north of US 50 and the Project site and between Cambridge Road and Greenwood Lane have limited views of the northeastern Project boundary because their elevation and lack of dense trees allow for such views." The Draft EIR provides no photographs or evidence to substantiate this claim. Further, the statement on page 3.1-15 that "Businesses and churches with views of the site have low sensitivity to their surroundings because their focus is concentrated on tasks associated with running the business or church activities." is unsubstantiated. Businesses often have users and visitors that spend time outside (churches typically host a range of outdoor activities) and staff of local businesses also may spend time outdoors enjoying the scenery on their breaks, during outdoor events, and while working outside.

### Roadway Users

On page 3.1-15, the Draft EIR makes unsubstantiated, conclusory statements that: 1) views for westbound travelers are limited due to an existing concrete median that blocks views, and 2) viewers on scenic portions of US 50 have moderate sensitivity to their views because while scenic views are of a higher quality, roadway users pass by the site quickly. First, the existing concrete median does not block views of lands to the south of US 50 and Marble Valley is visible from westbound 50. Next, many viewers on US 50 have a high sensitivity to their views. US 50 users are treated to scenic views of the hillsides, ridgelines, valleys, lake, and extensive tree canopies - many local residents as well as regular visitors (the US 50 corridor is a significant recreational corridor

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for visitors enjoying the scenic foothills, Sierra Nevada mountains, and Lake Tahoe region) are familiar with the views and are sensitive to changes in the viewshed. Has a survey of County residents and visitors along US 50 been conducted to determine view preferences and to substantiate this opinion? Our personal perception is that we are highly sensitive to the scenic views and changes to the views. Discussions with our neighbors of the changes to views from US 50 in the Folsom and El Dorado Hills areas indicates that roadway users are highly sensitive to changes to scenic views and conversion of woodlands, hillsides, ridgelines, and open spaces to developed uses, including commercial, office, and residential uses. The Draft EIR must be revised to reflect the actual views of roadway users, that there are roadway users highly sensitive to changes to scenic views and visual quality and character, and not make conclusory, unsubstantiated statements regarding sensitivity to views.

## C. Regulatory Framework

The regulatory framework does not identify County General Plan Policy 2.6.1.3. The regulatory framework and environmental impact analysis sections also omit identification of the mitigation measures identified in the County General Plan EIR and adopted in the County General Plan Mitigation Monitoring and Reporting Program that are applicable to the Project. Adopted mitigation measures that are applicable to the proposed Project must be identified and the proposed Project's consistency with the requirements must be evaluated.

## D. Environmental Impacts

### Impact AES-1

While this impact describes construction activities, it does not describe the visual and scenic resources being affected nor the time frame and location of construction activities (see comments in Sections 4 and 6 of this letter related to Project details, construction phasing, and inadequacy of the Project Description), and how views of the Project site would be altered. Further, there are many views of the Project site where construction, including construction lighting, would be visible to nearby public vantage points, recreational areas, and residential and business areas. While this impact is identified as being significant and unavoidable, the full extent of the impact is not adequately described and potential methods to mitigate the impact, including phasing of construction activities, limiting construction hours to reduce lighting, glare, and disturbance impacts, reducing the scale of construction to reduce the extent of the impacts, including limiting construction to 100 feet below ridgelines, are not discussed.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

### Impact AES-2

Impact AES-2 fails to adequately characterize the effect of the Project on scenic vistas. The impact analysis is cursory and must describe the specific scenic views and scenic resources being affected,

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how each of the viewer location and categories of the viewers described in the Environmental Setting are affected, and how the “substantial number of built features associated with a large-scale mixed use planned community where none presently exist (Draft EIR p. 3.1-19)” that are being constructed and improved during development change the views of the Project site. Further, the lack of detail in the Project Description does not allow the public reading the Draft EIR to understand the scale of buildings and the potential of those buildings to obscure significant features on the Project site, including ridgelines, open space, oak woodlands, the lake, and riparian features. While some portion of the offsite improvements is discussed under Impact AES-6, Impact AES-2 must address on the full extent of the Project on scenic vistas and not minimize the significance of the impact through dividing the impact analysis between different phases or components of the proposed Project. This comment applies to all impacts analyses of the Project where the Project is separated into multiple components that are discussed separately, without providing a comprehensive characterization and analysis of the full extent of the Project on a specific environmental issue area.

Figure 3.1-3 does not reflect the extent to which the proposed Project, including on-site and off-site improvements, are visible from US 50. There are high-quality and extensive views of Marble Valley, including the lake, ridgelines, oak woodlands, other trees and vegetation, and open space. See Attachment 1.

Figure 3.1-4 does not reflect the actual views of the Project site from US 50, or from other public vantage points of Marble Valley. As previously described and demonstrated by the attached photos, Marble Valley, the lake, ridgelines, oak woodlands, other trees and vegetation, and the extensive open space are all visible. The Draft EIR provides only one visual simulation of how views would be affected and it is based on a photo with limited views of the site and does not reflect the scenic resources represented by the site or how the Project would affect those resources. A visual simulation must be provided that reflects all significant scenic resources and views affected by the Project in order to characterize the views and scenic resources affected and to develop mitigation that would reduce the impact. The viewshed analysis must be comprehensive and identify which areas along US 50 (including areas farther from the site if site is visible from those areas) have views of the site.

El Dorado County General Plan (County General Plan) Objective 2.3.2 requires that the visual integrity of hillsides and ridgelines be maintained. County General Plan Policy 2.6.1.3 requires that discretionary projects that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established. The impact analysis must address compliance with County General Plan Policy 2.6.1.3, which was adopted as a mitigation measure to reduce impacts on scenic resources. County General Plan Policy 2.6.1.5 requires assessment of visual impacts on ridgelines and addressing methods to avoid visual breaks to the skyline. The Draft EIR does not address compliance with these policies.

The Draft EIR does not identify ridgelines, does not identify public views of ridgelines, and does not include analysis of methods to avoid visual breaks to the skyline.



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The mitigation provided for Impact AES-2 fails to address the extent of the impact to alter or obstruct views of the scenic resources on the Project site, including scenic views of Marble Valley, the lake, ridgelines, other trees and vegetation, and open space.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval. Mitigation must be considered that would reduce the impact of the Project on all scenic resources.

At a minimum, the analysis and mitigation measures must address approaches to preserve scenic views, including:

- Preservation of ridgeline views, including a minimum 100-foot setback from the top of ridgelines and hills in order to avoid visual breaks to the skyline;
- Re-locating uses with building heights or mass that will obstruct views of Marble Valley, the lake, and ridgelines (i.e., positioning buildings to the south of the lake and maintaining open visual corridors to preserve views of the lake, Marble Valley, open space, oak woodlands, and hillsides, to reduce impacts to scenic resources. Re-location of uses must be based on a comprehensive analysis of all viewsheds of the site and how the developed site will affect views of scenic resources;
- Requiring a minimum setback of all improvements from retained oak woodlands; and
- Mitigation Measure AES-2 must be revised to be fully implementable and to provide quantifiable and objective standards. Mitigation Measure AES-2 must be revised to establish specific shades that will be allowed for roofing materials and building facades rather than using subjective language regarding using shades that are “mid-range” or “darker” and must also be revised to prohibit and not just “avoid” colors that would stand out and contrast against existing features.

#### Impact AES-4

Impact AES-4 fails to address the full extent of the impact of the Project on the existing visual character and quality of public views of the site and its surroundings. The visual simulation included in the Draft EIR is significantly misleading, reflects a single photo with limited views of the Project site, and does not represent an accurate depiction of the visual impacts that would result from the Project – although the Draft EIR claims on page 3.1-23 that Figure 3.1-4 taken from eastbound US 50 is representative of visual changes of other viewers in the vicinity including views from residential areas and local roadways. First, the single viewpoint selected for the simulation does not represent the most prominent views of the Project site from public viewing areas in the vicinity of the Project site, including multiple vantage points along eastbound and westbound US 50 with foreground, midground, and background views of the site and views from public roads in the vicinity of the site. The Draft EIR also does not examine whether there are views from the site from public parks and other public recreational and open space areas in the vicinity. The visual simulation does not reflect the full extent of change that will occur with the Project as it only examines a single limited view that does not reflect the visual character and quality of the site.

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The visual simulation must be representative of the full extent of the impact of the Project on the existing visual character of the site and the quality of public views of the site and its surroundings in order to adequately assess the impact to the visual character or quality of public views of the site and its surroundings. See Attachment 1 for examples of views of the Project site from various public vantage points.

This analysis must also address the full effects of the Project on visual resources, so while Impact AES-1 focuses on scenic resources, the visual analysis for Impact AES-x must also address other public views (public roads, including roads near the northeast entry of the site, public trails, parks, schools, and any publicly owned lands) in order to reflect the potential for the Project to substantially degrade the existing visual character or quality of public views of the site and its surroundings (see Thresholds of Significance on Draft EIR p. 3.1-17). The analysis also must address the visual impact of the full extent of the proposed Project, including offsite improvements, including but not limited to the roadway, water, and wastewater improvements described in the Project Description. While some portion of the impact of offsite improvements is discussed under Impacts AES-6 and AES-7, Impact AES-4 must focus on the full extent of the Project, including off-site improvements, and not segment the impact analysis between different phases or components of the proposed Project in order to downplay the full extent of the impact. Further, the Project Description and the discussion under Impacts AES-6 and AES-7 does not address the extent of the off-site improvements in terms of height, width, mass, scale, etc. of any of the off-site structures/improvements, so it is not possible to fully analyze the extent of the potential effect of the off-site improvements.

As previously described, the proposed Project is not consistent with El Dorado County General Plan (County General Plan).

County General Plan Objective 2.3.2 requires that the visual integrity of hillsides and ridgelines be maintained. The Project does not maintain visual integrity of hillsides and ridgelines.

County General Plan Policy 2.6.1.3 requires that discretionary projects that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established. The impact analysis does not demonstrate compliance with this policy. To not comply with these policies and measures is a clear violation of General Plan Policy 2.6.1.3, which was adopted to avoid or lessen an environmental impact subject to CEQA (visual and aesthetic impacts).

County General Plan Policy 2.6.1.5 requires assessment of visual impacts on ridgelines and addressing methods to avoid visual breaks to the skyline. The Draft EIR does not assess visual impacts on ridgelines and does not address methods to avoid visual breaks to the skyline.

The analysis does not demonstrate consistency with County General Plan Policy 2.5.1.1. This policy requires physical and visual separation of new development from adjacent residential communities. The DEIR acknowledges that separators are not provided along the Project's eastern

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boundary and along portions of the Project's northern boundary. This is a clear violation of General Plan Policy 2.5.1.1, which was adopted to avoid or lessen an environmental impact subject to CEQA (visual and aesthetic impacts).

The EIR must fully analyze the potential impact and consider and analyze potential mitigation to reduce or lessen the impact. As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval. The Draft EIR does not describe feasible mitigation measures which could minimize significant adverse impacts associated with Impact AES-4.

At a minimum, the analysis and mitigation measures must address approaches to preserve visual character and quality, including:

- Preservation of ridgeline views, including a minimum 100-foot setback from the top of ridgelines and hills in order to avoid visual breaks to the skyline;
- Re-locating uses with building heights or mass that will obstruct views of Marble Valley, the lake, and ridgelines (i.e., positioning buildings to the south of the lake) and maintaining open visual corridors to preserve views of the lake, Marble Valley, open space, oak woodlands, and hillsides, to reduce impacts to visual character and quality of the site. Re-location of uses must be based on a comprehensive analysis of all viewsheds of the site and how the developed site will affect the visual character and quality of the site and its surroundings from public vantage points;
- Requiring a minimum setback of all improvements from retained oak woodlands; and
- Mitigation Measure AES-2 must be revised to be fully implementable and to provide quantifiable and objective standards. Mitigation Measure AES-2 must be revised to establish specific shades that will be allowed for roofing materials and building facades rather than using subjective language regarding using shades that are "mid-range" or "darker" and must also be revised to prohibit and not just "avoid" colors that would stand out and contrast against existing features.

### Impact AES-5

Impact AES-5 fails to address the full extent of the impact of the Project, including off-site impacts, as a new source of substantial light and glare. While there is a brief discussion that permanent sources of light would be introduced, there is no analysis of the level of illumination that will emanate from the Project site nor the extent to which such increase in lighting and glare would affect those in the vicinity of the Project site.

The analysis references VMVSP Policies 3.4, 5.7, 6.20, 7.16, 7.17, 9.20, and 9.21, indicating that these policies establish use of shielding for lights to aid in reducing light pollution and protecting dark-sky conditions. However, upon review of the referenced VMVSP policies, these policies do not establish any requirements:

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Policy 3.4 only requires proposals to consider lighting and glare, this 'consideration' of the issues does not establish any standards or requirements that would actually reduce lighting and glare impacts.

Policy 5.7 only applies to the Central District and does not establish any performance standards to ensure that light spillage to the existing communities of Marble Ridge, Marble Mountain, Cambridge Oaks, and Cameron Estates is actually minimized.

Policy 7.16 provides for field lighting for nighttime sports and does not establish any standards that ensure that such lighting would not adversely affect existing residences and other uses the Project vicinity.

Policy 7.17 requires a lighting plan if applicable, but does not establish any specific standards or requirements for the lighting plan.

Policy 9.20 and 9.21 purport to protect dark-sky conditions through the installation of automatic, dimmable controls but do not establish any standards for the lighting levels, duration, and extent of lighting.

If these policies are relied upon to reduce impacts, the policies must be revised establish performance-based standards specifically quantifying the amount of off-site illumination that will be allowed, and require that the specific measures to reduce impacts be implemented (rather than 'considered' or other nebulous language) to ensure that the lighting and glare impacts to the nearby communities and the region are reduced to the maximum extent feasible. To rely on VMVSP policies to reduce impacts, the analysis must demonstrate the extent to which the policies will reduce lighting and glare impacts.

Further, the mitigation measures referenced (AES-2 and BIO-1e) do not address lighting and glare issues. There is no requirement that buildings be sites to ensure that the retained oak woodland canopy minimizes light and glare.

The Draft EIR must consider mitigation measures that require performance-based standards to reduce lighting and glare impacts.

Mitigation measures that require 1) all exterior lighting to be directed downward, 2) all exterior lighting to be fully shielded, and 3) require each phase of the Project to prepare a lighting plan that meets illumination limits based on the illumination needed for the specific aspects of the phase and demonstrates that the phase will not increase off-site illumination more than a specified amount (e.g., no more than 0.5 foot-candle increase within 50 feet of the phase/parcel and no increase in illumination beyond 100 feet of the phase/parcel); such measures to reduce lighting and glare impacts must be analyzed and considered.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a

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mitigation measure will be developed after Project approval. Therefore, the Draft EIR must consider and analyze potential mitigation to reduce or lessen the significant impact related to lighting and glare consistent with the requirements of CEQA Guidelines Section 15126.6.

### Impacts AES-6 and AES-7

As previously described, the proposed Project must be considered as a whole rather than segmenting on-site and off-site impacts related to aesthetics and visual resources. As previously described, the Project Description does not address the full extent of off-site improvements necessary for the Project. Therefore, the discussion under Impacts AES-6 and AES-7 does not address the full extent of the off-site improvements, does not address the details of the off-site improvements in terms of height, width, mass, scale, area of disturbance, etc., does not describe the visual resources that would be affected by each of the improvements (what is the existing visual resources setting of each of the improvements in terms of scenic resources, visual character and quality, and light/glare – there is no discussion of the existing setting related to each of the off-site improvements so it is impossible to determine the effect of the improvement on the environment), and how each of the improvements would affect these resources, if there would be trees removed, if there would be new sources of light and glare from each of the improvements, etc.

## 6. Air Quality

### A. Regulatory Setting

The Regulatory Setting on Draft EIR pages 3.2-1 through pages 3.2-6 does not describe the applicable federal, state, and local plans, including plan population, housing, and non-residential growth assumptions and applicable policies, standards, or requirements to achieve attainment status for the criteria pollutants designated to be in nonattainment status, including federal nonattainment designations for ozone and PM 2.5 and state nonattainment designations for ozone and PM10 as shown in Draft EIR Table 3.2-3. Identification of applicable plans to achieve attainment and the relevant measures is crucial in determining whether the proposed Project is consistent with such plans and developing mitigation measures to reduce or lessen significant impacts.

### B. Existing Air Quality Conditions

On page 3.2-5, the Draft EIR identifies that the California Air Resources Board has identified diesel particulate matter (DPM) as a toxic air contaminant (TAC) and has identified 21 TACs and adopted the US Environmental Protection Agency's list of hazardous air pollutants (HAPs) as TACs. However, the Draft EIR does not identify these TACs and HAPs and does not identify existing air quality conditions related to these TACs and HAPs, with the exception of DMP, asbestos, and radon. Without an accurate description of the existing conditions, the Draft EIR fails to identify the existing environment and establish a setting against which TAC impacts will be evaluated and mitigation measures will be considered.

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## C. Environmental Impacts

### Methods of Analysis - Construction Emissions

The discussion of construction emissions references the Project phasing described in the Project Description and detailed in Appendix C-2. Appendix C-2 refers to the phasing identified in the Draft EIR Project Description. However, as previously described, the details of the Project construction phasing are absent from the Draft EIR Project Description. Many laymen reading the Draft EIR would have a difficult time going through Appendix C-2 and correlating the phasing details identified for the air quality and greenhouse gas modeling to all phases of the Project. Further, the construction schedule and phasing provided in Table 3-1 does not identify the number of units, amount of square feet, length of roadway, or other improvements projected to be developed on an annual basis. Based on Table 3-1, any number of units could be developed in the first year. The construction schedule and phasing plan must be included in the Project Description to ensure the public understands the proposed Project, must correlate to the zoning and development areas identified for the Project in Table 2-3, including identification of which parcels and number of associated residential units and/or non-residential square feet are proposed to be developed in each year of Years 1 through 18. The off-site improvement timing and extent is not fully addressed in the phasing and construction extent identified in Appendix C-2. The construction phasing schedule used for the California Emissions Estimator Model air quality modeling for the proposed Project only addresses the construction of a new 24-inch transmission main and does not address the full extent of off-site improvements, including wastewater line extensions, improvements to connect existing EID water and wastewater infrastructure, upsizing of EID water and wastewater infrastructure, and construction of the new 18-inch and 12-inch water transmission mains, as well as the three new pressure-reducing stations, and new water transmission lines along Bass Lake Road and Cambridge Road identified on Draft EIR page 2-11. The TC-Xf projects identified in the Draft EIR Project description (page 2-13) are also not included in the construction phasing scheduled used as the basis for the air quality modeling. Lastly, the off-site dry utility connections and improvements described on Draft EIR page 2-14 are not reflected in the construction scheduling and phasing used as the basis for the air quality modeling. The air quality modeling must be revised to include the full extent of all on-site and off-site improvements associated with the proposed Project and the analysis of air quality impacts (Impacts AQ-2a, 2b, 2c, 3a, 3b, 3c, 3d, AQ-4, AQ-5, and AQ-6) must be revised to reflect the full extent of the project.

### Impact AQ-1

Impact AQ-1 does not address all applicable air quality plans. As identified in Table 3.2-3, the proposed Project area is in nonattainment for O<sub>3</sub> (federal and State nonattainment), PM<sub>10</sub> (State nonattainment), and PM<sub>2.5</sub> (federal nonattainment). Impact AQ-1 does not address the potential for the proposed Project to conflict with or obstruct implementation of the applicable air quality plan(s) to address PM<sub>10</sub>. The Draft EIR must identify all applicable air quality plans, including those adopted to address PM<sub>10</sub>, and address consistency with the plans, including all applicable measures and requirements in each plan.

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In relation to the 2015 Ozone Plan, the Draft EIR describes the Air District's thresholds for consistency with the applicable plan, but does not evaluate whether the proposed Project is implementing all applicable ozone plan emissions-reduction measures and whether the proposed Project is complying with all applicable air district rules and regulations. While the Draft EIR provides a general description of Air District measures to reduce ozone emissions, the Draft EIR fails to identify the specific measures and evaluate the Project's consistency with each of the adopted measures. Further, the Draft EIR fails to describe whether the VMVSP policies identified on pages 3.2-24 and 3.2-25 to reduce vehicle miles traveled (VMT) and emissions are requirements, recommendations, or other measures that lack of certainty regarding if, how, and when the policy will be applied; as described, the identified policies do not demonstrate any effectiveness in reducing emissions. The analysis must address consistency with each applicable measure and requirement.

Further, this impact only addresses compliance with Air District Rules 223 and 223-1. On page 3.2-24, the Draft EIR identifies that compliance with applicable Air District rules and regulations is one of the four criteria used by the Air District to determine consistency with the applicable air quality plan. The Draft EIR must address consistency with all applicable Air District rules and regulations – the Air District has adopted over 70 rules, including Regulation 2 (Prohibition) – Rules 201 through 245, Regulation 3 (Open Burning) – Rule 300, Regulation 5 (Permit to Operate) – Rules 501 through 527, Regulation 6 (Fees) – Rules 601 through 610, and the Draft EIR must examine consistency with all applicable rules and regulations.

### Impacts AQ-2 and AQ-3

As previously described, the Draft EIR Project Description is incomplete and does not address the full extent of the Project.

Further, the construction project phasing described in Appendix C-2 does not address all phases and off-site improvements associated with the Project. In order for the proposed Project to address its net increase to criteria pollutant, the modeling must address the full extent of the Project, including all phases of on-site and off-site construction.

The Draft EIR does not establish assumptions for Project phasing, either in the Project Description or in Chapter 3.2, that correlates to or provides a basis for the emissions identified in Table 3.2-5 or Table 3.2-8.

The analysis does not identify what assumptions are made for all on-site and off-site development and infrastructure improvements that will be operational at buildout that correlates to or supports the emissions identified in Table 3.2-6 or 3.2-7. Does the analysis for Tables 3.2-5, 3.2-6, 3.2-7, and 3.2-8 take into account emissions associated with operation and maintenance activities water, wastewater, stormwater and electricity improvements, including regular maintenance of brush and trees along utility corridors and within the VMVSP area to decrease wildfire risks?

The mitigation measures identified are not adequate to ensure implementation and reduction of impacts. As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of

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mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

The measures do not include reporting requirements to ensure compliance with each measure and do not identify adequate timing or details to ensure that mitigation is carried out for each phase of construction and by the multiple developers and contractors that will be working on the Project. The mitigation measures must also include adequate detail and requirements to ensure that the measures are applied to all offsite improvements. Mitigation Measure AQ-2a must ensure that the Project applicant is requiring use of low-VOC coatings prior to each phase of construction, as it is likely that there will be multiple construction contractors over the 19-year construction period. Further, this measure must include a method of confirming that the construction contractors have used low-VOC coatings, such as the contractor demonstrating which coatings were purchased and applied.

Mitigation Measure AQ-2b should be revised to provide a plan for each phase of construction and, if multiple developers are used for various phases of the Project, a report for each developer/Project phase, and a final report submitted at the completion of each phase (the phasing should be based on each of the large lot parcels summarized in Table 2-3 as that would provide an orderly method of tracking compliance). Mitigation Measure AQ-2c should include reporting requirements to ensure that the advanced off-road engines and newer on-road trucks are actually being used for each phase of construction and by each contractor/developer. Mitigation Measure AQ-2d should require dust control, including pre-watering, for all ground-disturbing activities, including grading, trenching, and installation of landscaping.

Impact AQ-2c concludes that there is no feasible mitigation to reduce ROG and NOx emissions below Air District thresholds beyond the mitigation measures identified in the Draft EIR and the VMVSP policies. However, as previously described, VMVSP policies that are being relied upon to reduce emissions are not described in detail and the Draft EIR does not demonstrate any certainty of how, when, and if any VMVSP policies will be implemented or the actual reduction in emissions related to any of the VMVSP measures. Further, there are additional measures that could be implemented to reduce emissions that the Draft EIR has not considered. One measure would be to require construction to be phased over a longer period (25-year, 30-year, and 35-year period), which would reduce both the combined construction and operation emissions identified in Draft EIR Tables 3.2-7 and 3.2-8, another measure would be to reduce development footprints through limiting the size of residential units below those assumed for the Draft EIR modeling, and another measure would be to cluster development to reduce the extent of land disturbed with each phase of development.

### Impacts AQ-3a, AQ-3b, and AQ-3c

While the Draft EIR acknowledges the risks associated with DPM, it fails to provide a detailed analysis or health risk assessment to address impacts related to these emissions.

As previously identified, the Draft EIR does not identify each of the TACs and HAPs recognized by the California Air Resources Board. The Draft EIR does not identify the potential of the Project to expose residents, users of the Project, sensitive receptors, and others in the vicinity, including several parks in close proximity to the Project and US 50, to the known TACs.



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The Draft EIR concentrates on exposure to DPM under Impacts AQ-3a and AQ-3b. The Draft EIR does not address the potential of the Project to expose residents, sensitive receptors (including the two nearby parks and two nearby schools) to each of the TACs and HAPs recognized by the California Air Resources Board and whether such exposure would be significant. TACs recognized by the California Air Resources Board include: benzene (C<sub>6</sub>H<sub>6</sub>), ethylene dibromide (BrCH<sub>2</sub>CH<sub>2</sub>Br; 1,2-dibromoethane), ethylene dichloride (ClCH<sub>2</sub>CH<sub>2</sub>Cl; 1,2-dichloroethane), Hexavalent chromium (Cr (VI)), asbestos [asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), ummingtonite-grunerite (amosite), tremolite, actinolite, and anthophyllite], Dibenzo-p-dioxins and Dibenzofurans chlorinated in the 2,3,7 and 8 positions and containing 4,5,6 or 7 chlorine atoms, Cadmium (metallic cadmium and cadmium compounds), carbon tetrachloride (CCl<sub>4</sub>; tetrachloromethane), ethylene oxide (1,2-epoxyethane), methylene chloride (CH<sub>2</sub>Cl<sub>2</sub>; Dichloromethane), trichloroethylene (CCl<sub>2</sub>CHCl; Trichloroethene), chloroform (CHCl<sub>3</sub>), Vinyl chloride (C<sub>2</sub>H<sub>3</sub>Cl; Chloroethylene), inorganic arsenic, nickel (metallic nickel and inorganic nickel compounds), perchloroethylene (C<sub>2</sub>Cl<sub>4</sub>; Tetrachloroethylene), formaldehyde (HCHO), 1,3-Butadiene (C<sub>4</sub>H<sub>6</sub>), inorganic lead, particulate emissions from diesel-fueled engines, environmental tobacco smoke (<https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants>, accessed 6/25/2024). The Draft EIR must identify each TAC, the health effects associated with the TAC, and analyze the Project's potential to expose individuals to significant levels of the TAC or to result in health risks associated with exposure to each TAC.

As stated on the CARB website: "More than 90% of DPM is less than 1 µm in diameter (about 1/70<sup>th</sup> the diameter of a human hair), and thus is a subset of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>)." DPM will have different health effects compared to PM<sub>10</sub> and PM<sub>2.5</sub> and must be analyzed separately. Similarly, as described below, measures to reduce PM<sub>10</sub> and PM<sub>2.5</sub> may not reduce DPM.

The Draft EIR states that: "Accurately quantifying DPM concentrations and predicting associated health risks requires detailed, site-specific information about these and other parameters that are currently unavailable, given the preliminary level of design at this time." However, as a project-level Draft EIR, it is necessary that the Draft EIR disclose the impacts of the Project, including developing a detailed Project construction phasing schedule that provides adequate information regarding anticipated development during each year and phase to provide information regarding diesel particulate matter and toxic air contaminant emissions. As previously described, the Project Description must be expanded to fully disclose all aspects and phases of the proposed Project.

The construction phasing information provided in Appendix C2 can be expanded upon to develop appropriate assumptions to model health risks. Health risk assessment (HRA) models, including the U.S. Environmental Protection Agency's AERMOD and ISCST dispersion models and CARB's Hotspots Analysis and Reporting Program, are available to model air dispersion of toxic air contaminants and to calculate risk scenarios for residential and workplace cancer rates, as well as acute and chronic incidences. Further, health risks are cumulative, so the analysis should address the cumulative exposure during construction and operation of the Project and not segment the analysis to address exposure associated with construction (Impact AQ-3a, operation (Impact AQ-3b), and some aspects of both construction and operation (Impact AQ-3c).

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The EIR not only acknowledges the risks associated with DPM and TAC exposure, including existing levels (p. 3.2-13 identifies an existing cancer risk of 32 million cases per year 330 feet south of US 50) on US 50, the EIR acknowledges that some phases of construction may result in DPM emissions that could result in cancer or noncancer health risks that exceed the Air District's thresholds, resulting in a potentially significant impact. Further, the analysis states on page 3.2-38 that the Project may result in multiple concurrent phases where DPM is generated by various pieces of heavy equipment near receptors. The Draft EIR concludes that depending on the magnitude and duration, DPM generated under these circumstances may lead to increased health risks at specific receptor locations and concludes health impacts from TAC exposure during construction are considered significant and unavoidable. However, the analysis does not identify the actual amount of cancer or noncancer risks that may result, which phases would result in impacts, and does not identify the residences that would be exposed to significant levels of TACs. The Draft EIR also does not address whether the construction or operational activities have the potential to expose sensitive receptors at nearby schools and parks to TACs. The Draft EIR references various measures that reduce NOx and greenhouse gas (GHG) emissions but does not address the extent to which these measures would reduce DPM and TACs. The EIR also does not address potential mitigation methods, such as upgrading air filtration systems in affected sensitive receptors including nearby residences and schools, to reduce exposure to a less than significant level.

Additionally, the analysis of TAC exposure under cumulative conditions (Draft EIR pages 5-9 and 5-10) must take into account future (cumulative) freeway segment volumes, which will undoubtedly be significantly higher than the 2023 volumes used in the EIR's assumptions for the Project's share of average daily trips that may contribute to diesel particular matter emissions. As noted in the California Air Resources Board 2005 Air Quality and Land Use Handbook, new sensitive land uses should not be sited within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. The EIR acknowledges the risks associated with placing residences within 500 feet of the freeway segment, but completely fails to disclose or analyze what the projected cumulative freeway volumes would be under cumulative conditions, and how the Project's contribution to future freeway volumes would expose sensitive receptors to HAPs and TACs. Given that the existing level of cancer risk associated with US 50 as disclosed on page 3.2-13 exceeds the Air District's thresholds for TACs and the Project's proximity to two existing public parks and two existing schools, the EIR must address the Project's contribution to cumulative impacts and not just state that it would be less than cumulatively considerable without providing any justification for this conclusion.

A Health Risk Assessment performed for the construction and operation phases would identify the actual risks associated with each phase and can be used to determine how to design the Project and phase construction (both the amount of construction and location of construction activities) in a manner that would reduce impacts.

The Draft EIR does not ensure that future phases analyze specific TAC risks associated with future uses (which are acknowledged to result in significant and unavoidable impacts) and does not require mitigation to reduce health impacts to the maximum extent feasible. The toxic air contaminant analysis and mitigation approach is deficient and must be corrected, analyzed, and disclosed.

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While the Draft EIR identifies VMVSP Policy 9.5.9, which requires MERV-6 air filters in residential air conditioning/heating systems and MERV-8 in non-residential systems, these levels of filtration are far below the standard to reduce TAC exposure, which typically is MERV-13 or higher. (*U.S. Environmental Protection Agency, Residential Air Cleaners, 2018, p. 10*).

The Draft EIR identifies the PM<sub>10</sub> reduction that would occur with MERV-6 and MERV-8 filters, but does not address the reduction in DPM that would occur with use of MERV-6 and MERV-8 filters. As stated on the CARB website: “More than 90% of DPM is less than 1 µm in diameter (about 1/70<sup>th</sup> the diameter of a human hair), and thus is a subset of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>).” Due to the much smaller particle size of DPM (much smaller than both PM<sub>10</sub> and PM<sub>2.5</sub>), a MERV filter rating of 13 is necessary to reduce particle sizes of 0.3-1.0 microns by 50% U.S. EPA, What is a MERV Rating?, <https://www.epa.gov/indoor-air-quality-iaq/what-merv-rating>, U.S. EPA accessed 6/29/20240). A MERV filter rated 6 (MERV-6) is identified to only reduce particles 3.0-10 microns or greater in size and is not rated for any reduction in the ultrafine particles (less than 1 micron) associated with DPM and also does not reduce PM<sub>2.5</sub>. A MERV filter rated 8 (MERV-8) is only rated to remove 70% of particles 3 to 10 microns or greater and only 20% of 1.0 to 3.0 microns. MERV-6 and MERV-8 filters are not identified as removing particles less than 1 micron in size, which are the particles that account for more than 90% of DPM, as identified by the EPA. The Draft EIR must demonstrate that the mitigation provided for DPM and TACs will reduce the actual toxic air contaminants generated by the Project.

Further, VMVSP Policy 9.5.9 policy applies to the future residential uses and does not provide protection for residences, the two existing parks, and the two existing schools, in the vicinity of the Project and US 50 that would be exposed to the significant and unavoidable direct and indirect TAC emissions associated with the Project.

The Draft EIR must identify all residences and sensitive receptors that would be affected by TACs associated with construction (residences in the vicinity of each phase of construction) and associated with Project operation (residences, parks, and other sensitive receptors near the freeway and near potential stationary sources associated with the Project).

The Draft EIR must provide an analysis of the health risks of the Project, based on the construction phasing and operation details that address the full extent of the Project, including off-site improvements. A Health Risk Assessment must be prepared for the proposed Project, and included in the Recirculated Draft EIR, so that the public and the County officials can accurately understand and analyze the level of cumulative TAC exposure, understand the number of residences and sensitive receptors that would be exposed, and appropriately mitigate this significant impact.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

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Mitigation measures must be identified and analyzed that would reduce or eliminate exposure of existing residences and sensitive receptors, including parks and other uses with outdoor activity areas, to TACs. Measures may include offering retrofitting of existing residences with MERV-13 filtration systems, including measures to reduce use of equipment and heavy vehicles with high TAC emissions, etc.

#### Impact AQ-4

The analysis does not address the potential for asbestos emissions from off-site improvements. Additional figures should be provided that identify known or potential asbestos-containing materials, similar to Figure 3.2-1 for the VMVSP area, for all areas identified for offsite improvements. Further, the analysis is based on the potential for asbestos from sampling conducted by Youngdahl Consulting Group. The Draft EIR does not identify the location of the sampling, particularly whether the sampling corresponds to areas with known or potential ACMs within the Specific Plan boundaries, including areas identified for development, or location of offsite improvements. The analysis should be revised to identify the location of sampling pits, as the pits relate to the locations identified for development and infrastructure improvements on the Project site and the areas identified for offsite improvements. If the pits are not representative of areas of the Project where development is anticipated, additional sampling should occur in order to correctly characterize the potential for a significant impact. The analysis must be expanded to fully disclose the potential for exposure to asbestos associated with both on-site and off-site improvements.

#### Impacts AQ-5 and AQ-6

Impacts AQ-5 and AQ-6 separate the Project's contribution to cumulative impacts based on AQ-5 (off-site improvements) and AQ-6 (offsite TX-f traffic improvements). Analysis of cumulative impacts should reflect the entire Project's contribution to cumulative impacts and not bifurcate the analysis between Project components. Further, the analysis of off-site impacts is not comprehensive and the full extent of off-site improvements must be analyzed, including all traffic, water, wastewater, storm drainage, and dry utility impacts, as previously described. The analysis must take into account the length and extent of construction – Impact AQ-5 indicates that construction activities have the potential to expose receptors to DPM and disturb asbestos-containing materials, but identifies that improvements would be completed within a few months and no more than 2 years. Nowhere in the Draft EIR is a schedule that demonstrates the timing of the various Project, infrastructure, and transportation improvements that supports this statement. Further, the Project must consider the cumulative effect of the Project, including the construction emissions, operation emissions at buildout, and long-term operational emissions. There is no analysis of the mitigation measures and how they will result in reductions in health risks associated with increases in criteria improvements and health risks associated with exposure to TACs, including all TACs generated by the Project and not just DPM.

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## 7. Biological Resources

The Draft EIR relies on multiple outdated surveys conducted from 2005 through 2013 that do not reflect existing conditions and are not adequate to determine the baseline for presence of special-status species. While several surveys were conducted in 2018 and 2019, these most recent surveys were not comprehensive and only addressed a limited number of biological issues: oak woodlands, oak trees, foothills yellow-legged frog, and Brandegee's Clarkia. Further, none of the surveys identified in Table 3.3-1 represent a comprehensive Biological Resources Assessment to study whether the Project site hosts or provides nesting, foraging, and migration habitat for species potentially occurring in the Project vicinity – each survey has a limited scope and none of the surveys fully address the potential for special-status mammals, birds, and insects with potential to occur in the Project area.

The Project site is located in an area with little development and very few surveys from the Project site and region surrounding the site are available to inform the California Natural Diversity Database (CNDDDB) of on-the-ground conditions. The Draft EIR does indicate that a CNDDDB search was completed for the Project in 2024, but does not identify which quadrangles were searched. The California Department of Fish and Wildlife recommends a nine-quadrangle search. The CDFW CNDDDB Management Framework specifically states:

“When trying to determine what CNDDDB-tracked elements occur in the vicinity of a project, the recommended approach is to perform a nine-quad search using the CNDDDB QuickView Tool. This tool allows users to generate a baseline list of rare taxa that have been previously documented in the area. By looking at what has been documented on the quad of interest and on the eight surrounding quads, a preliminary list can be obtained of what taxa might be found in similar habitats within the area of interest.; For a Project the size of VMVSP, a nine-quad search is warranted, particularly given the spotty data and surveys prepared for the Project. ... While having a list of rare taxa known from the area can be helpful, on-the-ground surveys should always be conducted in order to document what is actually present at a site.”

The biological resources studies for the Project site do not address the potential species identified in a nine-quad search for the Project area, but rather study a more limited number of species. A number of species have been dismissed from being present on the Project site based on a 2013 survey; a survey over a decade old is not adequate to confirm absence of a species. Species migrate and their range shifts over time; current records should be used along with on-site protocol-level species for all species with the potential to occur.

A search of the nine-quad area centered around the Clarksville quadrangle identified the potential presence of the following species that have not been evaluated in the Draft EIR, shown below in Table 1. This is not a comprehensive list for evaluation. Based on the extensive size of the proposed Project and extent of off-site improvements, a 9-quad search should be performed for each quadrant affected by the proposed Project. Table 1 is just a sample of species that have not been evaluated. Table 1 of this letter includes special-status species, migratory birds and raptors, species that are not listed for protection but are known to occur in the area and may use the area

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as a migratory corridor or a nursery site, and sensitive habitats (terrestrial communities) that have not been evaluated in the Draft EIR.

It is incumbent upon the Draft EIR to perform the assessments necessary to comprehensively identify the potential presence of biological resources, including but not limited to all special-status species, sensitive habitats, and wildlife migration corridors, that are present or have the potential to be present: 1) on the Project site, 2) in the areas in the vicinity of the Project site that could have indirect impacts to sensitive resources resulting from construction disturbances, including activities and noise, and 3) in each of the areas identified for offsite improvements.

Chapter 3.3 of the Draft EIR does not identify existing wildlife movement corridors within the Project site or in the area of offsite improvements. The Draft EIR only discloses a known corridor at the US 50 undercrossing, but does not evaluate the Project site for any wildlife movement corridors and, without any substantiation, assumes that retaining riparian corridors would allow for species movement and because large areas of oak woodland would remain intact, those would be adequate for wildlife movement. The Draft EIR does not even attempt to evaluate the Project site to identify the location of wildlife movement corridors that may be present. Impact BIO-15 erroneously relies on the lack of designated important biological corridors or preserves in determining the significance of the impact, rather than studying the Project site to assess whether it serves as a local wildlife movement corridor or corridors and whether the development proposed on the Project would affect such corridors. As previously described, there are limited comprehensive studies for the Project site so there is the potential for not-yet-documented biological resources, including habitat for special-status species and wildlife movement corridors, to be present on the Project site. This must be studied as part of a comprehensive biological resources assessment for the Project site.

While the study area for biological resources described on page 3.3-10 identifies off-site improvements, many of these improvements have not been included in the analysis for presence of special-status species, sensitive habitats, and wildlife migration corridors. Figures 3.3-1 and 3.3-2 only depict a limited portion of the off-site improvements. The existing setting and related analysis for biological resources does not address existing conditions and the impacts resulting from the Project in relation to the water, wastewater, and dry utilities improvements that are described in Chapter 2, Project Description, of the Draft EIR. Further, the transportation improvements discussed in Chapter 3.3 do not reflect the full list of off-site transportation improvements that are included in the Project Description of the Draft EIR, resulting in an incomplete analysis of impacts related to off-site transportation improvements.

The discussion on pages 3.3-14 and 3.3-15 clearly state that although details of some off-site improvements are provided in Section 2.3, Project Overview, the Project's off-site alignments and improvements were not included in the vegetation community surveys or the protocol-level wildlife species and blooming-period special-status plant surveys conducted for the Project. The Draft EIR is deficient as it has not established existing conditions in areas that are proposed to be developed or disturbed as part of the Project. The Draft EIR does not clearly describe which improvements have been studied and analyzed and which known improvements have been deferred to be analyzed until some time in the future. The deferral of a complete analysis of all aspects of the Project, including off-site improvements, results in a Draft EIR that is inadequate

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and does not provide the reader of the Draft EIR an understanding of impacts to biological resources in areas affected by the alignments that the County opted to not address in the Draft EIR.

In order to fully disclose the potential of the Project to have impacts on biological resources, the existing conditions of all aspects of the Project, including areas identified for off-site improvements must be considered and analyzed. The Draft EIR improperly defers analysis and mitigation of these known off-site improvements. This is not an issue solely related to biological resources – a complete description of the off-site improvements is lacking from the Project Description and the Draft EIR sections do not fully analyze the full extent of the off-site improvements, but rather analyze a select number of improvements and generally separate analysis of the off-site improvements from the analysis associated with the Project, resulting in a bifurcated analysis that minimizes impacts and makes it difficult for the reader to understand the full extent of the Project and the potential for all aspects of the Project to result in potentially significant impacts under CEQA.

Without a complete identification of the existing setting and potential for special-status species, sensitive natural communities, native resident species, migratory fish or wildlife species, established native resident or migratory wildlife corridors, and native wildlife nursery sites for all species known to occur in the region, the impact analysis provided under Impacts BIO-1 through BIO-32 is inadequate. Additional analysis is necessary to determine the full extent of the Project to have a significant impact on biological resources. Recirculation of the Draft EIR is warranted to analyze impacts on all special-status species and all species and habitat addressed under the thresholds of significance identified on pages 3.3-35, including those species and habitats identified in Table 1 as those species pertain to special-status species, sensitive natural communities, native resident species, migratory fish or wildlife species, established native resident or migratory wildlife corridors, and native wildlife nursery sites, to afford the public an opportunity to comment on impacts to these resources and potential mitigation measures.

Impact BIO-15 identifies that the potential to interfere with the movement of resident or migratory wildlife is less than significant with mitigation. However, the discussion fails to identify the extent to which species may use the site as a wildlife corridor. The discussion also indicates that extensive undeveloped lands are present to the west, east, and south of the Project, but fails to address that lands to the east and west are planned for development, significantly reducing the potential for wildlife to move freely throughout the Project site and area.

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**Table 1: Species and Terrestrial Communities Identified through a Nine-Quad Search (Clarksville as center quad)**

Element Type	Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Name
Animals - Amphibians	Batrachoseps diabolicus	Hell Hollow slender salamander	None	None	-	-	CLARKSVILLE
Animals - Amphibians	Batrachoseps diabolicus	Hell Hollow slender salamander	None	None	-	-	FOLSOM SE
Animals - Arachnids	Banksula californica	Alabaster Cave harvestman	None	None	-	-	PILOT HILL
Animals - Birds	Accipiter cooperii	Coopers hawk	None	None	WL	-	FOLSOM
Animals - Birds	Accipiter cooperii	Coopers hawk	None	None	WL	-	BUFFALO CREEK
Animals - Birds	Buteo regalis	ferruginous hawk	None	None	WL	-	BUFFALO CREEK
Animals - Birds	Buteo regalis	ferruginous hawk	None	None	WL	-	FOLSOM SE
Animals - Birds	Circus hudsonius	northern harrier	None	None	SSC	-	BUFFALO CREEK
Animals - Birds	Eremophila alpestris actia	California horned lark	None	None	WL	-	CLARKSVILLE
Animals - Birds	Ardea alba	great egret	None	None	-	-	CLARKSVILLE
Animals - Birds	Ardea alba	great egret	None	None	-	-	FOLSOM
Animals - Birds	Ardea herodias	great blue heron	None	None	-	-	CLARKSVILLE
Animals - Birds	Ardea herodias	great blue heron	None	None	-	-	FOLSOM
Animals - Birds	Ardea herodias	great blue heron	None	None	-	-	PILOT HILL
Animals - Birds	Ardea herodias	great blue heron	None	None	-	-	ROCKLIN
Animals - Birds	Ardea herodias	great blue heron	None	None	-	-	LATROBE
Animals - Birds	Coccyzus americanus occidentalis	western yellow-billed cuckoo	Threatened	Endangered	-	-	CLARKSVILLE
Animals - Birds	Falco columbarius	merlin	None	None	WL	-	FOLSOM
Animals - Birds	Falco columbarius	merlin	None	None	WL	-	FOLSOM SE
Animals - Birds	Falco columbarius	merlin	None	None	WL	-	BUFFALO CREEK



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**Table 1: Species and Terrestrial Communities Identified through a Nine-Quad Search (Clarksville as center quad)**

Element Type	Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Name
Animals - Birds	Falco mexicanus	prairie falcon	None	None	WL	-	FOLSOM SE
Animals - Birds	Spinus lawrencei	Lawrences goldfinch	None	None	-	-	BUFFALO CREEK
Animals - Birds	Spinus lawrencei	Lawrences goldfinch	None	None	-	-	FOLSOM
Animals - Birds	Progne subis	purple martin	None	None	SSC	-	ROCKLIN
Animals - Birds	Icteria virens	yellow-breasted chat	None	None	SSC	-	PILOT HILL
Animals - Birds	Icteria virens	yellow-breasted chat	None	None	SSC	-	FOLSOM
Animals - Birds	Pandion haliaetus	osprey	None	None	WL	-	ROCKLIN
Animals - Birds	Nannopterum auritum	double-crested cormorant	None	None	WL	-	FOLSOM
Animals - Birds	Melanerpes lewis	Lewis woodpecker	None	None	-	-	FOLSOM SE
Animals - Birds	Asio otus	long-eared owl	None	None	SSC	-	FOLSOM
Animals - Birds	Asio otus	long-eared owl	None	None	SSC	-	BUFFALO CREEK
Animals - Crustaceans	Calasellus californicus	An isopod	None	None	-	-	PILOT HILL
Animals - Crustaceans	Branchinecta mesovallensis	midvalley fairy shrimp	None	None	-	-	BUFFALO CREEK
Animals - Crustaceans	Linderiella occidentalis	California linderiella	None	None	-	-	BUFFALO CREEK
Animals - Crustaceans	Linderiella occidentalis	California linderiella	None	None	-	-	FOLSOM
Animals - Crustaceans	Linderiella occidentalis	California linderiella	None	None	-	-	ROCKLIN
Animals - Crustaceans	Dumontia oregonensis	hairy water flea	None	None	-	-	BUFFALO CREEK
Animals - Insects	Andrena blennospermatis	Blennosperma vernal pool andrenid bee	None	None	-	-	CLARKSVILLE
Animals - Insects	Bombus crotchii	Crotchs bumble bee	None	Candidate Endangered	-	-	PILOT HILL
Animals - Insects	Bombus crotchii	Crotchs bumble bee	None	Candidate Endangered	-	-	BUFFALO CREEK

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**Table 1: Species and Terrestrial Communities Identified through a Nine-Quad Search (Clarksville as center quad)**

Element Type	Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Name
Animals - Insects	Bombus occidentalis	western bumble bee	None	Candidate Endangered	-	-	COLOMA
Animals - Insects	Bombus occidentalis	western bumble bee	None	Candidate Endangered	-	-	PILOT HILL
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	PILOT HILL
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	ROCKLIN
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	COLOMA
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	FOLSOM
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	FOLSOM SE
Animals - Insects	Hydrochara rickseckeri	Rickseckers water scavenger beetle	None	None	-	-	CLARKSVILLE
Animals - Insects	Hydrochara rickseckeri	Rickseckers water scavenger beetle	None	None	-	-	BUFFALO CREEK
Animals - Insects	Cosumnoperla hypocrena	Cosumnes stripetail	None	None	-	-	COLOMA
Animals - Insects	Cosumnoperla hypocrena	Cosumnes stripetail	None	None	-	-	PILOT HILL
Animals - Mammals	Erethizon dorsatum	North American porcupine	None	None	-	-	CLARKSVILLE
Animals - Mammals	Erethizon dorsatum	North American porcupine	None	None	-	-	LATROBE
Animals - Mammals	Dipodomys heermanni heermanni	Heermanns kangaroo rat	None	None	-	-	SHINGLE SPRINGS
Animals - Mammals	Myotis yumanensis	Yuma myotis	None	None	-	-	FOLSOM
Animals - Reptiles	Phrynosoma blainvillii	coast horned lizard	None	None	SSC	-	SHINGLE SPRINGS
Animals - Reptiles	Phrynosoma blainvillii	coast horned lizard	None	None	SSC	-	FOLSOM

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**Table 1: Species and Terrestrial Communities Identified through a Nine-Quad Search (Clarksville as center quad)**

Element Type	Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Name
Community - Aquatic	Central Valley Drainage Hardhead/Squawfish Stream	Central Valley Drainage Hardhead/Squawfish Stream	None	None	-	-	LATROBE
Community - Terrestrial	Northern Hardpan Vernal Pool	Northern Hardpan Vernal Pool	None	None	-	-	BUFFALO CREEK
Community - Terrestrial	Northern Hardpan Vernal Pool	Northern Hardpan Vernal Pool	None	None	-	-	FOLSOM
Community - Terrestrial	Northern Volcanic Mud Flow Vernal Pool	Northern Volcanic Mud Flow Vernal Pool	None	None	-	-	FOLSOM
Community - Terrestrial	Northern Volcanic Mud Flow Vernal Pool	Northern Volcanic Mud Flow Vernal Pool	None	None	-	-	ROCKLIN
Community - Terrestrial	Valley Needlegrass Grassland	Valley Needlegrass Grassland	None	None	-	-	FOLSOM
Plants - Vascular	Calycadenia spicata	spicate calycadenia	None	None	-	1B.3	FOLSOM
Plants - Vascular	Calycadenia spicata	spicate calycadenia	None	None	-	1B.3	CLARKSVILLE
Plants - Vascular	Calycadenia spicata	spicate calycadenia	None	None	-	1B.3	BUFFALO CREEK

Source: California Department of Fish and Wildlife Biogeographic Information and Observation System 6 Viewer, accessed 6/13/2024

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## 8. Greenhouse Gas Emissions

Due to the lack of a complete Project description and construction phasing schedule, the analysis of greenhouse gas emissions does not address all aspects of the proposed Project. The greenhouse gas modeling must be updated to address all aspects of the proposed Project in order to provide adequate disclosure of GGH impacts for Project construction (Table 3.6-4) and Project operation (Table 3.6-5). Operational impacts must address operation and maintenance of off-site improvements associated with the Project in addition to onsite improvements in order to address the full extent of the Project (this holds true for all operational impacts including air quality, noise, and traffic).

The mitigation provided for greenhouse gas emissions neglects to address areas where the proposed Project is inconsistent with the 2022 Scoping Plan as discussed on Table 3.6-7. To reduce impacts associated with inconsistencies with the 2022 Scoping Plan, mitigation measures should be analyzed and considered that: 1) provide electric vehicle charging infrastructure that meets the most ambitious voluntary standards of the California Green Building Standards Code, 2) that minimizes permanent losses of natural lands, and 3) deed-restrict at least 20% of the units to be affordable to lower-income residents. These measures would address consistency with the 2022 Scoping Plan and reduce GHG impacts addressed under Impact GHG-1. The Draft EIR does discuss affordable housing, but indicates that the Project design does not support the affordable housing designation – however, mitigation can be considered that would revise the Project design to include an affordable component. Just because the Project does not include a component does not mean that the Project should not be revised through the CEQA process to eliminate or reduce impacts.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

Further, Mitigation Measures GHG-1 and GHG-2 do not establish performance-based standards and implementation components to ensure that the measures are fully carried out. The measures include nebulous components that do not include specific requirements that can be quantified or measured to ensure that the measure is implemented and actually achieves GHG reductions. Some of the nebulous language includes: “minimize the amount of concrete,” “reduce electricity use,” “encourage and provide carpools.” In other words, Measure GHG-1 identifies that the Project applicant will encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction-worker commutes. Compliance with this could be achieved by providing two transit passes or a single bicycle parking space – these are not significant actions and would have no discernible reduction in impact for an 18-year construction project. The measure should include a description of how this will be coordinated, the number of shuttle vans that will be provided per phase and how each shuttle van’s route will be determined to maximize opportunities for workers to use the shuttle, and the percentage of construction workers that will

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use the alternative methods of transportation (how many construction workers are anticipated to bicycle to the site or use transit). This same type of revision should be made to each of the open-ended, non-quantified components of Measures GHG-1 and GHG-2. Measure GHG-2 identifies the reduction commitment needed to achieve a no-net increase in Project-related GHG emissions, but does not commit the Project to any specific level of reduction, either as a percentage or total amount of emissions. The measure also states that strategies that could be used in formulating the greenhouse gas reduction plan are summarized in the measure, meaning that the measure does not include any specific requirements, except that there will be a limited number of revisions to VMVSP policies. The measure must include quantifiable standards and specify the approach the Project will follow to achieve the required reductions. The measure should also require review and approval by the Air District and County of any updated emissions analysis to ensure that the updated analysis considered under GHG-2 is accurate and reflects the full extent of the Project, including all on-site and off-site Project components.

## 9. Geology, Soils, Minerals, and Paleontological Resources

### A. Environmental Impacts

#### Impact GEO-7

Impact GEO-7 identifies the potential for people to fall in or become trapped in two quarry pits, two offsite mines, and other documented and undocumented mine features, including shafts, large vents, and adits open to the surface, which could be located on the Project site. The impact is determined to be significant and unavoidable. The mitigation identified for this impact is inadequate. Human health and safety, including for construction workers as well as future residents and users of the site, should be paramount and not an afterthought. The impact analysis does not address the potential for ground failure due to operating heavy equipment in areas with potentially unstable mine features.

The mitigation provided is reactive – if these features are identified during construction, then the feature shall be flagged and fenced and closed or sealed if the feature is a hazard (Mitigation Measure GEO-7a) and the homeowners association will develop a mechanism to report findings of these features (Mitigation Measure GEO-7b). Mitigation Measure GEO-7a puts construction workers at risk by not identifying potential hazards prior to the start of construction. This impact should be revised to include a mitigation measure requiring that each phase be surveyed prior to the start of construction to identify and flag any shafts, vents, adits, caves, voids, or other features associated with prior quarrying and mining activities on the Project site, to assess such features, and to seal off any hazardous features prior to the start of construction of each phase.

Mitigation Measure GEO-7a must also include specific steps to be followed in the event that features are discovered after Project construction – the measure currently requires that the feature be closed, but it does not provide any mechanism for a homeowner, business owner, or

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other user of the Project site to report the feature and does not establish the entity responsible for obtaining a qualified engineer to assess the feature and to close the feature if necessary.

Mitigation Measure GEO-7b should be revised to include specific steps to assess and close features located following Project construction and should include reporting any finds to the County as well as the California Department of Conservation Division of Mines and Geology. Further, Mitigation Measure GEO-7b only addresses residential uses by placing the responsibility for addressing previously unidentified features on the Marble Valley Homeowners Association – this measure needs to be expanded to ensure that the future businesses, schools, parks, and agricultural uses also have an entity to report finds to that will address evaluating and closing the feature.

Mitigation Measures GEO-7a and GEO-7b as well as any new mitigation measures must also address the potential for special-status species to be present in the mining features, including assessment by a qualified biologist and appropriate steps if any species are found (see CEQA Guidelines Section 15126.4(a)(1)(D)). The California Department of Mines and Geology Abandoned Mines Land Unit web page states: “While abandoned mines are dangerous to people, they have become important habitat for wildlife, including bats, tortoises, owls and snakes. Many of the sensitive and endangered species that use the mines perform critical ecological functions including pest control and crop pollination.” ([https://www.conservation.ca.gov/dmr/abandoned\\_mine\\_lands](https://www.conservation.ca.gov/dmr/abandoned_mine_lands))

## 10. Hazards

### A. Environmental Setting

The discussion of existing fire-related hazards does not define fire hazard severity zones, does not describe the types present on the Project site, does not address the extent and location of the different fire hazard severity zones present on the site (the Draft EIR just indicates that CAL FIRE has designated the Project site as being within either a very high fire hazard severity zone or high fire hazard severity zone (p. 3.7-11), identifies that wildland urban interface fires require immediate protective measures and a rapid response but does not define or identify wildland urban interfaces in the vicinity of the Project, address the extent of the different fire hazard severity zones present on the site of the Project.

### B. Environmental Impacts

#### Impact HAZ-7

Impact HAZ-7 does not address specific adopted emergency response and evacuation plans adopted by the County and does not analyze whether the Project would impair implementation of the plans. The Project’s potential to impair or conflict with emergency response and evacuation plans, including, but not limited to, the El Dorado County Emergency Operations Plan, El Dorado County Local Hazard Mitigation Plan, El Dorado Irrigation District Local Hazard Mitigation Plan, and the General Plan Safety Element, must be analyzed.

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## Impact HAZ-8

The Draft EIR does not present an analysis of impacts based on known fire hazard characteristics of the site and region. As previously described, the Environmental Setting for the Hazards section of the Draft EIR is deficient and lacks information regarding fire hazard severity zones and wildland urban interfaces. Without this information, the Draft EIR analysis does not provide the public with an understanding of current conditions and fire hazards associated with the site nor how the Project may result in the potential for increased fire hazards.

The Draft EIR does not address nor mitigate risks associated with construction of the Project. Construction activities, such as operation of equipment that may cause sparks, that could increase wildfire risks must be disclosed and, where necessary, mitigation must be addressed.

The analysis does not address wildland urban interface areas that would be created or modified by the Project, despite identifying that wildland urban interface fire incidents require immediate protective measures and a rapid response by local fire agencies and CAL FIRE to minimize the risk to lives and properties in the Project area (p. 3.7-10).

The analysis identifies 11 risk reduction measures (a bulleted summary list on pages 3.7-21 and 3.7-22) included in the VMVSP. However, the risk reduction measures are not identified in the VMVSP document and are not demonstrated to be a part of the Project. The finding that Impact HAZ-8 would be less than significant with mitigation relies on VMVSP measures that cannot be confirmed and adequate detail regarding the specific requirements and implementation timing is not available. A search of the VMVSP for terms related to the measures, including risk reduction, buffer zones (referenced in fifth bullet point), interface, and yielded no results related to policies or other measures that would be required of the Project. The analysis does not demonstrate that measures would be implemented that would reduce wildfire risks associated with development and operation of the Project to surrounding residents, uses, and lands.

Impact HAZ-8 identifies that there are five emergency vehicle access (EVAs) points on p. 3.7-23 but does not identify where these five EVAs are or which roadways they will connect to. It appears that some of these EVAs, such as Deer Creek Road, do not access public rights-of-way but generally abut private property. The Draft EIR fails to address how the EVAs will function, whether they are adequate in both design and capacity to provide access to and from the Project site in the event of an emergency, and whether any private entities that control the roadways affected by the EVAs have provided the Project applicant with the right to access private land. The Draft EIR also fails to address the impact that use of the EVAs will have on existing residents and users of the EVA routes. The Project must be revised to identify feasible EVAs and to analyze the impact on the existing environment related to the EVAs. Further, the Draft EIR is internally inconsistent regarding EVAs. On page 3.7-23, it identifies five EVAs, on page 3.14-18 only one EVA point is identified with the potential for a second EVA, and Figure 2-7 only identifies one EVA.

The only mitigation identified for the Project is the preparation of a wildfire safety plan, with several general requirements identified. The mitigation does not establish any standards to ensure wildfire risks are decreased to an less than significant level, including addressing extent of fuel management, timing of fuel management, that adequate water sources and adequate water

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pressure are available to serve the Project AND existing users in the event of a wildfire, and how the plan will be implemented.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts. Mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

At a minimum, the Draft EIR must address the environmental impacts of construction and operation of the Project, including establishment of buffer zones, maintenance of wildland areas to reduce wildfire risks, evacuation, feasible EVAs, and identify and consider mitigation that would a manner that allows for review of the language of the actual measures in the VMVSP.

### Impact HAZ-9

Impact HAZ-9 only addresses limited off-site infrastructure and improvements and neither the impact nor the Environmental Setting portion of the Draft EIR Hazards and Hazardous Materials section addresses the existing conditions related to the full extent of off-site infrastructure and improvements in terms of identifying existing hazardous conditions, fire hazard severity zones, wildland urban interface conditions, location of known asbestos-containing materials as related to the location of the off-site improvements. The analysis of the environmental impact that the construction and operation of the off-site improvements is conclusory without describing the effect that the improvements would have on existing conditions (as previously stated existing conditions related to the off-site improvements are not clearly identified in the environmental setting). As previously described, the off-site improvements are part of the Project and must be analyzed as part of the Project and not addressed separately in a manner that downplays the potential for impact through conclusory statements unsupported by evidence. The analysis provided for the off-site impacts is cursory and does not examine the potential for the offsite improvement to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, particularly where off-site improvements may disrupt use of local roads used as potential evacuation routes, nor are wildfire risks, including the potential for the improvements to people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires; due to slope, prevailing winds, and other factors, exacerbate wildfire risks; require the installation or maintenance of associated infrastructure that may exacerbate fire risk; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes, actually analyzed.



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## 11. Hydrology

### A. Environmental Impacts

#### Impact WQ-2

While the EIR admits that components of the Project such as roads and houses would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge, it does not identify the extent to which new impervious surfaces could be developed as part of the Project and the extent of the potential impact. The Draft EIR states that the Project area is underlain by bedrock and that the net change in groundwater recharge potential would be limited. The Draft EIR also indicates that the Marble and Deer Creek floodplain are likely to have the greatest potential for recharge of the groundwater aquifer, and this area would remain designated open space under the VMVSP, citing the VMVSP document “Marble Valley Company, LLC, 2023” – however, the VMVSP document does not address recharge and does not support this claim. While the Draft EIR also references a study by Youngdahl Consulting Group in 2012, the Draft EIR does not: include the study as an appendix, summarize the details of the study, identify areas on the site tested for recharge capacity, nor provide a detailed description of the ground and soil characteristics of the Project area (including on-site and off-site improvements) as related to groundwater recharge. The Project site is partially underlain by limestone deposits – it is the site of two former limestone quarries as described on Draft EIR pages 2-2, 2-, 2-9, 3.3-10, 3.5-9, 3.5-10, 3.5-17, 5-13, etc., may have limestone underlying other rock units (page 3.5-10), and has limestone outcroppings as described in the Draft EIR. Limestone rock aquifers are known to be productive, so the Project site must be evaluated to address where development would occur in relation to limestone deposits. Further, the past mining activity on the Project site may have created tunnels, caves, shafts, and other openings that contribute to groundwater recharge.

The impact analysis is not based on actual evidence but rather a cursory description of existing conditions and limited analysis, leading to an unsubstantiated claim of a less than significant impact. The Draft EIR must be revised and recirculated to actually analyze the effects of developing the Project site with the amount of impervious surface [the Draft EIR does not identify the actual acreage of impervious surface] that would occur with the Project and how the impervious surfaces relate to the recharge characteristics of the geologic units and soils present on the Project site. The Draft EIR does not identify any comparison of groundwater recharge rates that occur in the varied areas of the VMVSP site, both with and without the Project.

## 12. Noise

### A. Environmental Impacts

#### Impact NOI-1

The Project would result in 18-19 years of construction. The Draft EIR identifies that noise levels associated with construction would expose residences and sensitive land uses in the vicinity of the Project area to significant and unavoidable noise impacts. On pages 3.10-3 and 3.10-4 of the

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Draft EIR, it discusses human response to noise, including performance interference (detrimental effects on information processing, concentration, accuracy, reaction times, and academic performance) and annoyance (annoyance, nuisance, and dissatisfaction from differences in individual sensitivity and habituation to sound).

The Project is in a generally quiet area, with a mean measured sound level of 42 dBA Leq based on the four short-term measurements summarized in Table 3.10-10. The construction analysis identifies that noise levels associated with Project construction activities will be much higher than the construction noise levels allowed under the General Plan for residential uses and rural lands, as identified in Draft EIR Table 3.10-7 and Table 3.10-9. The Draft EIR identifies that existing sensitive receptors would experience a noticeable and substantial increase in ambient noise levels during the construction activities.

Mitigation Measure NOI-1a includes a number of noise control measures, including prohibiting noise-generating construction activities between 7:00 p.m. and 7:00 a.m. on weekdays and 5:00 pm to 8:00 a.m. on weekends and federally recognized holidays. This means excessive construction noise can occur daily for an 18-19-year period. This measure is not adequate to address the potential adverse effects on the increased noise associated with Project construction. Given the extensive time frame for Project construction, the Draft EIR should address mitigation that would reduce the days and times when construction is permitted to Monday through Friday from 8:00 a.m. to 5:00 p.m. and not allow construction on weekends or holidays. "Compliance with a general plan in and of itself "does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects." (*City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1332, 232 Cal.Rptr. 507.) A project's effects can be significant even if "they are not greater than those deemed acceptable in a general plan." (*Gentry*, supra, 36 Cal.App.4th at p. 1416, 43 Cal.Rptr.2d 170 ; also *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732, 187 Cal.Rptr.3d 96" (*E. Sacramento P'ship for a Livable City v. City of Sacramento*, 5 Cal.App.5th 281, 301 (Cal. Ct. App. 2016)) While the VMVSP application of this determination varies from the Livable City case, the question of whether compliance with a General Plan standard (i.e., time of construction) is adequate to reduce the impact remains relevant.

The evaluation of ambient noise levels measured existing noise levels at locations within the Project site (Draft EIR Table 3.10-10 and Figure 3.10-1) but did not measure existing noise levels at residences in the vicinity of the Project that may be affected by Project construction and operation noise. Existing residences and uses that may be exposed to Project noise include the adjacent Cambridge Oaks development and the subdivision located to the south, residences within Cameron Estates, Marble Ridge, Valley View, and East Ridge. The Draft EIR does not establish existing noise levels in these areas nor demonstrate the noise that would occur from operation of the schools, parks, and residential uses, including high density residential uses which may include onsite swimming pools, parks, and other outdoor activity areas that may result in significant noise levels. The Draft EIR has not examined the noise levels associated with these uses, but rather has deferred analysis and mitigation of the impact as part of Mitigation Measure NOI-1b. Mitigation Measure NOI-1b does not address the potential to expose existing sensitive receptors in the Project vicinity to unacceptable levels of noise, but rather solely addresses "new

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noise-sensitive land uses within the project area.” This does not address impacts to existing sensitive receptors. Mitigation must be considered that addresses the potential increase in noise at existing sensitive receptors associated with land uses proposed by the Project and that establishes enforceable standards.

Mitigation Measure NOI-d must ensure that it is enforceable. Mitigation Measure NOI-1d identifies measures that “can” be used to limit noise, but does not commit to specific enforceable actions and does not include a plan to ensure that the mitigation is carried out throughout the operation of all outdoor events with the Project. Mitigation Measure NOI-1d should prohibit the use of amplified sound after 9:00 pm for all uses within the Project and shall require that sound from amplified noise sources not exceed 50 dBA  $L_{eq}$  and 60 dBA  $L_{max}$  between 7:00 a.m. and 7:00 p.m., not exceed 45 dBA  $L_{eq}$  and 55 dBA  $L_{max}$  between 7:00 p.m. and 10:00 p.m., and not produce amplified sound after 10:00 p.m.

## 13. Transportation and Circulation

### A. Existing Setting

The Existing Setting fails to describe the existing roadway system that will serve the Project site, including US 50, Bass Lake Road, Cambridge Road, Deer Creek Road, and Flying C Road and intersections and interchanges that will serve the Project, including US 50/Bass Lake Road, US 50/Cambridge Road, Marble Valley Road/Bass Lake Road intersection, and Cambridge Road/Flying C Road intersection. Rather, the Vehicular Circulation setting provided in Draft EIR Section 3.14 states that, “Under CEQA, vehicle or automobile circulation is addressed in terms of vehicle miles traveled (VMT). This metric focuses impact analysis on those impacts to the environment related to transportation and traffic, as opposed to impact on drivers.” While CEQA has shifted from analyzing transportation impacts based on level of service and roadway congestion in favor of the vehicle miles traveled metric, CEQA has not removed analysis of roadway operations completely. The CEQA Guidelines Appendix G identifies the following thresholds (as identified on p. 3.14-12 of the Draft EIR):

- Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

In order to address the potential for a Project to conflict with the first, third, and fourth bullet points listed above, the existing roadway system must be identified. Conflicts with programs, plans, ordinances, and policies related to roadway safety must be addressed by the Draft EIR. The potential to increase hazards due to a geometric design feature, including how the Project will safely access the existing roadway and intersection, and emergency access must be analyzed by the Draft EIR. The Draft EIR fails to identify the existing environmental setting related to roadways and does not provide the public with an understanding of current roadway conditions. Without

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an understanding of existing conditions, the Draft EIR lacks a basis against which environmental impacts are analyzed and mitigation measures considered.

## B. Environmental Impacts

### Impact TRA-1

This impact addresses the potential for the Project to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. However, no analysis is given to the Project's consistency with programs, plans, ordinances, or policies addressing the roadway system, except to state the following "The proposed project would comply with the TIF Program to help to fund roadway improvement projects and therefore would not conflict with the County General Plan policies addressing vehicle circulation. The project will comply with General Plan Goal TC-X and its implementing Policies TC-Xf and TC-Xh." There is no discussion under Impact TRA-1 of the requirements of the TIF Program and General Plan policies nor is any analysis or evidence provided demonstrating how the Project will comply with programs, plans, ordinances, and policies addressing the roadway circulation system. The conclusory statements regarding compliance with the General Plan are not based on any analysis.

In fact, the Draft EIR Project Description does not commit to providing General Plan Policy TC-Xf improvements; rather it lists improvements that 'could' be required on p. 2.-12 of the Draft EIR. The potential to require improvements is not the same as demonstrating that the Project will comply with applicable County General Plan policies. Further, the TC-Xf improvements are not identified in the VMVSP document and are not demonstrated to actually be a part of the Project.

Apart from conclusory statements made regarding consistency with the TIF Program and General Plan Policy TC-XF, Impact TRA-1 fails to address other applicable programs, policies, and ordinances. For example, General Plan Policy TC-1 establishes minimum spacing requirements for intersections and level of access from adjacent properties in order to provide safe, efficient roads. Policy TC-1w requires that new streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety. The Draft EIR fails to address whether the Project would result in unsafe conditions for affected roadways and intersections. The Draft EIR does not even establish which roadways and intersections exist in the vicinity of the Project, as described above in Section 13.A. of this letter.

For example, the majority of VMVSP traffic accessing the Project site through the eastern Marble Valley Parkway entrance will use the existing Cambridge Road/Flying C Road intersection. However, the Project does not identify an extension of the proposed Marble Valley Parkway to the Cambridge Road/Flying C Road intersection – rather the proposed Marble Valley Parkway is shown to end at the border of the Project site (Figure 2-7) with no identification of how it will connect to Cambridge Road/Flying C Road or what type of improvements will be made to the intersection to ensure safe operations for existing and future users of the intersection.

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## Impact TRA-2

The VMT analysis does not take into account the full extent of the Project, including construction and operation of all off-site improvements, including operation and maintenance of the water treatment plant, water lines, wastewater lines, water pressure facilities, and stormwater conveyance/detention/retention facilities, that will be necessary to serve the Project (see comments on the Project Description), does not take into account trips generated by ADUs, JADUs, and SB 9 units that may be built as part of the Project, nor does it address trips generated by the event center, vineyard maintenance (regular worker trips to maintain the vineyard and seasonal employee trips to pick grapes), visitor's center for the vineyards, winemaking facilities, nor does it address trips that will be needed to manage the open space areas to maintain trees, brush and weeds in order to provide wildfire fuel management.

The VMT analysis is misleading. The VMT analysis on pages 3.14-15 through 3.14-18 of the Draft EIR as well as the VMT analysis on pages 15 through 17 of Appendix K uses a smaller undefined area (Project Area) to calculate the Baseline plus Project conditions in Tables 5, 6, and 7 and compares this smaller "Project Area" VMT to the unincorporated County as a whole. There is no definition of the "Project Area". While there is a discussion of a "study area", there is no map that defines the boundaries of the study area nor any discussion that establishes that the study area will reflect the full extent of VMT generated by the Project. Further, VMT from the Project will affect a larger area, as Project residents and users will likely travel to Folsom, Placerville, and areas beyond. By only evaluating the change to the undefined "Project Area", the analysis of the Project's change in VMT does not address the full extent of VMT that would be generated by the Project. The VMT associated with Project residential and non-residential trips to locations outside of the Project Area, such as trips to Folsom, Placerville, and other destinations in the region, is not disclosed. Tables 5, 6, 7, and 8 of the Transportation Impact Analysis must be revised to reflect the full VMT from the Project and to provide a clear comparison between Baseline and Baseline plus Project Conditions for the region, to capture all Project-related VMT, in addition to identifying the actual baseline conditions for the Project Area in order for the reader to have an understanding of the Project's impacts to VMT at the regional level as well as the local level.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

The mitigation identified is not adequate. The mitigation measures must ensure that the uses that are mitigating the VMT impact of the residential uses are actually constructed to ensure that the use is less than significant with mitigation. If the residential units that would cause the significant impact are completed in advance of the commercial retail development anticipated under Mitigation Measure TRA-2, the impact would be significant and would not be mitigated. In order to ensure that this impact is reduced to significant and unavoidable, Mitigation Measure TRA-2 must limit construction of the number of residential units to the amount that would be accommodated as a less than significant impact until such time that the commercial retail land use is developed and occupied.

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### Impact TRA-3

Impact TRA-3 addresses the potential for the Project to substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). However, the impact analysis only relates to roadway features located within the Project site. As previously described, the Project Description does not address how the Project will gain access to existing roads and how the roadway improvements to provide access to Bass Lake Road and Cambridge Road/Flying C Road.

The impact analysis must address the design of the Project, including the Project's intersections with existing roads, such as the Cambridge Road/Flying C Road intersection, and whether the proposed roads, intersections, and emergency vehicle access roads that will serve the Project, including improvements on-site and offsite, could result in a substantial increase in hazards. If the Project would result in hazards, mitigation must be considered.

## 14. Public Services and Utilities

### A. Environmental Setting – Water Supply, Demand, and Conservation

#### Water Supply

The description of the El Dorado Irrigation District (EID) water supplies on Draft EIR pages 3.12-17 through 3.12-23 describes existing supplies and planned supplies. There is no discussion of EID's current facilities to divert its existing water supplies in order to treat the water for domestic use and distribute the water to its customers and the existing capacity, current demand, and planned capacity of such facilities.

#### Missing Description of Existing Conditions for Water Treatment Facilities

The discussion of the EID's water supply, demand, and conservation related to the potable water supply on Draft EIR pages 3.12-17 through 3.12-23 in the Public Services and Utilities section does not include any description of existing conditions related to water treatment. Water treatment is a necessary step that must occur prior to the raw water supply being delivered to end customers in order to ensure that the water meets California's drinking water standards. There is no description of:

1. existing water storage facilities (treated water and untreated water),
2. existing water treatment facilities,
  - a. total treatment capacity of existing facilities,
  - b. daily water treatment demand,
  - c. projected demand from total development associated with the County General Plan and approved and pending Projects, and
  - d. remaining capacity taking into account demand to serve planned development.

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3. existing water transmission lines to connect the water supply to water treatment facilities and the capacity of such lines, including existing capacity and capacity needed to serve future development,
4. existing potable water transmission lines to connect water treatment facilities to water storage and end users of the system and the capacity of such lines, including existing capacity and capacity needed to serve future development, and
5. system facilities needed to maintain pressure and the existing capacity and capacity needed to serve future development.

There is no discussion of California's water quality standards and treatment necessary to meet water quality standards for EID water.

There is no discussion of future facilities, including the size and capacity of such facilities that have been planned and evaluated, including completion of CEQA documentation, to ensure water is treated to meet State standards prior to being conveyed to EID's water users.

### Summary

The water supply, demand, and conservation discussion must be expanded to establish the existing conditions related to water conveyance and water treatment in order for the reader of the Draft EIR to understand the basis for potential environmental impacts related to the need to expand or construct water supply, conveyance/transmission, pressurization, and treatment facilities to serve the Project and to consider mitigation measures to address such impacts.

## B. Environmental Impacts

### Impact PSU-3

#### Water Supply and Demand

On page 3.12-52 and 3.12-53, the Draft EIR discusses the total estimated water demands of the Project and other existing and planned future uses. Table 3.12-12 does not take into account existing and planned future uses associated with projects that have requested a General Plan Amendment or other projects that have increased density beyond that planned in the General Plan since 2013. Due to the extensive lapse in time between the Notice of Preparation and the Draft EIR, it is necessary to identify the full extent of demand on the EID system in order to understand which water supply, treatment, and transmission facilities are needed to serve current users and approved and planned future demand.

Table 3.12-12, which may understate demand as it does not address current conditions and recent projects, is not consistent with the demands shown in Table 3.12-13. Table 3.12-12 identifies a total water demand of 57,874 acre-feet per year (AFY) in Year 20 and a total water demand of 67,295 AFY in Year 25 for the Project. However, Table 3.12-13 only anticipates a total demand of 43,320 AFY in a normal dry year condition in 2045, which is 23,975 AFY less than the total system demand identified for Year 25 in Table 3.12-12. This is also true for the single dry year and multiple dry year scenarios identified in Table 3.12-13. If the Project demand plus existing and planned demands at buildout (67,295 AFY in Year 25 (which equates to 2038 since Table 3-12 is based on a start year of 2013) are used to identify the 2040 demand in Table 3.12-13, the demand

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would exceed the supply in the single dry year condition (67,295 AFY demand versus 67,100 SFY supply) and in all multiple dry year conditions (67,295 AFY demand versus 56,600 to 63,400 SFY in supply). Tables 3.12 and 3.12-13 must be revised to be consistent and Table 3.12-13 must address demand for full buildout of the Project. The discussion in the text must address the actual demand projected and any discrepancies between the projected demand used for the Project and for the EID Urban Water Management Plan.

On page 3.12-54, the discussion currently refers to the Water Supply Assessment (WSA) revalidation memo, but the memo does not address the discrepancy between the Project demand and projected EID supply and demand for normal and dry year conditions. The memo also does not address that there a number of projects in the region not accounted for in the Urban Water Management Plan or WSA, including the SB 330 Bass Lake Family Apartments (126 dwelling units), Community for Health and Independence (approximately 4,000 dwelling units in El Dorado Hills plus schools and commercial uses), Cameron Meadows, Country Club Apartments, Dorado Oaks, East Ridge, Generations (project is identified in UWMP but does not have units assigned), El Dorado Hills Specific Plan Mixed Use Revision, Montano Master Plan Mixed Use Proposal, Town and Country Village El Dorado, Carson Creek Village, Carson Creek R&D Project, Creekside Village, and other projects listed on the County's website. The County's website has an interactive map of proposed and approved projects, but does not have a table identifying the status of the individual projects so it is difficult to determine the status and total number of residential units and amount of non-residential development that must be considered.

The WSA does not take into account ADUs, JADUs, and SB 9 units that may be built as part of the Project nor does it address water demands of the event center, visitor's center for the vineyards, nor any winemaking facilities.

It appears that the phasing of the Project (25 years) considered in Table 3.12-12 is different from the construction timing for the Project identified in the Project Description, Air Quality, Noise, and Transportation sections of the Draft EIR, which anticipate 18 to 19 years.

### Water Treatment

As previously described, there is no establishment of baseline conditions related to water treatment facilities in the environmental setting section of the Public Services and Utilities section of the Draft EIR.

Impact PSU-3 identifies that a new 44-mgd water treatment plant (WTP) will be needed to serve the Project and identifies that transmission mains will need to be constructed for the new WTP. The Draft EIR analysis does not identify the capacity of the existing facilities and does not address whether the remaining capacity of existing WTP facilities is reserved for other approved or planned projects. The impact analysis identifies that 1,544 residential units in the Project could be accommodated by interim potable water improvements – there is no discussion of what these improvements would be and what existing WTP the Project would connect to.



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Although the new WTP is necessary to serve the Project, there is no evaluation of the environmental impacts associated with the construction and operation of the new WTP. The new WTP is not addressed in the off-site improvements.

### Impacts PSU-2, PSU-3, PSU-5 - Off-Site Improvements

There are significant off-site improvements required for wastewater, water, and storm drainage facilities to serve the Project. However, Impacts PSU-2, PSU-3, and PSU-5 do not address the environmental impacts of constructing and operating these facilities.

For example, Impact PSU-2 identifies the Deer Creek wastewater treatment plant (WWTP) will need to be expanded to accommodate the Project and references environmental documentation for the expansion, but does not identify any of the environmental impacts associated with expansion of the WWTP.

Impacts PSU-2, PSU-3, PSU-5, and PSU-5 reference various environmental topics addressed in other chapters of the EIR, but do not provide any description of the environmental impacts, which impacts would be significant, and which impacts would be significant and unavoidable.

Under Impact PSU-2, in the last paragraph on page 3.12-43, the Draft EIR lists chapters where impacts related to off-site improvements are discussed, but does not identify the impacts that would occur. Further, the analysis does not describe how mitigation measures will be applied and enforced for each of the off-site improvements and does not address how the mitigation measures will reduce impacts associated with construction and operation of wastewater treatment facilities will reduce the impact to less than significant. For example, there is no discussion of whether construction activities would result in adverse air quality impacts or exposure of residences or sensitive receptors to construction noise, operational noise, ground vibration, or blasting noise. There is no discussion of biological resources located in the areas proposed for improvements and how the proposed mitigation measures will apply to the Project's off-site improvements.

The above deficiencies also apply to Impacts PSU-3 and PSU-5 in terms of lack of analysis and identification of the environmental effects of the improvements, including construction of new facilities and expansion of existing facilities, which will be necessary to serve the Project.

While there is a list of mitigation measures identified under the discussion of Impacts PSU-2, PSU-3, and PSU-5, there is no description of how these mitigation measures will be applied and enforced for each of the off-site improvements and no analysis of the extent to which the mitigation measures will reduce the impact. In short, there is no evidence provided for the claim that the mitigation measures would reduce impacts to less than significant for Impacts PSU-2, PSU-3, and PSU-5.

### Impact PSU-8

The Project is on a site that is designated for a modest amount of residential units by the General Plan. Development of the Project as proposed would require significantly more energy than envisioned by the General Plan. The Project is not necessary to accommodate regional housing

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needs or growth. The County General Plan Housing Element identifies adequate sites to accommodate housing needs through 2029. The Land Use Element of the General Plan designates additional sites for residential and non-residential development and additional projects have been approved following the 2021-2029 Housing Element. These projects, along with additional sites in the General Plan Land Use Element designated for residential and non-residential growth, provide additional capacity and will be available to meet the County's regional housing needs.

The proposed General Plan Amendment, rezoning, specific plan, and infrastructure plans for the Project would result in growth beyond what planned by the County and would result in extensive on- and off-site improvements. The Project, the related improvements, and the related energy consumption are not consistent with the County's General Plan, which has been adopted to ensure efficient use of resources, including land and energy. Therefore, the energy used by the Project would be wasteful, inefficient, and unnecessary and would result in a significant and unavoidable impact.

## 15. Schools

The Draft EIR fails to address indirect impacts associated with school overcrowding. While the Draft EIR provides data that indicates the El Dorado Union High School District has excess capacity, it does not address that the high school serving the Project site would exceed capacity with addition of Project students. Table 3.12-9 indicates Union Mine High School has a current capacity of 1,485 students, which is 419 students over the 2022/23 enrollment of 1,066; the Project would add 573 students. Students residing at the Project site may be diverted to Ponderosa High School or El Dorado High School.

The EIR fails to discuss, disclose or analyze the environmental impacts, including traffic, air quality, noise, or GHG impacts, that would result from the transport of students to schools located six or more miles from the Project's residential uses, the environmental impacts associated with expansion of the existing schools, or the environmental impacts that would result from the construction of an additional high school nearer the Project site. The additional trips generated by the twice-daily high school trips to transport students, including the additional VMT, was not accounted for in the Project's traffic study, noise study, or air quality study. This represents a flaw in the analysis, and recirculation is required. The Recirculated Draft EIR should include a quantification of the number of students that would be transported to schools that will serve the Project, a breakdown of the percentage that would utilize single-passenger vehicles for these twice-daily trips, the total VMT that would be added to the Project's traffic generation, and the corresponding increases in air pollutants, roadway noise, and GHG emissions. Particularly, the analysis of trip distribution, segment volumes, and intersection volumes in all plus-project traffic analysis scenarios must be revised and recirculated.

## 16. Land Use and Planning

Impact LU-2 fails to analyze the environmental effects of the Project's conflicts with the County General Plan, as adopted. The change in the land use designation and zoning of the Project site

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results in an increase in development capacity that is inconsistent with the General Plan. Impact LU-2 must examine the Project's consistency with County General Plan policies and programs adopted to avoid or reduce an environmental effect. The analysis must address the aspects of the Project and whether those aspects are consistent or inconsistent with the adopted General Plan, including the General Plan's boundaries for community regions. At the time the EIR for VMVSP is considered for certification, the El Dorado Hills Community Region boundary will not have been updated and the EIR would be certified for a project that is not consistent with the community region boundary. The Project does not provide for separation between community regions and existing communities, but rather contributes to the further spread of the El Dorado Hills Community Region, including in areas that do not have existing services, utilities, and transportation infrastructure. The Project does not provide for any transition or separation between the Cameron Park Community Region not between the Project and the existing communities of Cambridge Oaks nor between the Project and the existing community of Cameron Estates.

As part of the adoption of the County General Plan, the County Board of Supervisors adopted mitigation measures, General Plan policies, and General Plan programs that were adopted to avoid or reduce environmental impacts. The Project would conflict with a number of these mitigation measures, policies, and programs. These conflicts must be discussed and disclosed as part of Impact LU-2, which is required to address whether Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Draft EIR p. 3.9-8). Mitigation measures, policies, and programs (numbering of measures, policies, and programs is based on the numbering of such at the time of General Plan adoption) that must be addressed include, but are not limited to, the following requirements:

- General Plan Mitigation Measure 5.1-3(a): Establish General Plan Conformity Review Process for All Development Projects.
- Implementation Measure LU-C: Review projects for General Plan compliance including (1) the effects of the proposed project on biological resources, cultural resources, geology and soils, agriculture, visual, noise, and air quality; (2) the project's compliance with the concurrency requirements of the General Plan pertaining to traffic infrastructure and the availability of water and other services; (3) risks of exposure to hazardous materials and conditions as a result of site development; and (4) a determination as to whether the project is exempt from review under the California Environmental Quality Act.
- 5.1-3(b): Require Development Projects to Be Located and Designed in a Manner That Avoids Adjacent Incompatible Land Uses
  - Policy 2.2.5.21 Development Projects that are potentially incompatible with existing adjoining uses **shall be designed in a manner that avoids any incompatibility** or shall be located on a different site. (emphasis added)
- Mitigation Measure 5.3-1(a)
- Mitigation Measure 5.3-1(b): Protect Views from Scenic Corridors

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- Policy 2.6.1.1: Establish standards for protection of scenic local roads and State highways
  - Policy 2.6.1.3: Requirements for discretionary projects to address impacts to scenic viewpoints
- Mitigation Measure 5.3-1(c): Extend Limitations on Ridgeline Development within Scenic Corridors or Identified Viewing Locations to Include All Development
  - Policy 2.6.1.5: Address visual impacts of development on ridgelines
- Mitigation Measure 5.3-3(b): Consider Lighting Design Features to Reduce Effects of Nighttime Lighting
  - Policy 2.8.1.1: Limit excess lighting and glare
- Mitigation Measure 5.5-1(a):
- Mitigation Measure 5.5-1(b): Ensure that Surface Water Supplies are Adequate and Physically Available Before Any New Development Occurs
- Mitigation Measure 5.7-3(a): Implement Mitigation Measure 5.1-3(b)
- Mitigation Measure 5.7-3(b): Implement Mitigation Measure 5.1-3(d)
- Mitigation Measure 5.1-2: Create Distinct Community Separators
  - Policy 2.5.1.3
  - New required implementation measure for Policy 2.5.1.3
- General Plan Policy 2.1.1.2 requires Community Regions to be based on a number of factors, including availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. *The Draft EIR must further address consistency with Policy 2.1.1.2. The Project lacks infrastructure, demonstrated by the extensive improvements necessary to serve the Project. The Project has not provided appropriate transitions at the Community Region boundary.*
- General Plan Policy 2.1.1.7 limits the timing of development within Community Regions, as with development elsewhere in the County, requiring that may proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. Accordingly, development in Community Regions and elsewhere will be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan. *Adequate roadways, utilities, and other public service infrastructure are not yet available at the Project site and there is not an approved Fire Safe Plan to mitigate wildfire hazards. The Project should be rejected until such time that development patterns have extended to the Project site to provide adequate roadway, utility, and other infrastructure connections, rather than the Project developing miles of improvements in order to serve the Project. The Project also must be rejected until such time that there are approved Fire Safe Plans for the Project and for all*

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*surrounding areas to ensure that wildfire impacts are reduced to a safe and acceptable level.*

- Policy 2.2.5.21 prohibits development projects that do not avoid any incompatibility with adjoining land uses. *The Project is incompatible with adjoining land use designations and existing uses. The Project would increase densities near low density residential uses and would expose neighboring uses to significant and unavoidable aesthetic, air quality, noise, and other impacts. The Project must be redesigned to eliminate incompatibility or be rejected.*
- Policy 2.3.2.1. *The Project does not provide evidence that development is restricted on slopes greater than 30 percent.*
- Policy 2.5.1.1. *The Project has not incorporated low intensity land uses to provide physical and visual separation of communities. The Project has not designated areas that are physically or visually connected to nearby communities with low intensity uses, which must include parks, natural open space areas, special setbacks, parkways, roadway buffers, and transitional development densities. Rather, the Project results in significantly higher residential development densities adjacent to much lower density residential uses. The Project does not provide for a visual transition from adjacent undeveloped and rural residential areas.*
- Policy 2.6.1.5. *The Draft EIR does not identify where ridgelines are located, so impacts associated with ridgelines cannot be evaluated. The Draft EIR does not establish adequate measures to reduce aesthetic impacts as discussed previously.*
- Measure LU-H: *The General Plan required a program to address preservation of community separation **within 3 years of General Plan adoption**. Proposals to amend Community Region boundaries must be denied until the County has complied with the General Plan. This Project conflicts with the intent of the measure to preserve community separation and would create a sprawling El Dorado Hills Community Region that does not reflect logical, orderly, or efficient boundaries. This Project would infringe on the unique identity of Cameron Park and conflicts with the County's transition to distinct communities surrounded by rural uses.*

## 17. Alternatives

### Basis for Alternatives

The alternatives considered in the Draft EIR were developed based on an incomplete Project Description and inadequate environmental analyses, as previously described. Upon completion of the revisions to Chapters 3 and 5 of the Draft EIR, the Alternatives chapter should be updated to reflect any changes to the significance determinations and to reflect alternatives that would reduce significant impacts of the Project.

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## Range of Reasonable Alternatives

The Draft EIR does not include a range of reasonable alternatives, as required by Section 15126.6 of the CEQA Guidelines. Alternatives presented in the Draft EIR provide minimal reduction to significant and unavoidable impacts. The Draft EIR must identify methods to reduce significant and unavoidable impacts to less than significant, where feasible, either through mitigation or through reasonable alternatives to the Project. As the Draft EIR does not address the full extent of the Project and is deficient in terms of establishing the Project Description, Existing Setting, Environmental Impacts, and Mitigation Measures, as previously described, all alternatives must be re-analyzed and revised to address changes to the Draft EIR and to ensure that meaningful and feasible alternatives are presented to reduce significant impacts.

Table 4-1 must be revised to identify the estimated ADUs, JADUs, and SB 9 units, the square footage of non-residential development, and the estimated acreage disturbed or total length of off-site improvements that would result under each alternative. As provided, the table is deficient in helping the reader understand the extent of development under each alternative. In terms of the offsite improvements, would there be a reduction in the sewer, water, and utility lines constructed on- and off-site to serve the reduction in development anticipated for Alternatives 1, 2, and 4? Would any of the alternatives avoid the need for a new 44-mgd WTP? Would the extent of roadway and infrastructure improvements be less to serve the reduction in vehicle and non-vehicle travel associated with each alternative?

## Alternatives Analysis

### Alternative 1: No Project Alternative

#### *No Project Alternative Description*

The Marble Valley Master Plan has been prepared to regulate development on the Project site. The analysis of this alternative does not reference any requirements of the approved Marble Valley Master Plan or the CEQA document prepared for the Marble Valley Master Plan, which may address this alternative's environmental impacts and result in additional reductions in impacts in comparison to the Project. In order for the No Project Alternative to be fully described and analyzed, the policies and development standards in the Marble Valley Master Plan must be described in order for this alternative to be evaluated.

There is no discussion of the extent of non-residential development in terms of square feet of development that would occur with this alternative.

There is no analysis of whether off-site improvements would be reduced. Due to the reduced size of the No Project Alternative, there would be no need for a new WTP and associated water transmission mains and there would likely be a reduction in other off-site improvements as well, reducing impacts associated with construction and operation of off-site improvements.

This alternative must be revised to reflect the Marble Valley Master Plan policies, requirements, and development standards and extent of off-site improvements associated with the alternative. The evaluation of environmental impacts associated with aesthetics, air quality, biological resources, cultural resources, geology and soils, mineral resources, hazards and human health,

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hydrology, land use and planning, population and housing, public services and utilities, transportation and circulation, wildfire, and cumulative impacts must be revised to reflect the complete description of the No Project Alternative.

Further, the analysis for impacts under the No Project Alternative does not reflect the reduction in development that would occur with rural residential lots. Rural residential lots are typically not fully landscaped and developed in the same manner as suburban tract homes; typical rural residential development in El Dorado County usually results in development of a portion of the lot with the remainder either undeveloped and natural or used for agricultural/livestock purposes. This reduced intensity of development does not result in impacts to biological resources, cultural resources, drainage patterns, etc. in the same manner as the type of development proposed by the Project. The alternatives analysis must be revised to reflect the typical development of rural residential uses in El Dorado County. Examples of rural residential development and the intensities that should be evaluated under this alternative include the neighboring Cameron Estates and Royal Equestrian Estates developments.

The reduced intensity and scale of development associated with this alternative must be accurately discussed.

In order to analyze this alternative's impacts associated with air quality, greenhouse gas emissions, and transportation and circulation, a VMT analysis of the alternative must be conducted.

To demonstrate the improper analysis for this alternative, see the below comments on Aesthetics. This type of comment pertains to all resources analyzed for this alternative.

### *Aesthetics*

The Draft EIR claims that construction of the No Project Alternative would be very similar to the Project. This is not correct. While the No Project Alternative would result in development of some of the same areas as the Project, this alternative has significantly less residential and non-residential uses than the Project. There would be no office park and the Cultural Arts Center would be much smaller than the non-residential development proposed by the Project. Development would be much less dense, with lower building heights, less building mass, and less developed areas on the Project site. Views from US 50 would generally be of rural residential development, with small portions of non-residential uses and would be much less changed in comparison to the Project. Similarly, the visual character and quality of the site would be more consistent with the rural character of the area and would not reflect the suburban/urban level of development proposed by the Project. The No Project Alternative would look similar to the neighboring Cameron Estates, while the Project would look more similar to developments in Folsom and El Dorado Hills. The No Project Alternative would have significantly less lighting sources, as well. The statement that the No Project Alternative would have "slightly less lighting" is incorrect – there would be substantially less development and lighting under the No Project Alternative.

The conclusion that impacts would be increased under the No Project Alternative due to the development south of Deer Creek and in other areas of the site that would affect hillsides and ridges is incorrect. Alternative 1 has less developed acres than the Project (see Table 4-1).

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Development in areas not proposed for development by the Project would be required to be developed consistent with the County's ridgeline protection requirements and would be rural in nature with much lower densities than the Project. A visual simulation of the Project must be prepared and compared to a visual simulation of the No Project Alternative in order to substantiate the statement that the No Project Alternative would slightly increase impacts on visual resources.

### *Air Quality*

The analysis on pages 4-13 and 4-14 of the Draft EIR does not provide a meaningful comparison between the Project and the No Project Alternative. There is no evidence provided for the assertion on page 4-13 that the No Project Alternative would exceed EDCAQMD's thresholds and result in a significant air quality impact. The general magnitude of reduction in emissions should be discussed. Would emissions be 1 percent lower, or would the No Project Alternative that has less than 20% of the development of the Project (in terms of number of residential units and acreage of non-residential development as the Project Description nor Table 4-1 estimate the square footage of potential residential and non-residential development), result in 50 to 80% reduction in emissions?

### *Biological Resources and Cultural Resources*

The analysis for these impacts does not address that there would be significantly less square footage of total development and ground disturbance associated with the No Project Alternative (100% of each lot will not be fully paved and developed, rather a small portion of the lot would be developed based on large lot trends in the County), resulting in a reduced potential for the No Project Alternative to disturb and impact biological and cultural resources.

### *Geology, Soils, Minerals, and Paleontological Resources*

The analysis does not address that there would be a significant reduction in development (the total square footage of residential and non-residential development would be much less than the Project), resulting in reduced impacts associated with construction activities, slope stabilization, erosion control, and other issues related to geology and soils. There would be fewer people living and working on the Project site under the No Project Alternative, resulting in a decreased potential to expose people to hazards associated with mine features on the Project site that have not been properly closed and sealed by the Project applicant and developer to prevent accidents.

### *Greenhouse Gas Emissions*

There is no analysis of the actual greenhouse gas emissions that would result from the No Project Alternative in order to compare emissions with the Project and support the conclusion on page 4-16 that the No Project Alternative would have a significant and unavoidable impact in terms of its cumulative contribution of GHG emissions. The analysis does not clearly address that the significant reduction in total development (reduced residential units, reduced residential square footage, reduced non-residential square footage) would result in less greenhouse gas emissions associated with construction and operation of the Project. Rather the analysis states that GHG emissions would "likely be lower" than the Project. This is a misleading statement in that it does not address the extent to which emissions would be lower.



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Would emissions be 1 percent lower, or would a No Project Alternative that has less than 20% the development of the Project (in terms of number of residential units and acreage of non-residential development as the Project Description nor Table 4-1 estimate the square footage of potential residential and non-residential development), result in 50 to 80% reduction in emissions? The magnitude of reduction in emissions should be discussed. Application of mitigation measures would further reduce the emissions for the No Project Alternative below Project levels.

There is no evidence to support the statement on page 4-16 that this alternative would conflict with the 2017 Scoping Plan, State climate goals, and the 2022 Scoping Plan.

### *Land Use Planning*

The No Project Alternative would be consistent with the adopted General Plan and the adopted Marble Valley Master Plan that would guide development on the Project site. Thus, the No Project Alternative would have a reduced impact in comparison to the Project, which is inconsistent with plans and regulations adopted to address development in the area, including the County General Plan, County General Plan EIR, and the Marble Valley Master Plan.

### *Impact Avoidance*

The analysis of the No Project Alternative demonstrates a lack of understanding of the nature of development of rural residential lots. Rural residential lots are not typically developed to full capacity, but rather have a home site on the lot, small, landscaped areas (in relation to total lot size), and areas used for gardening, agricultural purposes, or livestock. An aerial review of lots in nearby Cameron Estates shows that the development footprint on most lots is less than 1 acre. This means that the majority of the No Project Alternative dedicated to residential lots would remain undeveloped and would result in avoiding or reducing impacts to a much greater extent than described on page 4-22.

### *Feasibility*

The analysis of the feasibility of the No Project Alternative is not supported by any financial data.

### *Ability to Meet Project Objectives*

The Draft EIR does not provide an objective analysis of the No Project Alternative in terms of its ability to meet Project Objectives, as described on pages 4-22 of the Draft EIR. The No Project Alternative would meet the majority of the objectives of the Project, as described below.

***Metropolitan Transportation Plan/Sustainable Communities Strategy.*** The No Project Alternative would place development in a new Developing Community, implementing the MTP/SCS vision that 1/3 of housing and new job growth would occur in a developing community located at the edge of established communities and in scattered rural residential areas. The Project would not conflict with the MTP/SCS vision that anticipated additional rural residential development.

***Curtail Suburban Sprawl:*** The No Project Alternative would reduce suburban sprawl by maintaining a rural residential pattern consistent with similar developments in the County and

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would promote mixed use development through the on-site school, event center, and park resources.

***Assist in meeting future Regional Housing Needs Allocation.*** The No Project Alternative would assist in meeting the County's Regional Housing Needs Allocation for all income levels. The County's provisions for ADUs and JADUs and the County's efforts to promote ADUs and JADUs as affordable housing options in single family areas (Housing Element Policy HO-1.24, Measure HO-9) will assist the County in accommodating a portion of its very low and low income RHNA through these second units that can be constructed concurrently with the single family homes as part of the No Project alternative or be constructed later by the future property owners. The 2021 Housing Element identifies that the County has a surplus of units for all income levels, meaning that the County has more than enough capacity to accommodate its RHNA, so the No Project Alternative would result in further excess capacity for the current and future cycles. The 2021 Housing Element also does not take into account all recent projects, so there is additional capacity to accommodate the RHNA associated with recently approved and proposed development projects that are consistent with the General Plan.

***Provide a strong community identity and quality built environment.*** The No Project Alternative would be developed to have a strong community identity, as envisioned by the Marble Valley Master Plan and similar to other planned rural residential neighborhoods composed of large lots in the County. It is anticipated that compliance with the County's standards and the California Building Standards Code would result in a quality built environment.

***Utilize Existing Infrastructure and Public Services.*** The No Project Alternative would connect to existing infrastructure in similar locations to the Project. The No Project Alternative would better utilize existing infrastructure and public services by reducing the amount of new infrastructure, including a new WTP needed to serve the Project, as well as reducing the many off-site infrastructure extensions and expansions needed to serve the Project.

***Create a new non-motorized transportation system.*** Without a description of the Marble Valley Master Plan policies, circulation plan, and the County General Plan policies that would be required for a new tentative subdivision map, it is not possible to gauge whether this alternative would contribute to non-motorized transportation.

***Create opportunities to expand the regional trail system.*** Without a description of the Marble Valley Master Plan policies and circulation plan and evaluation of the County General Plan policies that would be required for a new tentative subdivision map, it is not possible to gauge whether this alternative would expand the regional trail system.

***Create New Recreational Opportunities.*** The No Project Alternative would include a park and Cultural Arts Center to accommodate new recreational and entertainment opportunities.

***Minimize impacts on Oak Woodlands.*** Without a description of the Marble Valley Master Plan policies and requirements related to oak woodlands and biological resources, it is not possible to gauge whether this alternative would minimize impacts on oak woodlands. The reduced intensity under this alternative would likely leave many oak woodlands on the large lots created by the

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alternative and have an overall reduction in impacts to oak woodlands; further, the alternative would be required to comply with County policies and programs to protect riparian resources and oak woodlands, so would minimize impacts consistent with County requirements.

**Preserve natural habitats and set aside wildlife corridors.** The No Project Alternative would include connected areas of open space to provide natural habitat protection and which could serve as wildlife movement corridors. The Project does not identify wildlife movement corridors. The No Project Alternative would preserve natural habitats and implement measures to reduce impacts to biological resources, including natural and sensitive habitats.

**Protect important cultural resources.** The No Project Alternative would be required to implement measures to protect cultural resources and would achieve this objective similar to the Project.

**Foster sustainable communities.** The No Project Alternative would comply with the California Green Building Standards Code (CalGreen), which includes sustainable design practices to reduce energy, water, and wastewater use/consumption and would reduce greenhouse gas emissions.

## Additional Alternatives for Consideration

Typically, alternatives are recommended for consideration through the Notice of Preparation process. However, the Notice of Preparation for this project was issued over a decade ago, depriving the public of providing meaningful input regarding alternatives that reflect current conditions, changes to the El Dorado County General Plan, and recently approved projects.

The Draft EIR should consider several reduced intensity alternatives in order to decrease impacts associated with aesthetics, noise, air quality, biological resources, hydrology and water quality, land use and planning, public utilities and services, recreation, transportation and circulation, cumulative impacts, and growth-inducing impacts.

The alternatives analysis in the Draft EIR should provide sufficient detail to allow the Planning Commission and Board of Supervisors to select and approve one of the project alternatives without the need for additional or subsequent CEQA review. The following alternatives would reduce impacts of the Project and would be feasible:

- An alternative that reduces the Project's impacts to scenic resources, including ridgelines and scenic views of the Project site, impacts to the visual character of the Project site and its surroundings, and impacts to light and glare, biological resources, and hazards, including wildfire risks.
- A neighborhood transition alternative that transitions from the Project's suburban development characteristics to rural residential uses along the portions of the Project site that border existing rural areas and rural residential uses and provides a meaningful reduction in units.

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### Modified No Project Alternative

The Draft EIR should evaluate a version of the No Project Alternative that retains the same number of residential units, but clusters development near the Bass Lake Road entrance to the Project. This iteration of the alternative would significantly reduce the construction costs to extend roads and infrastructure throughout the Project site, would reduce sprawl and inefficient extension of services that would occur under the Project, and would maintain the majority of the Project site as open space or for agricultural uses in keeping with the character of the area and past use of the site for livestock grazing.

### Scenic Resources, Visual Character and Quality, and Ridgeline Protection Alternative

The Draft EIR does not identify the location of ridgelines within the Project. Based on a review of the Project site plan, it appears that development will occur along ridgelines generally running north-south through the site. Development along the ridgeline will exacerbate visual impacts. This alternative should include:

- Open space and visual resource protection along the ridgeline by precluding development within 150 feet of the ridgeline in either direction.
- Reduced development densities and intensities to decrease building heights and massing and provide for a more open, rural character to the Project that would not detract from the Project's contribution to views of scenic resources and the areas visual character and quality.

### Neighborhood Transition Alternative

This alternative should refine the Reduced Wetland Impact alternative to address project development with lot sizes and residential densities similar to the nearby existing residential land uses located south of US 50 and should not propose development more similar to Folsom or the more urbanized areas of El Dorado Hills. This alternative would allow for no more than 1,500 residential units and provide for continuous wildlife movement corridors throughout the Project site.

This alternative would result in reduced single family residential development, by providing for lower intensity residential development and larger lot sizes near Project boundaries. A 5-acre minimum lot size would be required for all residential lots within 1,000 feet of Project boundaries. Up to 50 acres currently designated VRL would be redesignated VRM within the interior of the site where the uses are not visible from US 50 or nearby neighborhoods, if necessary to accommodate the 1,500 units.

The Very High Residential areas would be divided into 5 separate parcels of approximately 5 acres apiece. These multifamily areas would be allocated throughout the Project, located in proximity to the park and school, the Village Commercial, the central Village Park site, and near an additional Village Park site (5 acres) to be located in the southern area allocated for residential uses; this would decrease aesthetic impacts with large-scale development and would help to not

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concentrate high density residential uses only near the Project entrances, thus ensuring diverse unit types are distributed throughout the development.

The Project entrance near Cambridge Road/Flying C would have open space and a park, with these uses transitioning to the Village Commercial and Very High Density Residential uses farther into the site (at least 1,000 feet from the Project boundary). This alternative would have an additional 20-acre Village Commercial/mixed use parcel (or a series of separate parcels allocated to avoid wetlands and riparian features) located near the Village Park and Village Residential Medium sites.

This alternative would include a future fire facility, located within ½-mile of the Cambridge Road/Flying C entrance to the Project to improve overall fire protection coverage for the County and to ensure that new fire protection services benefit existing residents of the area as well as future residents of the Project.

This alternative could also include 20 to 50 acres designated Agricultural Tourism to provide opportunities for local small-scale agricultural activities or livestock grazing.

The reduction in Project development under this alternative would avoid the need for a new WTP, avoid the need for water transmission mains and off-site disturbances to connect to the new WTP, reduce the amount of on-site and off-site improvements needed for wastewater, water, storm drainage, utilities, and roadway improvements.

None of these proposed project alternatives should be dismissed from further analysis due to financial infeasibility or failure to meet the Project objectives.

- Based on the review of the Project objectives, each of these alternatives would further the majority of Project objectives – the alternatives should be refined as needed to further Project objectives (i.e., include recreational components, trails, alternative modes of travel, etc.) provided the reduced residential development levels are maintained.
- Any assertion of financial infeasibility made by the County or Project applicant must be supported and confirmed by substantial and detailed supporting evidence in the form of a verifiable and publicly available economic and fiscal impact analysis prepared by a qualified third-party consultant under contract with the County.

CEQA Guidelines Section 15126.6(c) states that the EIR should “...identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency’s determination.” The Draft EIR does not identify alternatives that were suggested during the Notice of Preparation process and thus completely fails to acknowledge potentially reasonable alternatives suggested during the scoping process and fails to discuss or disclose why the recommended alternatives were not selected for further analysis and inclusion in the Draft EIR. The Draft EIR does not include NOP comments in Appendix A and the summary of comments is not adequate to determine the details of any alternatives suggested. The Draft EIR should be revised and recirculated to include analysis of alternatives identified through the scoping process as well as alternatives developed to address the impacts of the Project, with consideration given to address impacts that were not adequately analyzed in the Draft EIR.

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## 18. Cumulative Impacts

The Draft EIR uses a combination of the project list approach and projection approach to address cumulative impacts as described on Draft EIR page 5-1.

### General Plan Updated Planning Horizon

The General Plan Updated Planning Horizon is based on updates to the County's Travel Demand Model that occurred in 2013, which addresses growth through 2035. Since that time, there have been changes to the General Plan and approval of projects that have changed the capacity of the General Plan. The discussion of growth projections on page 5-3 identifies a slower pace of growth resulting from the housing crash in the late 2000s and the resulting drastic reduction in the rate of growth in El Dorado County. Since that time, the pace of development has increased considerably.

The County's TDM model was updated to reflect more current conditions and address growth forecasted through 2040 (<https://www.eldoradocounty.ca.gov/Land-Use/County-Projects/CIP-TIF-Program/Travel-Demand-Model>). The growth projections for the current TDM should be reviewed to ensure that the cumulative scenario is accurately considered potential growth under the adopted General Plan.

On pages 5-3 through 5-5, the Draft EIR discusses projects that would contribute to cumulative development. There are additional known projects that are pending or approved in the region that must also be considered. Projects identified on the County's <https://engageeldorado.us.engagementhq.com/> site that are not referenced and addressed in the cumulative scenario include:

- East Ridge
- Creekside Village
- Community for Health and Independence
- EDH 52 Mixed Use Center
- Generations at Green Valley
- Town and Country Village
- Country Club Apartments
- Cameron Meadows
- Dorado Oaks
- Gateway R&D
- Central El Dorado Hills Specific Plan
- Bass Lake Family Apartments

The County does not maintain a matrix or easily referenceable list of all of its pending, proposed, and approved projects, including the number of residential units and amount of non-residential growth associated with each project, so there may be additional projects beyond those listed above.

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The Project identifies an approximately 19-year or more period for development on Draft EIR page 2-15. This timeframe could result in development from 2025 through 2044 or later. On page 5-3, the Draft EIR indicates that the TDM model used to develop the cumulative growth scenario and to address transportation impacts addresses growth through 2035. This falls well short of the Project's development period and fails to take into account development through 2044 or later, such as 2050, if the Project development occurs over a longer period.

As defined in Section 15355 of the CEQA Guidelines, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. By analyzing a cumulative scenario that ends earlier than the buildout of the Project, the cumulative analysis is not taking into account other projects that would be developed at buildout and is not addressing the Project's incremental contribution to the cumulative impacts of anticipated development. The cumulative scenario must address Project growth in conjunction with General Plan and known pending, proposed, and approved projects for the buildout of the Project.

The Project must establish an accurate cumulative growth scenario and timeline is particularly important as the Project requires a General Plan Amendment and the growth proposed under the VMVSP is not captured in any cumulative scenarios envisioned for the County's adopted General Plan.

## Analysis of Cumulative Impacts

The analysis of cumulative impacts on pages 5-7 through 5-27 of the Draft EIR is deficient due to an incomplete Project Description, as described in Section 4, Project Description, of this letter and also fails to base impacts on an understanding of the cumulative geographic scope of the area affected by each cumulative effect. Without a complete Project Description and a description of the cumulative geographic scope considered for each cumulative impact topic (Aesthetics, Air Quality, Biological Resources, etc.), the analysis of the Project's contribution to cumulative impacts is inadequate.

## Mitigation to Address Cumulative Impacts

The Draft EIR does not identify or analyze mitigation measures to mitigate or avoid the Project's contribution to any significant cumulative effects. Section 15130, paragraph (b), subparagraph (5) requires the Draft EIR to provide "A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." Further, the CEQA Guidelines clearly state at Section 15130 paragraph (c) that "With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis."

The Findings of Fact adopted for the County General Plan state on page 41:

*"Each of the mitigation measures described in Section O below for the direct impacts of the adopted General Plan associated with the categories listed above are also applicable to cumulative impacts, and will mitigate countywide cumulative effects in the manner*

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*described in Section O. To the extent cumulative impacts are regional, the EIR did not identify any additional mitigation measures within the jurisdiction and responsibility of the County that would mitigate those impacts, beyond the measures discussed in Section O. Other local, state, and federal entities with jurisdiction over contributors to regional cumulative impacts can and should adopt measures similar to those incorporated into the adopted General Plan to mitigate cumulative impacts. The Board considered these significant cumulative impacts in making its findings on the feasibility of the proposed mitigation measures in Section O.”*

The General Plan was adopted almost 20 years ago, and the County has yet to fulfill its commitment to implement a number of measures established by the General Plan EIR to reduce environmental impacts. Based on the most recent General Plan implementation report (2019) available on the County’s website (<https://www.eldoradocounty.ca.gov/Land-Use/Planning-Services/Adopted-General-Plan/Adopted-General-Plan-Implementation>), the County has not implemented multiple General Plan policies and measures that would create standards and programs to reduce the project-level and cumulative impacts of development projects. For example, the 2004 General Plan EIR Mitigation Measure 5.1-2 required the County to develop and implement a program that addresses preservation of community separation, as outlined in Policy 2.5.1.3. The 2004 General Plan EIR Mitigation Measure 5.3-2 required the County to revise the County Design and Improvement Standards Manual to allow for narrower streets and roadways. The 2004 General Plan EIR Mitigation Measure 5.3-2 addressed standards to minimize visual impacts, preserve rural character, and ensure neighborhood quality consistent with emergency access needs; on-street parking, and vehicular and pedestrian safety. 2004 General Plan EIR Mitigation Measure 5.10-1(b) required the County to develop a procedure to review truck routes associated with discretionary projects to ensure project-related heavy truck traffic noise impacts are minimized. Based on the 2019 General Plan implementation report, these have not yet been implemented.

It is incumbent on the County to consider mitigation measures that would address cumulative impacts, including measures to establish ridgeline protection requirements, standards to preserve scenic views, standards for off-site lighting and glare, standards for nighttime lighting, protective standards to address health impacts associated with long-term exposure to construction noise and excessive noise and vibration resulting from construction activities, including drilling, jackhammering, and blasting, and address the cumulative effects of development. The consistent conclusion of the Draft EIR that impacts are significant and unavoidable without examining measures available to reduce the impacts is irresponsible and does not fulfill the County’s obligations under CEQA to examine reasonable, feasible options for mitigating or avoiding a project’s cumulative impacts.

### **Aesthetics**

On pages 5-8 and 5-9, the Draft EIR acknowledges that the Project will have a considerable contribution to cumulative impacts and significant and unavoidable impacts related to glare, nighttime lighting, altering the existing visual character and quality of the site, and converting the site from scenic natural open space to one that is well-lighted and developed with buildings,



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infrastructure, and utilities. However, the analysis does not identify any mitigation measures that would reduce the Project's considerable contribution to cumulative impacts. There is no analysis of how mitigation measures will mitigate or avoid the Project's contribution to cumulative impacts. The aesthetics cumulative impact discussion is insufficient based on the requirements of CEQA Guidelines Section 15130.

### Air Quality

The discussion of significant health risks from toxic air contaminants does not address cumulative conditions and associated health risks associated with toxic air contaminants. As previously described in Section 6.B. of this letter, the California Air Resources Board identifies 21 TACs and has adopted the US EPA's list of HAPs as TACs. The Draft EIR fails to identify toxic air contaminants that may result from the Project and associated health risks of those TACs. Without an understanding of which TACs would result from the Project and the associated health risks, it is impossible to understand the Project's contribution to cumulative risks associated with TACs. The cumulative discussion on page 5-9 of the Draft EIR identifies that several policies of the VMVSP document and several mitigation measures would reduce health risks to less than cumulatively considerable, but provides no evidence that these measures would reduce health risks to acceptable levels. The Draft EIR must include a Health Risk Assessment that addresses the Project's contribution to cumulative impacts that takes into account cumulative traffic levels on US 50 and cumulative emissions associated with stationary sources likely to occur in the region. The Draft EIR must identify enforceable and measurable mitigation measures that ensure TAC impacts will be reduced to a safe level below the Air District's standards.

Further, the Air Quality discussion on pages 5-9 and 5-10 also identifies mitigation measures that will reduce construction and operational measures, but does not address what these measures will require, how they will be enforced, and to what extent the measures will reduce the Project's cumulative contribution to criteria pollutant emissions.

In addition to not addressing the full extent of the Project as previously described, the Air Quality analysis must be revised to clearly state the Project's contribution to criteria pollutant emissions, to clearly identify the Project's contribution to cumulative health risks associated with significant and unavoidable increases in criteria pollutant and TAC emissions, and must identify and analyze mitigation measures to reduce the impacts to less than significant levels.

### Biological Resources

The biological resources analysis does not address the extent to which cumulative projects will reduce natural and sensitive habitats, reduce or remove wildlife corridors, and reduce or remove wetlands and other waters of the State and U.S. The extent of Project impacts on biological resources has not been adequately examined, as previously described, so the Project's contribution to cumulative impacts cannot be fully understood without examination of the Project's potential to impact special-status species and sensitive habitats as previously described in Section 7 of this letter. The cumulative analysis fails to identify and analyze any specific mitigation that will reduce the Project's contribution to cumulative impacts to biological resources. The discussion does not address how wildlife movement corridors can be maintained

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on the Project site and how the County could develop programs to ensure wildlife movement corridors are maintained between adjacent developments to reduce cumulative impacts.

### **Wildland Fire Hazards**

The analysis provided on page 5-15 does not demonstrate how compliance with County General Plan Goals 5.7 and 6.2 and the County's Fire Hazard Ordinance, and the Vegetation Management and Defensible Space Ordinance would reduce cumulative impacts to a less than significant level, particularly the level to which defensible space will be maintained, how adequate water supply including water pressure is assured for existing and cumulative development, and how a wildfire safety plan will be implemented. It is meaningless for a project to prepare a wildfire safety plan if there are not steps in place to ensure that the safety plan is implemented, revised as necessary to address wildfire hazards and practices to reduce wildfire hazards, and monitored for implementation in perpetuity.

### **Land Use Planning**

The analysis must address the Project's inconsistency with the General Plan and Marble Valley Specific Plan. Just because the Project includes an amendment to the General Plan, this does not mean an impact is less than significant. Rather, the Draft EIR must evaluate the cumulative effect of the amendments to the General Plan, many of which expand community regions and development beyond that anticipated in the General Plan and result in sprawl and development that is inconsistent with the policies and measures adopted in the General Plan. The Draft EIR must analyze the environmental impact of the requested General Plan Amendment and the rescission of the Marble Valley Master Plan.

### **Remove Obstacles to Growth or Provide New Access**

The discussion on page 5-28 concludes that the Project would not be a catalyst for new growth. This is a disingenuous discussion and conclusion. The Project would provide extensive infrastructure improvements, including water transmission lines, utility lines, and sewer transmission lines through areas currently not served by these utilities and services. On page -, the Draft EIR acknowledges that facilities would be constructed "to accommodate future needs assessed by EID based on the County General Plan and estimates of future known and unknown densities" – this oversizing of utility and infrastructure facilities removes an obstacle to growth and provides new access to growth in the undeveloped and rural areas surrounding the Project. The Project anticipates the development of a 44-mgd WTP that will be sized to accommodate the Project as well as other future development. The Project will make infrastructure improvements, including roadway and utility improvements, which will make the adjacent Lime Rock/G3 property to the west more accessible and more developable.

By expanding the El Dorado Hills Community Region boundary, the Project paves the way for future extensions to this boundary. The Project would provide infrastructure that serves the adjoining Lime Rock Valley Project, including extensions of Lime Rock Valley Road, water transmission main connections, connections to the Marble Valley 5.0 mgd recycled water tank, and sewer main connections, as shown in Figures 2-8, 2-9, 2-10, and 2-11 of the Lime Rock Valley Specific Plan Draft EIR issued by El Dorado County in May 2024. The Lime Rock Valley Specific Plan requests to continue the extension to the El Dorado Hills Community Region requested by the

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VMVSP Project even farther to the east. This is clearly a growth-inducing effect of the Project, as the Lime Rock Valley Specific Plan is clearly an extension of the Community Region and development proposed by the VMVSP.

The Project would also create pressure on the “island” area referenced on pages 5–28 and 5-29 to develop. The Project’s potential to induce growth must be identified as a significant impact of the Project.

## 19. Timing of Notice of Preparation

The Notice of Preparation was issued over a decade ago for this Project. Since that time, State laws, the County’s General Plan, and existing conditions have changed considerably. Public agencies affected by the Project have adopted new regulations, made changes to operating plans, and have revised their plans to address new growth. Property owners affected by the Project have changed. The lapse of time between the NOP and the Draft EIR deprives the affected agencies and property owners from making meaningful comments on the Project, recommendations regarding mitigation measures, and recommendations regarding alternatives that reflect more current conditions.

CEQA Guidelines Section 21092 (a) requires: “A lead agency that is preparing an environmental impact report or a negative declaration or making a determination pursuant to subdivision (c) of Section 21157.1 shall provide public notice of that fact ***within a reasonable period of time*** prior to certification of the environmental impact report, adoption of the negative declaration, or making the determination pursuant to subdivision (c) of Section 21157.1. (emphasis added)” A Notice of Preparation issued more than 10 years prior to the issuance of the Draft EIR does not provide public notice within a reasonable time period prior to consideration of the VMVSP EIR for certification.

CEQA Guidelines Section 15108 requires that the Lead Agency shall complete and certify the Final EIR within one year after the application has been accepted as complete, and provides for the one-year time limit to be extended for a period of not more than 90 days. The length of time between the Notice of Preparation and issuance of the Draft EIR is well beyond the one-year and 90-day limit.

This lengthy amount of time has deprived the responsible agencies and the public of meaningful participation in the EIR process. In our discussion with multiple neighbors, many believed that the Project had been denied by the County, had been withdrawn, or had expired due to the extensive amount of time that had passed without any public notice of activity related to the Project.

It is recommended that the Notice of Preparation be re-issued for the Project in order for the public and affected agencies to be able to comment on the potential impacts of the Project based on current conditions and to provide an opportunity for mitigation measures and alternatives that

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reflect current conditions and regulation to be recommended that will be considered in the Draft EIR.

## 20. Adequacy of Mitigation Measures

As previously described, the Draft EIR lacks enforceable mitigation measures that have been demonstrated to result in a reduction of the related impact. In addition, multiple mitigation measures are poorly crafted and will be difficult to implement and enforce.

Many mitigation measures require the project application or project contractor to take a specific action. For example, Mitigation Measure BIO-1a requires the project construction contractor to install orange construction barriers or other similar barriers prior to the start of construction activities. Does this mean that the barriers will be installed throughout the entire Project site, including on-site and off-site improvements prior to the first activity for any of the on-site or off-site improvements? How will the barriers be reviewed and modified as biological conditions may change during the 19-year time frame of development? The mitigation measures do not relate to specific areas of disturbance, specific timing of construction activities, or specific phases of the Project. As written, many mitigation measures will require significant effort on the part of the applicant and construction contractor to address potential conditions throughout all on-site and off-site areas of the Project.

Similarly, Mitigation Measure BIO-1b requires training to be conducted for construction employees prior to beginning construction activities. Given that this is an 19-year or longer project, there will be multiple construction crews working on the Project site throughout development stages. However, Mitigation Measure BIO-1b only provides for training at the onset of construction, which means that future construction phases will not receive this training nor have any reduction in impacts associated with Mitigation Measure BIO-1b.

Mitigation Measure BIO-1c requires periodic visits depending on the biological resource. This measure is too vaguely worded to ensure that site visits and monitoring is occurring throughout all phases of Project construction. The measure must be specific regarding when it will be implemented and how it will be applied to each phase of construction.

Mitigation Measure BIO-1d is similarly vague. Will pruning occur at the start of Project construction or in conjunction with each phase? How will the in-lieu fees referenced in the measure be determined? Where are the on-site and offsite locations identified to receive required oak woodland replacement plantings?

Mitigation Measures in the Draft EIR that: 1) lack language to address how the measure will be applied to each stage of the Project, 2) how the measure will be enforced, 3) lack specific requirements of performance-based standards, or 4) include vague, permissive language that does not commit the Project to actually mitigating the impact.

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## 21. Conclusion

As described in the comments above, there are significant deficiencies in the Draft EIR that warrant recirculation. Ms. Thompson, the primary author of this letter, has over 28 years of experience with land use and environmental planning, including the preparation and management of CEQA documents for general plans, specific plans, housing elements, mixed use developments, resort projects, and subdivisions.

We strongly encourage the County's planning staff to halt work on the EIR until a meaningful community engagement process can occur. This community engagement process should provide opportunities for the Board and Planning Commission to actively engage the community regarding the Project, and develop feasible project alternatives that are more consistent with the character and density of the surrounding residential uses.

We strongly support growth in the County that is consistent with the General Plan, or that provides modest increases over the development anticipated by the General Plan but only when those increases have been evaluated against all of the pending, proposed, and approved projects and remaining capacity of the undeveloped and underutilized areas in the General Plan to ensure that the growth is orderly, logical, efficient, necessary, and consistent with the intent of the County General Plan.

In the months following release of the NOP in 2024, a significant number of residents in the surrounding neighborhoods have conducted an ongoing dialogue and continued communication regarding our strong, and now more organized, opposition to this Project in its current form. We remain respectful of the rights of private property owners to develop their land in a manner consistent with the intent of the County General Plan, including existing land use designations, and the County's zoning for the site. However, the currently proposed number of housing units, intensity of development, the blatant Project inconsistency with nearby neighborhoods and the general rural character south of US 50, and the attempt to extend the El Dorado Hills Community Region all the way to the Cameron Park, Cameron Estates, Shingle Springs, and Royal Equestrian Estates borders through this Project and the related Lime Rock project, is unacceptable and will be vigorously opposed through a range of legal and political means.

We look forward to opportunities to continue this discussion in order to move towards a project that is more compatible with the character and density of our wonderful community here in Cameron Park.

We appreciate the opportunity to submit these comments on the Draft EIR.

Regards,

Beth Thompson and Caleb Gilbert  
4860 Trails End Road  
Cameron Park, CA 95682

Exhibit 1: Middleground and Background Views of Project Site (Marble Valley, Ridgelines, Hillside, Oak Woodlands, and Open Space) from Westbound Highway 50

Source: maps.google.com

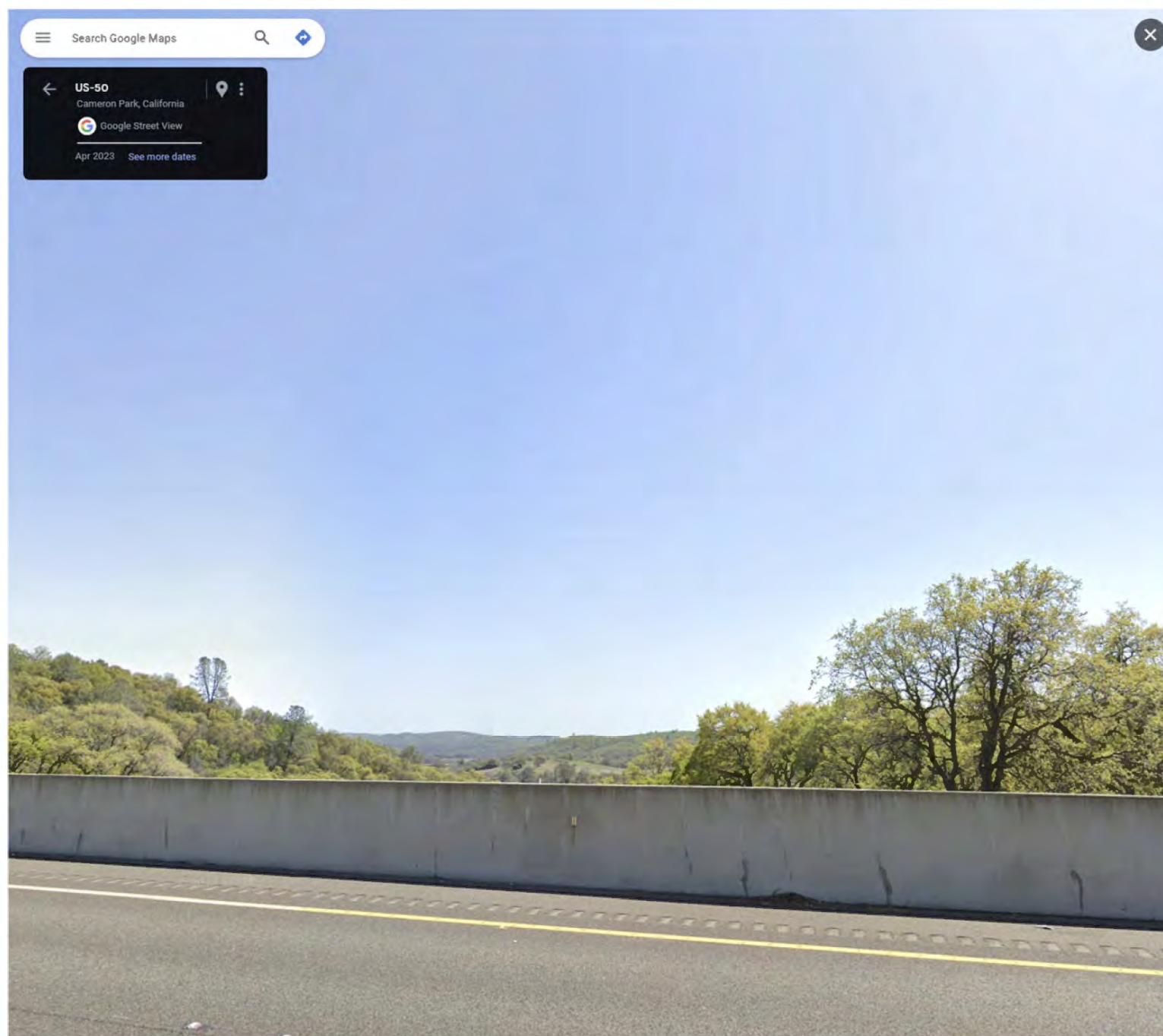


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Source: maps.google.com

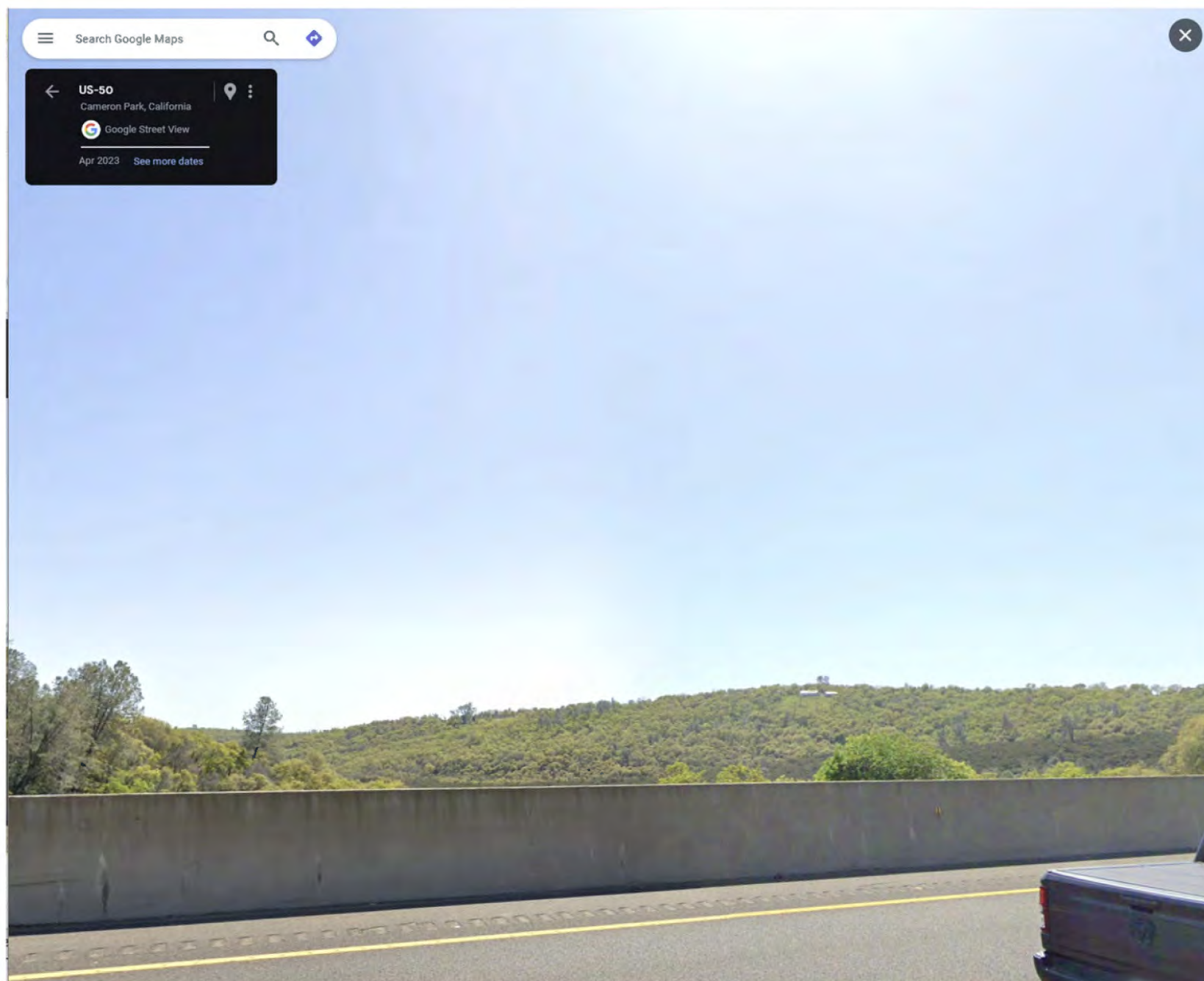


Exhibit 1: Middleground and Background Views of Project Site (Marble Valley, Ridgelines, Hillside, Oak Woodlands, and Open Space) from Westbound Highway 50

Source: maps.google.com



Exhibit 2: Foreground, Middleground, and Background Views of Project Site (Marble Valley, Ridgelines, Hillside, Oak Woodlands, and Open Space) from Eastbound Highway 50

Source: maps.google.com



Exhibit 2: Foreground, Middleground, and Background Views of Project Site (Marble Valley, Ridgelines, Hillside, Oak Woodlands, and Open Space) from Eastbound Highway 50

Source: B. Thompson



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Source: B. Thompson

Exhibit 3: Foreground, Middleground, and Background Views of Project Site (Marble Valley, Ridgelines, Hillside, Oak Woodlands, and Open Space) from Beasley Drive

Source: B. Thompson



Exhibit 3: Foreground, Middleground, and Background Views of Project Site (Marble Valley, Ridgelines, Hillside, Oak Woodlands, and Open Space) from Beasley Drive

Source: B. Thompson



Exhibit 5: Middleground and Background Views of Project Site (Marble Valley, Ridgelines, Hillside, Oak Woodlands, and Open Space) from Country Club Drive  
Source: maps.google.com





Exhibit 5: Middleground and Background Views of Project Site (Marble Valley, Ridgelines, Hillside, Oak Woodlands, and Open Space) from Country Club Drive

Source: maps.google.com



Cameron Welch  
El Dorado County, Planning and Building Department  
Planning Division  
2850 Fairlane Court, Building C  
Placerville, CA 95667

**Subject: Lime Rock Valley Specific Plan Draft EIR Comments**

Dear Mr. Welch:

This letter comments on the May 2024 Draft EIR (“Draft EIR”) for the Lime Rock Valley Specific Plan (LRVSP Project or Project). The LRVSP Project requests that the County approve an amendment to the El Dorado County General Plan, rezoning of the project site, adoption of the LRVSP, a development agreement, a financing plan, storm sewer permit, grading and improvement plans, tentative and final maps, off-site improvement plans, and building permits (Project). The LRVSP project would also request approval from other agencies, including El Dorado Irrigation District, Regional Water Quality Control Board, State Water Resources Control Board, California Department of Fish and Wildlife, California Department of Education, Buckeye Union School District, and El Dorado County Local Agency Formation Commission (annexation for parks and recreation, water, wastewater, and other services).

We would like to begin by thanking County staff for distributing the Notice of Availability (NOA) directly to affected residents. We formally request notification for all future project-related issues, including the NOA for the Recirculated Draft EIR, all public hearings/workshops, the Final EIR, and adoption hearings.

The Project requests discretionary actions from the County, meaning that the Board of Supervisors has the opportunity to require: 1) that the Project be modified to reduce impacts, including impacts that are not addressed under CEQA, 2) approve an alternative that is consistent with the adopted County General Plan, or 3) to reject the Project. This is an important distinction as the County is not required to approve the Project and should use the Project review process to improve the Project to reflect the vision of the El Dorado County General Plan, as adopted through a comprehensive public process, to retain the rural character of El Dorado County, and to limit sprawl.

The Project, in its current form, is unacceptable to the community and affected neighborhoods, and given the Project history, current zoning that would only allow up to 56 residential lots, and the length of time (over 11 years) that lapsed between the Notice of Preparation (NOP) and issuance of the Draft EIR, community input on the proposed project design, scope, scale, beyond the requirements of CEQA, should occur.

We would also like to request that the County initiate planning and site design review workshops with the Planning Commission, Board of Supervisors, and the community to explore opportunities to improve the Project and identify viable project alternatives that are appropriately compatible with the surrounding neighborhoods and the community character, including nearby rural communities and Cameron Park. This effort should occur prior to issuance of a new Notice of Preparation and prior to the preparation of a recirculated Draft EIR. It is noted that the Project

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applicant has made presentations with the Village of Marble Valley Specific Plan representatives throughout the County; however, these presentations have been more of a marketing effort for the two projects (LRVSP and VMVSP) rather than an open discussion regarding the effects of the Project, concerns of the community, and consideration of methods to address such effects and concerns.

## 1. Comments on the Draft Environmental Impact Report

This comment addresses environmental impacts that affect residents, businesses, and agencies in the Project area.

Residents and visitors that live in and use areas in the vicinity of the Project will suffer the public service and environmental impacts related to development, including polluted air, water treatment limitations, health and safety effects of increased greenhouse gas emissions, traffic hazards, emergency access hazards, destruction of wildlife areas, and exposure to hazardous conditions. Based on these concerns, we have a strong interest in ensuring that projects comply with CEQA, as well as all applicable federal, state, and local laws and regulations.

While we, our neighbors, and local community recognize the potential benefits of well-planned and appropriately located residential and mixed-use developments, we are also cognizant of the environmental, social, and economic risks associated with intensive residential development that is not in conformance with its surroundings.

As our comments will demonstrate, the Draft EIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project.

Specific comments on the Draft EIR, which identify fatal flaws in the analysis, identify significant new information that was not analyzed or disclosed, identify significant and unavoidable project impacts that were not analyzed, recommend specific mitigation measures for incorporation into the mitigation monitoring and reporting program (MMRP), and recommend alternatives to reduce the impacts of the project, are provided below. As described in the comments below, the Draft EIR fails to comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) because it is fundamentally flawed and fails as an informational document in multiple aspects, including:

- An incomplete Project Description, including lack of Project-level details, lack of a full description of off-site improvements, and lack of a phasing plan that supports the analysis in the Draft EIR
- Failure to adequately describe the existing environment, including for aesthetics, air quality (TACs), biological resources (special-status species habitat, wildlife movement corridors, sensitive habitats), transportation and circulation (existing roadway system), water supply (water treatment), wildfire (fire hazard severity zones and conditions leading to fire hazards)

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- Failure to adequately analyze and disclose the Project's impacts on the environment, including aesthetics, air quality and associated human health effects, greenhouse gas emissions, human health and safety, hydrology, noise, groundwater, land use, public utilities, including water supply, wildfire, and consistency with regulatory documents
- Impact analysis that segments the Project into three separate components (proposed Project, off-site infrastructure, and certain off-site traffic improvements) that are analyzed independently, which does not provide a complete evaluation and understanding of the environmental effects of the full extent of the Project and downplays the effect of the off-site impacts
- Lack of consideration of mitigation measures that would reduce or eliminate specific impacts, including multiple significant and unavoidable impacts for which no mitigation has been considered
- Mitigation measures that do not establish specific standards, requirements, and timing and lack the specificity necessary to ensure implementation and reduction or elimination of impacts
- Failure to disclose and analyze growth inducement
- Failure to adequately identify and analyze the Project's contribution to cumulative impacts
- Lack of reasonable project alternatives designed to reduce or avoid significant impacts
- Internal inconsistency between the Project Description, several environmental impact analysis chapters, as well as the technical appendices., which cause erroneous analysis throughout the Draft EIR.

As these comments will demonstrate, the Draft EIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project.

It fails in significant aspects to perform its function as an informational document that is meant "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment" and "to list ways in which the significant effects of such a project might be minimized." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 (*Laurel Heights I*))

The DEIR must be withdrawn and revised to address these errors and deficiencies. Because of the substantial omissions in the information disclosed in the DEIR, revisions necessary to comply with CEQA will be, by definition, significant. In addition, substantial revision will be required to address impacts that were not disclosed in the DEIR. Because these revisions are significant, the revised DEIR will need to be recirculated for additional public comment. (Pub. Resources Code Section 21091.1; 14 Cal. Code Regs. ("CEQA Guidelines") Section 15088.5.)

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## 2. CEQA's General Requirements of Environmental Impact Reports (EIRs)

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project (CEQA Guidelines Section 15002, subd. (a)(1)). The second purpose of CEQA is to require public agencies to avoid or reduce environmental damage when possible by requiring appropriate mitigation measures and through the consideration of environmentally superior alternatives (CEQA Guidelines § 15002, subds. (a)(2)-(3); see also, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d at 553, 564). As discussed in detail below, the Draft EIR fails to meet either of these two key goals of CEQA.

CEQA is intended “to be interpreted in such manner as to afford the fullest possible protection of the environment within the reasonable scope of the statutory language.” (*Laurel Heights Improvement Assn. v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 390 (*Laurel Heights I* at 376, 390). “Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.” (*Laurel Heights I* at 392).

An EIR must accurately describe existing conditions in order to identify the existing environment and establish a setting against which impacts will be evaluated and mitigation measures considered. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645,657-658 (*San Joaquin Raptor*))

This means that an EIR must provide the public and decision-makers with detailed information about the Project’s potentially significant and significant environmental effects, identify ways to minimize and mitigate significant adverse impacts, and explore less damaging alternatives. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th (*Sierra Club I*) 502, 511. CEQA requires that an EIR accurately disclose sufficient information to enable the public “to understand and consider meaningfully the issues raised by the proposed project.” *Id.* at 516. An EIR must also provide substantial evidence to support its conclusions, including determinations about the significance of project impacts and the effectiveness of mitigation measures. *Laurel Heights I* at 376, 392.

An adequate EIR must contain the facts and analysis necessary to support its conclusions. (*Citizens of Goleta Valley v. Board of Supervisors, supra* at 568)

CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and requires mitigation measures to be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time, providing that specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project’s

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environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.

If an EIR identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts. (Public Resources Code Section 21002.1, subd. (a), 21100, subd. (b)(3)) CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures. (Public Resources Code Sections 21002 through 21002.1) Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

As described below, the Draft EIR lacks meaningful analysis of the full Project, fails to establish the existing setting related to all aspects of the Project, lacks analysis regarding the effectiveness of most mitigation measures, does not provide adequate detail to ensure mitigation measures will be enforced, and neglects to consider mitigation measures for multiple significant and unavoidable impacts. Many of the mitigation measures that are proposed are unenforceable, vague, or so undefined that it is impossible to evaluate their effectiveness.

### 3. Adequacy of Analysis

On pages ES-1 and 1-2, the Draft EIR states that it is a project EIR, noting that a project EIR focuses primarily on the changes in the environment that would result from a development project and that a project examines all phases of the project, including planning, construction, and operation. The Draft EIR goes on to state, "For the proposed project, this Draft EIR covers environmental impacts on a project level for onsite improvements, supported by site-specific studies."

However, in relation to offsite improvements, the Draft EIR states that the offsite improvements are analyzed to the extent that details were available at the time that the Draft EIR was prepared and later environmental review may be required once infrastructure details are known. The Draft EIR has failed to identify the full extent of uses allowed by the Project and that can be reasonably expected to develop, including second dwelling units and the 124-acre day use park, and has not fully described the anticipated off-site improvements that should be known as part of the preparation of the infrastructure planning for the Lime Rock Valley Specific Plan, does not adequately describe the details of off-site improvements that can be determined at this time, and does not describe what information cannot yet be ascertained. With this lack of identification and review of offsite improvements, the Draft EIR does not identify nor analyze the full extent of changes to the environment, including off-site improvements, that would result from the Project. In this regard, the discussion of the Existing Setting and analysis of the environmental impacts of the Project for all environmental topics, cumulative topics, and Project alternatives is deficient and flawed and incomplete.

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## 4. Project Description

The Project Description fails to provide a full description of all aspects of the Project and thus fails to analyze the magnitude of the Project's alteration. Without a complete description of all aspects of the project, the Draft EIR does not provide sufficient specificity to enable meaningful comments on the changes to the environment that would result from Project implementation.

### A. Location and Extent of Development

While the Draft EIR identifies the proposed land use designations and total acres, total number of units, and total square footage of non-residential uses identified for development, it does not describe how development will be allocated throughout the Project site, including the distribution of units throughout the Project site (e.g., the number of units accommodated by each of the areas identified for residential development and the uses that could occur in the areas designated for non-residential development).

Table 2-3 provides some of this information, however, Figure 2-5 identifies distinct areas that will be zoned throughout the Project site. These areas should be labeled (i.e., Area 1, Area 2, Area 3, etc.) and Table 2-3 should be expanded to identify the number of units proposed for each residential area shown on Figure 2-5. As provided, it is difficult for the lay person to understand the number of units that may occur in the various areas of the Project site designated for development. Further, Table 2-3 does not identify the amount of non-residential development that could occur in the areas designated for Community Open Space and Foundation or Private Open Space.

The anticipated size, mass, appearance, height, floor area ratio, and other characteristics of development are not described, although the LRVSP establishes design and development standards that will guide development, including information regarding allowed uses, lot coverage, lot sizes, setbacks, maximum heights, and parking requirements.

#### Non-Residential Uses

The Project Description does not describe the range of uses and improvements that could be constructed on the park and open space sites. Page 0-3 of the Specific Plan describes the intended uses for the day-use park. The Specific Plan identifies that the park may include hiking/equestrian trails – typically, a large-scale public use park would include one or more parking lots, multi-use trails, picnic benches, restrooms, and other facilities. The Draft EIR does not identify the location of the 124-acre day use park nor the improvements planned for this facility. While page 2-1 of the Draft EIR briefly references the day-use park, it is not included in the list of Project components and the anticipated improvements and facilities for the day-use park are not divulged in the Draft EIR. Further, the park is not shown on any Draft EIR figures, including Figures 2-5, 2-6, or 2-7. However, Table A.11 of the Specific Plan lists a range of allowed uses for the OS2-PD zone, including but not limited to campgrounds (both day use and overnight), riding arenas, commercial stables, and special events. The allowed uses must be considered for the day use park in the Project analysis, including in the aesthetic, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gases, hazards/human health, hydrology, land use and

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planning, public services, recreation, transportation and circulation, utilities, and cumulative impact sections of the Draft EIR. A review of these sections indicates that the day use park has not been considered.

The Draft EIR does not address the improvements planned for the 8-acre village park, which the Specific Plan states is intended to provide active and passive recreation opportunities (Specific Plan p. 3-4) and may include restrooms, parking, site furnishings, picnic tables, and sports fields (soccer, baseball, and basketball are among the uses listed on page 6-4 of the Specific Plan).

The Draft EIR does not address the improvements planned for the neighborhood parks, which the Specific Plan states may also include active recreation uses – community event/gathering areas, play areas, basketball, volleyball, and other uses.

The Draft EIR does not address the estimated size of built uses, including the recreational facilities or sports fields at the parks. Without a discussion of the types of amenities and facilities, including the potential size of the uses, the Draft EIR has not considered these components of the Project as part of the environmental analysis. The environmental analysis in the Draft EIR fails to address operation of the planned park facilities, including the day use park, village park, and neighborhood parks.

The Draft EIR does not address the aesthetic impacts associated with the improvements for these day use, village, and neighborhood park uses, including changes to visual quality and character of the site and its surroundings, glare, or nighttime lighting. The Draft EIR does not address the trips that may be generated by these facilities, including the 124-acre day use public park that is planned to include hiking and equestrian trails and will allow a range of uses as identified Table A.11 of the Specific Plan document and may attract visitors from throughout the region. The Draft EIR does not address biological resources, cultural resources, or tribal cultural resources located on the 124-day use park site that may be adversely affected by the Project. The Draft EIR does not address vehicle trips generated by the day-use park (neither Draft EIR Chapter 3.14 nor Appendix K address trips associated with the day use park), nor the related air quality, greenhouse gas, and noise impacts. As a large regional open space area, the park may attract significant visitors; vehicle trips to and from the day-use park are not addressed in The Draft EIR does not address hazards associated with the day use park, including hazards associated with ground failure due to past mining activities of the Project site.

### **Additional Residential Unit Capacity Not Disclosed nor Analyzed in the Draft EIR**

The Specific Plan document provides standards for secondary dwellings, which are referred to as accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) under State law, and states on page A-29 that in all zones that permit single-unit residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating a secondary dwelling shall be allowed by right subject to the provisions of Section A.5.12. While the LRVSP would allow second units in all of the Specific Plan zoning categories and would allow duplexes and halfplexes in the R4-PD, R6-PD, R-10-PD zoning categories, the Draft EIR fails to address the number of second units (ADUs and JADUs), the number of duplex units, the number



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of multifamily units, and the number of units allowed under Senate Bill 9 (SB 9) that could occur with implementation of the Project.

State law mandates that ADUs, JADUs, SB 9 units, and be permitted by-right (nondiscretionary) and has streamlined the approval requirements and development standards for these types of units. See Government Code Sections 66310 through 66342 for provisions related to approval of ADUs and JADUs. See Government Code Section 65852.21 related to SB 9 units. The by-right (nondiscretionary) provisions of State law mean that ADU, JADU, and SB 9 units may be developed without regard to the 800-unit cap for the Project site envisioned by the Specific Plan. These State laws significantly increase the potential intensity of development in single family (ADUs, JADUs, and SB 9 units), multifamily (ADUs), and mixed use areas (ADU, JADU, and SB 9 units depending on the mix of uses). The provision for ADUs and JADUs would allow three units to be constructed on each lot with a single family unit, would allow multiple ADUs and JADUs on lots with a multifamily unit; and would allow up to four units under SB 9 on a single family lot. These provisions of State law accommodate significantly more units than disclosed in the Project Description.

These potential ADU, JADU, duplex, and SB 9 residential uses, which are likely to occur, would increase the number of residential units developed on the site and are not included in the analysis of environmental impacts in Chapters 3 (Impact Analysis), 4 (Alternatives), or 5 (Other CEQA Considerations) of the Draft EIR. These units are likely to occur as the County's housing trends have shown an upward trend in the development of second units, from 48 entitled in 2019 to 84 in 2023 (source: Housing Element Implementation and APR Data Dashboard, <https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard>, accessed 6/28/2024). These additional units would result in increased vehicle trips, both as a result of construction of the units and operation of the units, and associated air quality, greenhouse gas, and noise impacts that have not been identified nor disclosed in the Draft EIR. Other impacts likely to occur from these additional units include increased demand for water, sewer, storm drainage, electric, and natural gas utilities, increased demand for school and recreational facilities, and increased demand for public services – the increased demand for utilities, facilities, and services may necessitate the construction or expansion of infrastructure and facilities to accommodate the Project. However, the EIR has not examined the potential effects of these additional units that would be permitted as part of the Project.

The LRVSP document identifies that residential units may be constructed on the Village Park site, which is zoned as R15-PD (not Park); page 3-4 of the LRVSP document identifies that the County may approve the modification or relocation of the public parks, schools, and public utility sites through a minor administrative process. The LRVSP document also indicates on page 3-12 that the land uses of the vacated site(s) would “revert” to the Lime Rock Residential – Low designation. This would allow for additional residential units that could be constructed on the Village Park site. The Draft EIR does not identify the number of units that could occur in these locations nor address this potential for additional residential development on the park sites. These uses are not reflected in Table 2-2 nor in the description of parks provided in Section 2.3.3, Project Features, nor are they addressed elsewhere in the Project Description. These potential residential uses are

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not included in the analysis of environmental impacts in Chapters 3 (Impact Analysis), 4 (Alternatives), or 5 (Other CEQA Considerations) of the Draft EIR. It is likely that these uses could occur, given the recent Central El Dorado Hills Specific Plan request to significantly modify the approvals for the Serrano Golf Course to redevelop the golf course, which serves as a significant recreational amenity, with a mixture of single family and multifamily housing. Absent restrictions and commitments in the LRVSP that the parks, recreation, and other public/quasi-public sites will be made permanently available for recreational and similar uses that do not involve residential, commercial, office, or industrial development, it is reasonably foreseeable that a similar switch could be made for LRVSP in the future and the potential development of the park sites must be disclosed and considered in the Draft EIR.

In summary, the Draft EIR must address the number of ADUs, JADUs, SB 9 units, and units located on the park sites that could occur with implementation and operation of the Project and must analyze these uses as part of the Project, including in relation to aesthetics, circulation and transportation, noise, air quality, greenhouse gas emissions, hazards, population and housing, water supply and treatment, wastewater collection and treatment, storm drainage impacts, schools and recreation facilities, waste disposal, cumulative effects, and growth-inducing impacts of the Project.

### Access Points

The Project Description does not detail the improvements to Marble Valley Parkway or the Marble Valley Parkway/Bass Lake Road intersection, which will be needed for Project traffic to safely access the Bass Lake Road/US 50 interchange that will serve the Project. There is currently not an approved project that plans to build the Marble Valley Parkway and the Project would be required to construct the Marble Valley Parkway and Lime Rock Valley Road off-site improvements prior to development. The Draft EIR must describe the extent of the off-site roadway improvements, including length of improvements, rights-of-way widths, and acreage of disturbance in order to assist the reader in understanding the extent of disturbance that will occur with implementation of the Project.

While the off-site improvements on page 2-11 describe improvements to the Cambridge Road/Country Club Drive and Cambridge Road/Knollwood Drive intersections, there is no discussion of improvements to the Flying C Road/Cambridge Drive intersection. It is likely that if Project traffic is increasing use of the Cambridge Road/Country Club Drive and Cambridge Road/Knollwood Drive intersections, it will also increase use of the Flying C Road/Cambridge Drive intersection, particularly under cumulative conditions if development occurs on the adjacent Villages of Marble Valley Specific Plan site.

The Project's circulation plan must demonstrate adequate and safe access to the local roads, intersections, and interchanges that will serve the Project and the Project Description must describe the improvements at a level of detail that ensures that the improvements are evaluated as part of the Project, including roadway safety issues.

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### Emergency Vehicle Access

The Project Description fails to describe the extent, intended use, and feasibility of proposed emergency vehicle access (EVA) points and routes. On page 2-9, the Project Description identifies that Shingle Lime Mine Road and Amber Fields Drive would be available for emergency access only. However, there is no description of how and where each EVA will connect to existing roads and what extensions or roadway improvements are necessary for the EVAs. There is also no discussion if any EVAs that are proposed on privately-owned roads have been accepted or approved by the property owner(s).

### Access to Private Streets

Apart from the EVAs, it appears that the potable water transmission line shown on Figure 2-13 is planned to go through Ridge Pass Road, a private road to which the Project applicant has not been granted access. There are likely other areas where the Project assumes access to privately owned roads – these assumptions should be clearly stated in the Draft EIR.

Section 2.4 of the Project Description must be revised to list all entities that will be asked by the Project to permit access.

Without working with the private property owners, districts, or other entities that manage private roads to ensure access, the Project makes assumptions that are not supportable regarding the potential to achieve the roadway and infrastructure improvements necessary to serve the Project. The Draft EIR must address alternative solutions to ensure that the full extent of the Project is analyzed where access to private roads is not likely to be granted.

### Off-Site Improvements

The Project Description fails to describe the extent, intended use, and feasibility of various components of the Project. While there is a brief list of offsite improvements on pages 2-11 and 2-12 and a list of General Plan Policy TC-XF improvements on pages 2-12 and 2-13, there is no description of these improvements, such as the length, width, or acreage affected nor the height of any structures, with the exception of the description of the width of the pipes for portions of the potable water transmission main discussed on page 2-12.

Under the Utility Plan discussion on page 2-11 of the Village of Marble Valley Specific Plan (VMVSP) Draft EIR, the VMVSP EIR identifies that a new 44 million gallon per day water treatment plant to be located off of Missouri Flat Road will be needed to support County General Plan development and that up to 1,544 residential units in the VMVSP could be served prior to the construction of the water treatment plant and new water transmission mains. Will this new 44 million gallon per day water treatment plant be needed to serve the Project? If so, it must be included in the Project Description and analyzed in the Draft EIR.

While the Draft EIR identifies “Interim Phase 1 Potable Water Improvements” including various improvements to the north of the Project, as well as water transmission improvements to the northeast of the Project site, in Figure 2-13, it does not demonstrate how these improvements will connect to the Project and provides no discussion of subsequent phases (Interim Phase 1 suggests that there will be Phase 2) of the water supply, transmission, and treatment

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improvements that will be needed. The Draft EIR identifies on page 2-9 that the “potable water system would include connections to offsite transmission mains, as well as onsite and offsite storage tanks, booster stations, and distribution mains and laterals. Transmission mains would be within roadways and would connect to the existing system via Lime Rock Valley Road through the proposed VMVSP area (Figure 2-9). Figure 2-13 does not identify which utilities will be served by the Lime Rock Road/Marble Valley Parkway alignment. Further, the Draft EIR does not provide details regarding the size or location of the offsite storage tanks and booster stations and does not describe the extent of disturbance anticipated with the offsite water, wastewater, circulation, or dry utility improvements. As the Draft EIR does not describe the extent of disturbance associated with the construction of these improvements and does not identify where booster pumps, the environmental impact analysis for the Project has not considered the environmental effects of these improvements, despite that these improvements are necessary to serve the Project as described on page 2-11.

For each off-site improvement, the location of the improvement, the extent of the improvements (length, width, acres affected including any construction staging areas what improvements will be located above ground, the general size and height of such improvements, what improvements will occur underground, and the details of traffic/roadway improvements (additional lanes added to interchanges, signalization, etc.) should be provided.

While off-site improvements are generally described, they are not included as part of the Project improvements summarized in Table 2-2, which, by excluding the off-site improvements necessary for the Project, understates the actual acreage that will be disturbed as part of the Project and extent of development that would occur and does not provide an accurate Project Description upon which the environmental analysis for the Project is based.

## B. Phasing of Construction Activities

The environmental analysis in Chapters 3, 4, and 5 of the Draft EIR relies on phasing of the construction of the Project (see Draft EIR pages 3.2-15, 3.6-12, and Appendix C which indicate that Project phasing was used in the modeling of the Project’s air quality emissions and greenhouse gas emissions). However, the Draft EIR, including the Project Description, does not describe the phases of the Project.

The Draft EIR, including the Project Description, provides no basis for the assumptions, modeling, and analysis of impacts that are based on phasing of the Project.

There is no description of the construction activities that will occur in each phase, including site preparation, estimated construction trips, amount of import and export of fill materials and associated heavy truck trips, the number of units under construction, the amount of workers that will commute to the area for each phase of construction, the amount of residential units that will be constructed during each phase, and the amount of non-residential development under construction, including Village Park, the regional day use park, and other proposed non-residential uses to be constructed during each phase. The timing of public facilities, including on-site and off-

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site infrastructure improvements (roadway, water, wastewater, recycled water, stormwater) and that will be necessary to serve each phase is not provided.

## Summary

Without a detailed description of all aspects of the Project, including the amount of development proposed in each area of the project and the planned phasing of construction activities, how the Project will connect to existing roadways, how the Project will provide emergency vehicle access, and the elimination or revision of the transfer of development rights component, the Project Description does not provide sufficient specificity for the public to provide meaningful comments related to the analysis of the environmental effects of the Project.

Without a complete description of the Project, the existing setting for each environmental topic of the Draft EIR that serves as the basis for analysis in Chapters 3 through 5 is inadequate as the existing setting description does not address the full extent of the Project, including off-site components.

Without a complete description of the Project, the environmental analysis for each environmental topic addressed in Chapters 3 through 5 is flawed as the analysis fails to address the full extent of the Project.

## 5. Aesthetics

The discussion and analysis of aesthetic and visual impacts included in the Draft EIR are significantly misleading and do not represent an accurate depiction of the visual impacts that would result from the Project.

### A. Project Vicinity Visual Character

On page 3.1-8, the Draft EIR states “Views from rural residential lots surrounding the site are mostly limited to the foreground and middleground by the rolling topography, trees, and scattered development. However, roadways do sometimes provide view corridors toward the site. Residents, roadway users, and recreationists in Cameron Estates and Royal Equestrian Estates have more open views of the project site where roadways and elevation provide views out and over the landscape. Some scenic vista views may be available from a limited number of properties in Cameron Estates and Royal Equestrian Estates.”

This description of views of the Project site understates the quality of views from neighboring roads and residences. Views of the site are expansive from various roads in Cameron Estates and consist of foreground, middleground, and background views of the sites rolling hills, oak woodlands, and oak-covered ridgelines. The examples of views of the Project site provided in Figure 3.1-1 and associated photos are all taken from within the Project site and do not reflect the views of the site from nearby residential areas, roadways, and other uses in the Project vicinity.

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The Draft EIR must better examine the actual views of the site in order to provide a meaningful analysis of the impacts of the Project, including modifications to the scenic resources (ridgelines) and views that would result from the Project, as well as to provide a basis to consider mitigation measures and examine the potential effectiveness of mitigation measures.

## B. Off-Site Improvements

Chapter 3.1 of the Draft EIR does not describe the existing conditions, in terms of visual character or scenic resources, that are located in the areas identified for off-site improvements, which include miles of roadway, water line, sewer line, and other improvements that will disturb many acres (the Draft EIR does not identify how many acres), including lands in natural conditions on the adjoining VMVSP site as well as natural areas adjacent existing roadways that will be disturbed by roadway and utility improvements. On page 3.1-8, the Draft EIR indicates that the Project site is not visible from US 50, a corridor with important public scenic viewpoints for views of the Marble Valley, but neglects to establish whether off-site improvements are located in areas designated as scenic resources, including off-site road and utility improvements proposed in the Marble Valley. Given the extensive amount of off-site improvements that are necessary for development of the Project, the lack of establishing the existing conditions associated with these improvements is a significant flaw in the Draft EIR as the reader has no basis to understand the change to these resources associated with the Project.

## C. Views and Viewer Response

### Residents

The description of resident views underplays actual views of the site from nearby residential areas. Cameron Estates residents have extensive views of the Project site, including views from property lines and views from roadways. A windshield survey of views of the Project site from several vantage points, including Cameron Road, indicates that the oak canopy is intermittent and does not preclude views of the site. A full survey of residential areas in the vicinity of the Project site was not conducted for this response; however, given that the description of views of residents is erroneous for this one area, views from residential areas must be reexamined for all areas in order to provide factual information in the Draft EIR and not false statements.

### Roadway Users

On page 3.1-15, the Draft EIR makes the unsubstantiated, conclusory statement that roadway users have moderately low sensitivity to their surroundings because their focus is concentrated on driving and not roadway conditions. First, this statement neglects to consider the views of passengers, who are not focused on driving and are able to relax and enjoy the scenic views of the Lime Rock Valley, its oak woodlands, seasonal ponds, and ridgelines. Next, many drivers in the area have a high sensitivity to their views. US 50 users are treated to scenic views of the hillsides, ridgelines, valleys, lake, and extensive tree canopies - many local residents as well as regular visitors are familiar with the views and are sensitive to changes in the viewshed. Has a survey of County residents in the vicinity of the Project been conducted to determine view preferences and to substantiate the Draft EIR's opinion that roadway users have a moderately low sensitivity to their surroundings? Our personal perception is that we are highly sensitive to the scenic views

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and changes to the views. Discussions with our neighbors of the changes to views from roadways and properties in the Cameron Park and Shingle Springs areas indicates that roadway users are highly sensitive to changes to scenic views and conversion of woodlands, hillsides, ridgelines, and open spaces to developed uses, including residential, park, and recreation uses. The Draft EIR must be revised to reflect the actual views of roadway users, that there are roadway users highly sensitive to changes to scenic views and visual quality and character, and not make conclusory, unsubstantiated statements regarding sensitivity to views.

## D. Regulatory Framework

The regulatory framework section in Chapter 3.1 references various County General Plan goals and identifies the number of various policies, but does not actually describe policies that provide specific protections related to aesthetics, visual resources, lighting, and glare in the County. The regulatory framework does not identify County General Plan Policy 2.6.1.5, which requires that all development on ridgelines shall be reviewed by the County for potential impacts on visual resources. This policy is not limited to scenic corridors, but rather applies to all development in the County in order to protect ridgelines as an important scenic resource. The importance of this policy is underscored by Policy 2.3.2.1, which requires that disturbance of slopes thirty (30) percent or greater shall be discouraged to minimize the visual impacts of grading and vegetation – this policy is not described in Chapter 3.1.

The regulatory framework and environmental impact analysis sections also omit identification of the mitigation measures identified in the County General Plan EIR and adopted in the County General Plan Mitigation Monitoring and Reporting Program that are applicable to the Project. Adopted mitigation measures that are applicable to the Project must be identified and the Project's consistency with the requirements must be evaluated. Further, the General Plan EIR relied on General Plan and policies and programs to reduce aesthetic impacts. For example, Policies 2.5.1.1 and 2.5.1.2, 2.6.1.1 through 2.6.1.7, 2.7.1.1 and 2.7.1.2, 7.4.5.1 and 7.4.5.2, 7.5.2.1 through 7.5.2.6, 7.6.1.1(C), 7.6.1.1(E), 7.6.1.3(E), and 9.1.3.2 are identified to reduce impacts associated with degradation of existing visual character or quality of the area or region but the Draft EIR neglects to address the Project's consistency with these or other policies and programs referenced in the General Plan Draft EIR that have been adopted to reduce impacts to aesthetic resources.

## E. Environmental Impacts

### Impact AES-1

While this impact describes construction activities, it does not describe the visual and scenic resources being affected nor the time frame and location of construction activities (see comments in Sections 4 and 6 of this letter related to Project details, construction phasing, and inadequacy of the Project Description), and how views of the Project site would be altered. Further, there are many views of the Project site where construction, including construction lighting, would be visible to nearby vantage points, recreational areas, and residential areas. While this impact is identified as being significant and unavoidable, the full extent of the impact is not adequately

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described and potential methods to mitigate the impact have not been considered. Potential mitigation measures that have not been considered include:

- Phasing of construction activities to reduce the extent of visual impact at any given point in time,
- Limiting construction hours to reduce lighting, glare, and disturbance impacts, and
- Reducing the scale of construction to reduce the extent of the impacts, including limiting construction to 100 feet below ridgelines.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

#### Impact AES-4

Impact AES-4 fails to address the full extent of the impact of the Project on the existing visual character and quality of public views of the site and its surroundings. Figure 3.1-1 and associated photos do not reflect the actual views of the Project site from nearby vantage points of Lime Rock Valley. The visual representation of the Project site included in the Draft EIR is significantly misleading, with three of the photos (Photos 3, 5, and 6 as shown in Figure 3.1-1) taken from views of the interior of the site and Photo 1 representing views other than the Project and not reflecting existing views by nearby residential and recreational users, including quasi-public users of local roadways. Figure 1 of this comment reflects views of the site from nearby roadways and recreational areas with foreground, midground, and background views of the site.

Draft EIR Figure 3.1-1 references a visual simulation, however, no simulation of changes to the viewsheds that include the Project is provided in the Draft EIR. The visual simulation must be representative of the full extent of the impact of the Project on the existing visual character of the site and the quality of public views of the site and its surroundings in order to adequately assess the impact to the visual character or quality of public views of the site and its surroundings. See Figure 1 for examples of views of the Project site from various nearby roadway and residential vantage points.

The analysis also must address the visual impact of the full extent of the Project, including offsite improvements, including but not limited to the roadway, water, and wastewater improvements described in the Project Description. While some portion of the impact of offsite improvements is discussed under Impacts AES-6, Impact AES-4 must focus on the full extent of the Project, including off-site improvements, and not segment the impact analysis between different phases or components of the Project in order to downplay the full extent of the impact. Further, the Project Description and the discussion under Impacts AES-6 does not address the extent of the off-site improvements in terms of height, width, mass, scale, etc. of any of the off-site structures/improvements, so it is not possible to fully analyze the extent of the potential effect of the off-site improvements.



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County General Plan Objective 2.3.2 requires that the visual integrity of hillsides and ridgelines be maintained. Policies 2.3.2.1 and 2.6.1.5 provide for hillside and ridgeline protection. The Project does not maintain visual integrity of hillsides and ridgelines. The Draft EIR does not identify Project areas that include ridgelines or hillsides and does not address the impacts of the Project on the hillside and ridgeline visual resources present on the Project site. County General Plan Policy 2.6.1.5 requires assessment of visual impacts on ridgelines and addressing methods to avoid visual breaks to the skyline. The Draft EIR does not assess visual impacts on ridgelines and does not address methods to avoid visual breaks to the skyline.

The analysis does not demonstrate consistency with County General Plan Policy 2.5.1.1. This policy requires physical and visual separation of new development from adjacent residential communities. The DEIR acknowledges that separators are not provided along the Project's eastern boundary and along portions of the Project's northern boundary. This is a clear violation of General Plan Policy 2.5.1.1, which was adopted to avoid or lessen an environmental impact subject to CEQA (visual and aesthetic impacts).

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**Figure 1-A: Photos of the Project Site**



View from Cameron Road (middleground, background)

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**Figure 1-B: Photos of the Project Site**



View from Cameron Road (middleground, background)

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**Figure 1-C: Photos of the Project Site**



View from Trails End Road (middleground (oak canopy), background (hills, oaks, ridges))

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#### Figure 1-D: Photos of the Project Site



View from Adjacent Residence (foreground, middleground, background)

While Impact AES-4 references a number of LRVSP policies on page 3.1-15 that are intended to integrate the Project's suburban community environment with the rural character of the area (p. 3.1-15), the Draft EIR does not address how these policies will reduce the Project's impact on the visual character and quality of the site and its surroundings. In reviewing these policies, the policies do not establish standards that will ensure the protection of the visual character of the site and its surroundings. Policy 3.4 only requires that design review and development proposals "consider" subdivision design, architectural review, site plan review, building materials, landscaping, lighting, grading, and improvement plans to integrate with the existing character of El Dorado Hills and Cameron Park – this policy does not establish any requirements or standards that will be applied to the Project and is meaningless in terms of addressing Impact AES-4. Policy 3.6 only requires that the Project create a distinctive character and high-quality community – this policy is meaningless in terms of reducing the Project's impact as described under Impact AES-4. Impact AES-4 references Policies 6.29 through 6.35 to minimize the visual intrusion on the landscape by preserving oaks, however these policies do not exist in the LRVSP – there are no policies past Policy 6.21 in Chapter 6 of the LRVSP. The discussion also addresses Policies 6.29 through 6.35 – again, these policies do not exist in the LRVSP document. Policies 6.3 through 6.28 and 6.40 through 6.48 are also referenced with no description of how these policies would

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actually reduce the Project's impact on the visual character and quality of the site and its surroundings; again, this reference includes a number of policies that don't exist (there are no Policies 6.22 through 6.28 or 6.40 through 6.48 in the LRVSP). For Policies 6.3 through 6.21, these policies do not address the protection of visual quality and character, these are policies that primarily address parks and do not address how the Project will be designed to reduce impacts to the visual quality and character of the area.

The only mitigation measures provided are Mitigation Measure AES-4a, which addresses the design of proposed noise barriers, and Mitigation Measure AES-4b which includes subjective language that does not ensure that development will use materials and colors that do not contrast with the existing conditions on the Project site. The Draft EIR must analyze the extent to which these measures reduce Impact AES-4. Further, these mitigation measures do not address the full extent of the impacts described under Impact AES-4 on page 3.1-14, including that the Project would "change the visual landscape from manzanita chaparral, oak woodland, and grassland open space to a planned development, permanently altering the existing visual character and aesthetic resources of this foothill transition area and decreasing the amount of such resources available in the region and vicinity" and result in a "permanent conversion of the site from scenic natural open space to one with a residential subdivision would reduce the visual quality of these views, which is likely to affect sensitive viewer groups and views from the project vicinity." The Draft EIR does not provide mitigation measures to fully address this impact and does not demonstrate that the referenced LRVSP policies will address this impact.

The EIR must fully analyze the potential impact and consider and analyze available potential mitigation to reduce or lessen the impact. As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval. The Draft EIR does not describe feasible mitigation measures which could minimize significant adverse impacts associated with Impact AES-4.

At a minimum, the analysis and mitigation measures must address approaches to preserve visual character and quality, including:

- Preservation of ridgeline views, including a minimum 100-foot setback from the top of ridgelines and hills in order to avoid visual breaks to the skyline;
- Re-locating uses with building heights or mass that will obstruct views of Lime Rock Valley, seasonal water features, and ridgelines;
- Requiring a minimum setback of all improvements from retained oak woodlands;
- Requiring a minimum setback of all improvements from all water features, including seasonal ponds and seasonal/intermittent drainages; and
- Establishing specific shades that will be allowed for roofing materials and building facades and prohibiting use of colors and materials that would stand out and contrast against existing features.

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- Mitigation Measure AES-4b must be revised to be: 1) fully implementable, 2) to identify the timing of implementation and review by the County for each phase of the Project to ensure that the development associated with the phase complies with the mitigation measure, 3) to apply to all development associated with the Project, and 4) to provide quantifiable and objective standards. Mitigation Measure AES-2 must be revised to establish specific shades that will be allowed for roofing materials and building facades rather than using subjective language regarding using shades that are “mid-range” or “darker” or using shades that would “make buildings stand out” and must also be revised to prohibit and not just “avoid” colors that would stand out and contrast against existing features.

### Impact AES-5

Impact AES-5 fails to address the full extent of the impact of the Project, including off-site impacts, as a new source of substantial light and glare. While there is a brief discussion that permanent sources of light would be introduced, there is no analysis of the level of illumination that will emanate from the Project site nor the extent to which such increase in lighting and glare would affect those in the vicinity of the Project site. The Draft EIR also does not address all components of the Project – potential lighting associated with the range of uses allowed at the Village Park, day use park, and neighborhood parks is not considered. The Draft EIR limits the analysis of lighting impacts to new permanent sources of light would be introduced from lighted residences, walkways, roadways, parking lots, and accent lighting. This lighting does not include lighting that could occur with sports fields located at the parks nor the campground, equestrian arena, parking, and other facilities that would be allowed at the day use park (see comments on the Project Description in Section 4 of this letter).

The Draft EIR analysis references existing County requirements (General Plan Policy 2.8.1.1 and County Code Section 130.34 Outdoor Lighting), indicating they would ensure that the Project minimizes lighting impacts to the degree possible. However, the Draft EIR does not demonstrate how these requirements would reduce lighting to the greatest extent feasible and does not demonstrate how the Project will be consistent with these policies.

The Draft EIR indicates that even with shielding (in reference to LRVSP Policy 5.21), the Project would substantially increase the amount of ambient light in the vicinity compared to existing conditions and result in visible light pollution and introduce ambient sky glow to the project vicinity. However, the Draft EIR does not consider additional mitigation measures to reduce this impact, including methods to reduce the amount of ambient light emitted from the Project site and to reduce the Project’s effect on visible light pollution and ambient sky glow. Further, LRVSP Policy 5.21 appears to only address lighting adjacent to Deer Creek. Policy 5.21 also does not provide any performance standards or requirements that would reduce off-site lighting impacts to the greatest extent feasible. The policy also does not address potential night-time lighting associated with the range of uses that will be allowed at the Village Park, day use park, or other neighborhood parks.

If the LRVSP policies are relied upon to reduce impacts, the policies must be revised establish performance-based standards specifically quantifying the amount of off-site illumination that will

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be allowed, and require that the specific measures to reduce impacts be implemented (rather than 'considered' or other nebulous language) to ensure that the lighting and glare impacts to the nearby communities and the region are reduced to the maximum extent feasible. To rely on LRVSP policies to reduce impacts, the analysis must demonstrate the extent to which the policies will reduce lighting and glare impacts.

Further, the mitigation measure referenced (AES-4b) does not address lighting and glare issues. There is no requirement that buildings be sited to ensure that the retained oak woodland canopy minimizes light and glare.

The Draft EIR must consider mitigation measures that require performance-based standards to reduce lighting and glare impacts. Mitigation measures to be considered and analyzed include, but are not limited to:

- Requiring all exterior lighting to be fully shielded and directed downward.
- Requiring each phase of the Project to prepare a lighting plan that meets specific standards established by the Draft EIR, including limiting illumination only to the level needed for the specific aspects of the phase and demonstrates that the phase will not increase off-site illumination more than a specified amount (e.g., no more than 0.5 foot-candle increase within 50 feet of the phase/parcel and no increase in illumination beyond 100 feet of the phase/parcel); such measures to reduce lighting and glare impacts must be analyzed and considered.
- Prohibiting use of materials (reflective surfaces) and colors that are sources of daytime glare.
- Prohibiting light spillage to the existing neighboring communities, including Cameron Estates and Royal Equestrian Estates.
- Prohibiting the use of night-time lighting of sports fields and recreation facilities or establishing standards to ensure that such lighting would not adversely affect existing residences and other uses in the Project vicinity.
- Requiring all exterior lighting to install automatic, dimmable controls and establish any standards for the lighting levels, duration, and extent of lighting.

The mitigation measures must also demonstrate how lighting will be minimized throughout the operation of the Project, including the entities responsible to monitor outside lighting and ensure compliance with the mitigation measures for the life of the Project.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval. Therefore, the Draft EIR must consider and analyze potential mitigation to reduce or lessen the significant impact related to lighting and glare consistent with the requirements of CEQA Guidelines Section 15126.6.

### Impact AES-6

As previously described, the Project must be considered as a whole rather than segmenting on-site and off-site impacts related to aesthetics and visual resources. As previously described, the



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Project Description does not address the full extent of off-site improvements necessary for the Project, including potable water storage tanks, booster stations, and a new water treatment plant. Therefore, the discussion under Impact AES-6 does not address the full extent of the off-site improvements, does not address the details of the off-site improvements in terms of height, width, mass, scale, area of disturbance, etc., does not describe the visual resources that would be affected by each of the improvements (what is the existing visual resources setting of each of the improvements in terms of scenic resources, visual character and quality, and light/glare – there is no discussion of the existing setting related to each of the off-site improvements so it is impossible to determine the effect of the improvement on the environment), and how each of the improvements would affect these resources, if there would be trees removed, if there would be new sources of light and glare from each of the improvements, etc.

Impact AES-6 claims that the terrain, existing trees, and curvature of Marble Valley Parkway would limit available views of Marble Valley Parkway from Highway 50 – however, the Draft EIR has not examined views of Marble Valley from the Highway 50 corridor (both eastbound and westbound), Country Club Drive, roadways in the nearby (see Attachment 2 for photos of these areas – note that these photos are not a comprehensive representation of high-quality views of the Marble Valley, but demonstrate several views of the site). It is likely that Marble Valley Parkway will be visible from multiple vantage points and that development of this roadway would result in a significant and unavoidable impact to scenic resources.

Impact AES-6 states that County policies, zoning ordinances, design review, and the proposed LRVSP would ensure that the Project further minimizes visual impacts associated with offsite improvements. However, as described above for Impacts AES-1, AES-2, and AES-4, the Draft EIR has not demonstrated how the Project will be consistent with County policies and zoning requirements. The Draft EIR does not address design review requirements and how those would reduce impacts. Further, the majority of the LRVSP policies that were identified to reduce visual impacts under AES-4 do not exist (see Impact AES-4 discussion above) and many LRVSP policies do not establish actual requirements that would reduce impacts, as discussed under Impacts AES-2 and AES-4 above.

## 6. Air Quality

### A. Regulatory Setting

The Regulatory Setting on Draft EIR pages 3.2-1 through pages 3.2-6 does not describe the applicable federal, state, and local plans (including the planned population, housing, and non-residential growth assumptions of each plan) and the applicable policies, standards, or requirements to achieve attainment status for the criteria pollutants designated to be in nonattainment status. Applicable plans and policies to address the federal nonattainment designations for ozone and PM 2.5 and state nonattainment designations for ozone and PM10 as shown in Draft EIR Table 3.2-3 are not addressed in the regulatory setting of Chapter 3.2. Identification of applicable plans to achieve attainment, the implementation status of each plan, and the relevant measures from each plan is crucial to determine whether the Project is

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consistent with such plans and to inform the development of mitigation measures to reduce or lessen significant impacts.

## B. Existing Air Quality Conditions

### Toxic Air Contaminants

On page 3.2-5, the Draft EIR identifies that the California Air Resources Board has identified diesel particulate matter (DPM) as a toxic air contaminant (TAC) and has identified 21 TACs and adopted the US Environmental Protection Agency's list of hazardous air pollutants (HAPs) as TACs. However, the Draft EIR does not identify these TACs and HAPs and does not identify existing air quality conditions related to these TACs and HAPs, with the exception of DMP, asbestos, and radon on pages 3.2-12 through 3.2-14. Without an accurate description of the existing conditions, the Draft EIR fails to identify the existing environment and establish a setting against which TAC impacts will be evaluated and mitigation measures will be considered.

### Ultrafine Particles

The Draft EIR does not address emissions of ultrafine particles (UFPs) emitted by vehicle tailpipe emissions, braking, and tire wear. UFPs, which are particles with diameters less than 0.1 micrometer, are comprised mostly of metals that are known constituents of brake pads and drums, as well as additives in motor oil. The California Air Resources Board (CARB) references research that has shown UFPs, as well as PM2.5 and volatile organic compounds (VOCs), to be associated with adverse health effects, including asthma, respiratory disease, cardiovascular disease, lung cancer, and poorer neurodevelopmental outcomes in children. (<https://ww2.arb.ca.gov/total-exposures-air-pollutants-and-noise-disadvantaged-communities>, accessed July 13, 2024) A study of different levels of toxicity from different PMC samples identified that ultrafine particles were more potent inducers of inflammatory markers and cell death than larger particles. (<https://ww2.arb.ca.gov/news/study-shows-toxicity-components-california-fine-particle-air-pollution>, accessed July 13, 2024)

## C. Environmental Impacts

### Methods of Analysis - Construction Emissions and Operational Emissions

The discussion of construction emissions references the Project phasing described in the Project Description and detailed in Appendix C. Appendix C does not identify the basis of the phasing assumptions. However, as previously described, the details of the Project construction phasing are absent from the Draft EIR Project Description. Many laypeople reading the Draft EIR would have a difficult time going through Appendix C and correlating the phasing details identified for the air quality and greenhouse gas modeling to all phases of the Project. There is no construction schedule and phasing that identifies the number of units, park uses, length of roadway, and other improvements, including off-site improvements, projected to be developed on an annual basis.

A review of Appendix C identifies that the inputs for the CalEEMOD modeling of air quality and greenhouse gases included 405 total acres of grading for the entire Project, 800 dwelling units, 8 acres of park uses, no grading for site preparation, and 39 acres of pavement. The acreages of disturbance are consistent with Table 2-2 in the Project Description. However, Table 2-2 only

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reflects the improvements proposed within the Specific Plan boundary and does not include the off-site improvements, including the acres of disturbance, acres of grading, nor the acres of pavement that are necessary to support the miles of off-site improvements, including:

- Roadway improvements, including the Marble Valley Parkway extension to Bass Lake Road.
- Improvements to the Cambridge Road/Country Club Drive and Cambridge Road/Knollwood intersections.
- Water transmission improvements, including the:
  - interim Phase I potable water transmission improvements in the Durock Road area,
  - interim Phase I potable water transmission improvements in the Coach Lane area,
  - interim Phase I potable water transmission improvements in the Strolling Hills, Lariat Road, Ridge Pass Drive area,
  - interim Phase I potable water transmission improvements in the Shingle Lime Road area,
  - interim Phase I potable water transmission improvements in the Palmer Drive area north of Highway 50,
  - interim Phase 1 potable water transmission improvements in the
  - interim Phase I potable water pressure station improvements,
  - water storage facilities, and
  - if needed, new water treatment facility.
- Dry utilities tie-in to the existing electrical transmission lines near the Bass Lake Road interchange north of Highway 50.

The modeling also does not address the improvements for the day use park, including the grading and paving for allowed uses, including parking, campgrounds, trails, equestrian center and stable, and restroom facilities allowed for this use by the LRVSP document.

The modeling also does not address second dwelling units, ADUs, that are allowed by right under the LVRSP and State law.

The modeling does not address trips and activities associated with the importing or exporting of fill materials for Project construction.

The Construction Inventory Summary on pages 167 through 169 of the Draft EIR Appendices A through C document does include emissions for several of the off-site improvements. However, no calculations are provided for these improvements and there is no description of the extent of the improvements to address whether the full extent of off-site improvements have been addressed. For example, there is only one potable water transmission line identified despite there being water transmission improvements in at least 4 distinct areas as well as throughout the Project site that will likely not be conducted simultaneously, there are no calculations for the extensions of the dry utility infrastructure, there are no calculations for water storage tanks or booster stations, and there are no calculations for improvements to emergency vehicle access (EVA) roads.

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The methodology does not identify what assumptions are made for all on-site and off-site development and infrastructure improvements that will be operational at buildout that correlates to or supports the emissions identified in Table 3.2-4 through 3.2-8.

The construction and operational emissions must analyze and disclose the full extent emissions associated with all phases of the Project and all components of the Project, including off-site and on-site improvements.

<b>Table 1: Summary of CalEEMOD Inputs from Draft EIR Appendix C</b>								
Year	Single Family Housing (Dwelling Units)	City Park (Acres)	Other Asphalt Surfaces (Acres)	Grading-Site Preparation Phase (Acres)	Grading-Grading Phase (Acres)	Paving (Acres)	Residential Indoor (S.F.)	Residential Outdoor (S.F.)
2023	51	5	9	0	37	9	185,895	61,965
2024	51	0	0	0	23	0	185,895	61,965
2025	51	0	0	0	23	0	185,895	61,965
2026	51	0	0	0	23	0	185,895	61,965
2027	51	0	0	0	23	0	185,895	61,965
2028	51	0	0	0	23	0	185,895	61,965
2029	50	0	9	0	44	22	182,250	60,750
2030	50	0	0	0	22	0	182,250	60,750
2031	50	0	0	0	22	0	182,250	60,750
2032	50	0	0	0	22	0	182,250	60,750
2033	49	0	0	0	22	0	178,605	59,535
2034	49	3	8	0	33	8	178,605	59,535
2035	49	0	0	0	22	0	178,605	59,535
2036	49	0	0	0	22	0	178,605	59,535
2037	49	0	0	0	22	0	178,605	59,535
2038	49	0	0	0	22	0	178,605	59,535
<b>TOTAL</b>	<b>800</b>	<b>8</b>	<b>26</b>	<b>0</b>	<b>405</b>	<b>39</b>	<b>2,916,000</b>	<b>972,000</b>

Similarly, the calculations of operational emissions at the LRVSP full buildout in Appendix C (pages 224 through 244 of the Draft EIR Appendices A through C document) only address 39 acres of asphalt surfaces, 8 acres of city park, and 800 single family dwelling units. The trip generation rates only address the single family residential use trips and do not address trips associated with the Village Park, regional day use park, or accessory dwelling units. The full buildout calculations do not address all aspects of the Project, including:

- Ongoing operation and maintenance emissions associated with the off-site improvements, including the on-site and off-site water and electricity improvements;
- Regular maintenance of brush and trees within Project open space areas, residential parcels, and along utility corridors and roadways (including the Marble Valley Parkway) to reduce wildfire hazards.

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- Operations and maintenance of the 124-acre day-use park, including the allowed campground, parking, equestrian center, and stable uses.
- Second dwelling units (ADUs and JADUs) which are allowed by right and are not subject to the 800 dwelling unit limit identified for the Project.

This flawed analysis must be revised to analyze all components of the Project for the construction emissions, operational emissions, potential to expose sensitive receptors to toxic air contaminants, and potential to expose the public to substantial concentrations of criteria pollutants.

### Impact AQ-1

Impact AQ-1 does not address all applicable air quality plans. As identified in Table 3.2-3, the Project area is in nonattainment for O<sub>3</sub> (federal and State nonattainment), PM<sub>10</sub> (State nonattainment), and PM<sub>2.5</sub> (federal nonattainment). Impact AQ-1 does not address the potential for the Project to conflict with or obstruct implementation of the applicable air quality plan(s) to address PM<sub>2.5</sub> and PM<sub>10</sub>. The Draft EIR must identify all applicable air quality plans, including those adopted to address PM<sub>2.5</sub> and PM<sub>10</sub>, such as the Wildfire Mitigation Plan for the Sacramento Federal Nonattainment Area for PM<sub>2.5</sub> (September 2018), and address consistency with the plans, including all applicable measures and requirements in each plan.

In relation to the 2015 Ozone Plan, the Draft EIR describes the Air District's thresholds for consistency with the applicable plan, but does not evaluate whether the Project is implementing all applicable ozone plan emissions-reduction measures under the *Implementation of Applicable Ozone Plan Reduction Measures* discussion on pages 3.2-24 and 3.2-25. The Draft EIR analysis also does not address whether the Project would comply with all applicable air district rules and regulations. While the Draft EIR provides a general description of Air District measures to reduce ozone emissions, the Draft EIR fails to identify the specific measures and evaluate the Project's consistency with each of the adopted measures. Further, the Draft EIR fails to describe whether the LRVSP policies identified on pages 3.2-24 and 3.2-25 to reduce vehicle miles traveled (VMT) and emissions are requirements, recommendations, or other measures that lack of certainty regarding if, how, and when the policy will be applied; as described, the identified policies do not demonstrate any effectiveness in reducing emissions.

A review of the LVRSP policies identified on pages 3.2-24 and 3.2-25 indicates that several of the policies relied upon by the Draft EIR to reduce emissions from motor vehicles are mischaracterized:

- 1) Policies 7.1, 7.2, 7.3, and 7.4 only apply to the Village Park and do not apply to community parks, the day use park, or residential uses.
- 2) Policy 7.4 does not address pre-wiring of residential parking areas for future electric vehicles as claimed on page 3.2-24 of the Draft EIR.
- 3) Policy 7.7 only addresses planting trees in parking lots and does not address planting trees in parks or in the single family residential areas of the Project.
- 4) Policy 7.10 does not address exceeding current Title 24 Standards (2022 California Green Building Standards Code), but rather addresses exceeding the energy efficiency standards

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of the 2008 Building Standards Code or achieving the current Building Standards Code in effect at the time of construction.

On page 3.2-24, the Draft EIR identifies that compliance with applicable Air District rules and regulations is one of the four criteria used by the Air District to determine consistency with the applicable air quality plan. However, the impact analysis only addresses compliance with Air District Rules 223 and 223-1. The Draft EIR must address consistency with all applicable Air District rules and regulations – the Air District has adopted over 70 rules, including Regulation 2 (Prohibition) – Rules 201 through 245, Regulation 3 (Open Burning) – Rule 300, Regulation 5 (Permit to Operate) – Rules 501 through 527, Regulation 6 (Fees) – Rules 601 through 610, and the Draft EIR must examine consistency with all applicable rules and regulations.

### Impacts AQ-2a, AQ-2b

As previously described, the Draft EIR Project Description is incomplete and does not address the full extent of the Project. The Draft EIR does not establish assumptions for Project phasing, either in the Project Description or in Chapter 3.2, that correlates to or provides a basis for the emissions identified in Table 3.2-4, 3.2-5, 3.2-6, 3.2-7, and 3.2-8 or Table 3.2-8.

Further, the construction project phasing described in Appendix C does not address all phases and off-site improvements associated with the Project, as previously described. In order for the Project to address its net increase to criteria pollutants, the modeling must address the full extent of the Project, including all components of the Project and all phases of on-site and off-site construction.

#### Impact AQ-2a

The Project construction emissions analyzed in Impact AQ-2a, as calculated in Appendix C and identified on Tables 3.2-4 and 3.2-5 do not address the full extent of future Project uses and the off-site improvements as described above under the *Methods of Analysis - Construction Emissions and Operational Emissions* discussion. These improvements and uses are part of the Project and must be considered and analyzed as such. Without a complete analysis of the entirety of the Project, the Draft EIR is deficient.

#### Impacts AQ-2b and AQ-2c

The Project operational emissions analyzed in Impact AQ-2b including the emissions identified in Tables 3.2-6 and 3.2-7 do not address the full extent of all Project uses and its off-site improvements as described above under the *Methods of Analysis - Construction Emissions and Operational Emissions* discussion. These improvements and uses are part of the Project and must be considered and analyzed as part of the Project. Without complete analysis of the entirety of the Project, the Draft EIR is deficient.

The mitigation measures identified are not adequate to ensure implementation and reduction of impacts. As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

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The measures do not include reporting requirements to ensure compliance with each measure and do not identify adequate timing or details to ensure that mitigation is carried out for each phase of construction and by the multiple developers and contractors that will be working on the Project. The mitigation measures must also include adequate detail and requirements to ensure that the measures are applied to all offsite improvements. Mitigation Measure AQ-2a must ensure that the Project applicant is requiring use of low-VOC coatings prior to each phase of construction, as it is likely that there will be multiple construction contractors over the 16-year or longer construction period. Further, this measure, as well as Mitigation Measure AQ-2e, must include a method of confirming that the construction contractors have used low-VOC coatings, such as the contractor demonstrating which coatings were purchased and applied.

Mitigation Measure AQ-2b should be revised to provide a plan for each phase of construction and, if multiple developers are used for various phases of the Project, a report for each developer/Project phase, and a final report submitted at the completion of each phase (the phasing should be based on each of the large lot parcels summarized in Table 2-3 as that would provide an orderly method of tracking compliance). Mitigation Measure AQ-2c should include reporting requirements to ensure that the advanced off-road engines and newer on-road trucks are actually being used for each phase of construction and by each contractor/developer. Mitigation Measure AQ-2d should require dust control, including pre-watering, for all ground-disturbing activities, including grading, trenching, and installation of landscaping.

### Impacts AQ-3a, AQ-3b, and AQ-3c

While the Draft EIR acknowledges the risks associated with DPM, it fails to provide a detailed analysis or health risk assessment to address impacts related to these emissions.

As previously identified, the Draft EIR does not identify each of the TACs and HAPs recognized by the California Air Resources Board. The Draft EIR does not identify the potential of the Project to expose residents, users of the Project, sensitive receptors, and others in the vicinity to the 21 TACs and HAPs recognized by the California Air Resources Board.

The Draft EIR concentrates on exposure to DPM under Impacts AQ-3a and AQ-3b. The Draft EIR does not address the potential of the Project to expose residents and other sensitive receptors to each of the TACs and HAPs recognized by the California Air Resources Board that could be generated by the Project and whether such exposure would be significant. The Draft EIR fails to analyze the potential for Project-generated traffic to have significant TAC impacts from UFPs emitted by vehicle emissions, braking, and tire wear. TACs recognized by the California Air Resources Board include: benzene (C<sub>6</sub>H<sub>6</sub>), ethylene dibromide (BrCH<sub>2</sub>CH<sub>2</sub>Br; 1,2-dibromoethane), ethylene dichloride (ClCH<sub>2</sub>CH<sub>2</sub>Cl; 1,2-dichloroethane), Hexavalent chromium (Cr (VI)), asbestos [asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), ummingtonite-grunerite (amosite), tremolite, actinolite, and anthophyllite], Dibenzo-p-dioxins and Dibenzofurans chlorinated in the 2,3,7 and 8 positions and containing 4,5,6 or 7 chlorine atoms, Cadmium (metallic cadmium and cadmium compounds), carbon tetrachloride (CCl<sub>4</sub>; tetrachloromethane), ethylene oxide (1,2-epoxyethane), methylene chloride (CH<sub>2</sub>Cl<sub>2</sub>; Dichloromethane), trichloroethylene (CCl<sub>2</sub>CHCl; Trichloroethene), chloroform (CHCl<sub>3</sub>), Vinyl chloride (C<sub>2</sub>H<sub>3</sub>Cl; Chloroethylene), inorganic arsenic, nickel (metallic nickel and inorganic nickel compounds), perchloroethylene (C<sub>2</sub>Cl<sub>4</sub>; Tetrachloroethylene), formaldehyde (HCHO), 1,3-

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Butadiene (C<sub>4</sub>H<sub>6</sub>), inorganic lead, particulate emissions from diesel-fueled engines, environmental tobacco smoke (<https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants>, accessed 6/25/2024). The Draft EIR must identify each TAC, the health effects associated with the TAC, and analyze the Project's potential to expose individuals to significant levels of the TAC or to result in health risks associated with exposure to each TAC.

As stated on the CARB website: "More than 90% of DPM is less than 1 µm in diameter (about 1/70<sup>th</sup> the diameter of a human hair), and thus is a subset of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>)." DPM will have different health effects compared to PM<sub>10</sub> and PM<sub>2.5</sub> and must be analyzed separately. Similarly, as described below, measures to reduce PM<sub>10</sub> and PM<sub>2.5</sub> may not reduce DPM.

The Draft EIR states on page 3.2-33: "Accurately quantifying DPM concentrations and predicting associated health risks requires detailed, site-specific information about these and other parameters that are currently unavailable, given the preliminary level of design at this time." However, as a project-level Draft EIR, it is necessary that the Draft EIR disclose the impacts of the Project, including developing a detailed Project construction phasing schedule that provides adequate information regarding anticipated development during each year and phase to provide information regarding diesel particulate matter and toxic air contaminant emissions. As previously described, the Project Description must be expanded to fully disclose all aspects and phases of the Project. The Draft EIR attempts to use the mass-emission results as a proxy for DPM and TAC emissions; however, the mass emission results do not address emissions of UFPs, DPM, and other TACs and are not adequate to forecast the potential risks associated with exposure to these toxic air contaminants.

The construction phasing information provided in Appendix C can be expanded upon to develop appropriate assumptions to model health risks. Health risk assessment (HRA) models, including the U.S. Environmental Protection Agency's AERMOD and ISCST dispersion models and CARB's Hotspots Analysis and Reporting Program, are available to model air dispersion of toxic air contaminants and to calculate risk scenarios for residential and workplace cancer rates, as well as acute and chronic incidences. Further, health risks are cumulative, so the analysis should address the cumulative exposure during construction and operation of the Project and not segment the analysis to address exposure associated with construction (Impact AQ-3a, operation (Impact AQ-3b), and some aspects of both construction and operation (Impact AQ-3c).

The EIR acknowledges the risks associated with DPM and TAC exposure on page 3.2-12 and goes on to acknowledge on pages 3.2-33 and 3.2-34 that some phases of construction may result in DPM emissions that could result in cancer or noncancer health risks that exceed the Air District's thresholds, resulting in a potentially significant impact. Further, the analysis states on page 3.2-34 that the Project may result in multiple concurrent phases where DPM is generated by various pieces of heavy equipment near receptors. The Draft EIR concludes that depending on the magnitude and duration, DPM generated under these circumstances may lead to increased health risks at specific receptor locations and concludes health impacts from TAC exposure during construction are considered significant and unavoidable. However, the analysis does not identify the actual amount of cancer or noncancer risks that may result, which phases would result in impacts, and does not identify the residences that would be exposed to significant levels of TACs.



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The Draft EIR references various measures that reduce NOx and greenhouse gas (GHG) emissions but does not address the extent to which these measures would reduce DPM and TACs. The EIR also does not address potential mitigation methods, such as upgrading air filtration systems in affected sensitive receptors including nearby residences and schools, to reduce exposure to a less than significant level.

A Health Risk Assessment performed for the construction and operation phases would identify the actual risks associated with each phase and can be used to determine how to design the Project and phase construction (both the amount of construction and location of construction activities) in a manner that would reduce impacts.

The Draft EIR does not ensure that future phases analyze specific TAC risks associated with future uses (which are acknowledged to result in significant and unavoidable impacts) and does not require mitigation to reduce health impacts to the maximum extent feasible. The toxic air contaminant analysis and mitigation approach is deficient and must be corrected, analyzed, and disclosed.

While the Draft EIR identifies LRVSP Policy 7.54, which requires MERV-6 air filters in residential air conditioning/heating systems and MERV-8 in non-residential systems, these levels of filtration are far below the standard to reduce TAC exposure, which typically is MERV-13 or higher. (*U.S. Environmental Protection Agency, Residential Air Cleaners, 2018, p. 10*).

The Draft EIR identifies the PM<sub>10</sub> reduction that would occur with MERV-6 and MERV-8 filters, but does not address the reduction in DPM that would occur with use of MERV-6 and MERV-8 filters. As stated on the CARB website: "More than 90% of DPM is less than 1 µm in diameter (about 1/70<sup>th</sup> the diameter of a human hair), and thus is a subset of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>)." Due to the much smaller particle size of DPM (much smaller than both PM<sub>10</sub> and PM<sub>2.5</sub>), a MERV filter rating of 13 is necessary to reduce particle sizes of 0.3-1.0 microns by 50% U.S. EPA, What is a MERV Rating?, <https://www.epa.gov/indoor-air-quality-iaq/what-merv-rating>, U.S. EPA accessed 6/29/20240). A MERV filter rated 6 (MERV-6) is identified to only reduce particles 3.0-10 microns or greater in size and is not rated for any reduction in the ultrafine particles (less than 1 micron) associated with DPM and also does not reduce PM<sub>2.5</sub>. A MERV filter rated 8 (MERV-8) is only rated to remove 70% of particles 3 to 10 microns or greater and only 20% of 1.0 to 3.0 microns. MERV-6 and MERV-8 filters are not identified as removing particles less than 1 micron in size, which are the particles that account for more than 90% of DPM, as identified by the EPA. The Draft EIR must demonstrate that the mitigation provided for DPM and TACs will reduce the actual toxic air contaminants generated by the Project.

Further, LRVSP Policy 7.54 policy applies to the future residential uses and does not provide mitigate exposure to existing sensitive receptors, including residences in the vicinity of the Project that would be exposed to the significant and unavoidable direct and indirect TAC emissions associated with the Project.

The Draft EIR must identify all residences and sensitive receptors that would be affected by TACs associated with construction (residences in the vicinity of each phase of construction) and

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associated with Project operation (residences, parks, and other sensitive receptors near the freeway and near potential stationary sources associated with the Project).

The Draft EIR must provide an analysis of the health risks of the Project, based on the construction phasing and operation details that address the full extent of the Project, including off-site improvements. A Health Risk Assessment must be prepared for the Project, and included in the Recirculated Draft EIR, so that the public and the County officials can accurately understand and analyze the level of cumulative TAC exposure, understand the number of residences and sensitive receptors that would be exposed, and appropriately mitigate this significant impact.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval. The Draft EIR references mitigation measures designed to reduce PM<sub>10</sub>, PM<sub>2.5</sub>, and GHG emissions but does not address the extent to which these measures will reduce TACs, including DPM.

Mitigation measures must be identified and analyzed that would reduce or eliminate exposure of existing residences and sensitive receptors, including parks and other uses with outdoor activity areas, to TACs. Measures may include offering retrofitting of existing residences with MERV-13 filtration systems and measures to reduce use of equipment and heavy vehicles with high TAC emissions, etc.

On page 3.2-35, Impact AQ-3b states that the LRVSP does not propose any commercial development or land uses that would result in the installation or operation of new stationary sources of TACs (e.g., generators). Due to the frequency of public safety power shutoffs and other power outages, many residents in El Dorado County have installed alternatives to the PG&E electrical grid, including generators. It is likely that the Project would install generators at rates similar to other recent residential projects in El Dorado County. The number of generators installed annually for residential uses can be obtained through the County's building permit data and extrapolated to determine the number of generators likely to be installed during the operation of LRVSP and this data can be reviewed to determine if there is the potential for significant levels of TACs to be generated by the generators.

Further, Impacts AQ-3a, AQ-3b, and AQ-3c do not include the full extent of all Project uses and its off-site improvements as described above under the *Methods of Analysis - Construction Emissions and Operational Emissions* discussion. These improvements and uses are part of the Project and must be considered and analyzed as part of the Project in terms of the Project's potential to expose sensitive receptors to toxic air contaminant concentrations and substantial criteria pollutant operations during Project construction and operation. Without complete analysis of the entirety of the Project, the Draft EIR is deficient.

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### Impact AQ-3d

The EIR acknowledges that the Project will disturb areas likely to have naturally occurring asbestos (NOA) within the Specific Plan boundaries. The EIR acknowledges the Supreme Court's decisions in *Sierra Club v. County of Fresno* (2018) 6 Cal.5<sup>th</sup> 502 (*Friant Ranch*), which requires EIRs to analyze and disclose the human health effects of a project's air quality emissions or explain why doing so is infeasible. The analysis under Impact AQ-3d fails to provide "any sense of the nature and magnitude of the 'health and safety problems cause by the physical changes' resulting from the Project." (*Friant Ranch* at p. 522) Instead, the Draft EIR makes a general statement that disturbance of rock and soil that contains NOA can result in consequent exposure of the public to health risks from inhalation of NOA-containing dust. This impact does not address the populations that would be exposed, which include construction workers, nearby residents, and people recreating in the vicinity of the Project, does not address the nature of health risks that may occur, and does not address the magnitude of health risks that would occur from exposure to NOA. While the Draft EIR indicates that preparing and submitting an asbestos dust mitigation plan in accordance with Rule 223-2 will reduce the impact to less than significant, it does identify the measures that will be taken as part of the asbestos dust mitigation plan to reduce exposure to NOA to residents, construction workers, and members of the public in the vicinity of the Project, it does not provide any analysis or evidence that demonstrates that the health risks associated with exposure to NOA would be reduced to a less than significant level by complying with Rule 223-2.

The potential to expose sensitive receptors and the public to asbestos-containing materials during project construction and operation analyzed in Impacts AQ-3d does not address: 1) operation and maintenance of the off-site improvements that are necessary to serve the Project, including the off-site Marble Valley Parkway extension to Bass Lake Road, improvements to the Cambridge Road/Country Club Drive and Cambridge Road/Knollwood intersections, other roadway improvements, EVA improvements, water transmission, water storage tank, water booster stations, wastewater transmission, and dry utility extensions necessary to serve the Project, and 2) the regional 124-acre day use park and the associated allowed uses proposed as part of the Project. The Draft EIR does not include a map of the off-site improvements in relation to the location of asbestos-containing materials (Figure 3.2-1) and does not address the location of the day use park in the context of areas of the Project site that are more likely to contain asbestos. These improvements and uses are part of the Project and must be considered and analyzed as part of the Project. Without complete analysis of the entirety of the Project, the Draft EIR is deficient.

### Impact AQ-4

Impact AQ-4 does not address whether burning will be conducted in association with the open space, residential, or other uses on the Project. El Dorado County allows controlled burning of vegetation. On burn days, there are typically a number of people in the region on social media complaining about the wood smoke. The Draft EIR must address whether the uses on the Project site would manage vegetation by burning (and disclose the related odor impacts) or if the Project will require alternative vegetation management, such as prohibiting burning and providing chipping services through the HOA as an alternative.

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## Impact AQ-5 and AQ-6

Impacts AQ-5 and AQ-6 separate the Project's contribution to cumulative impacts based on AQ-5 (off-site improvements) and AQ-6 (offsite TX-f traffic improvements). Analysis of cumulative impacts should reflect the entire Project's contribution to cumulative impacts and not bifurcate the analysis between Project components. Further, the analysis of off-site impacts is not comprehensive and the full extent of off-site improvements must be analyzed, including all traffic, water, wastewater, storm drainage, and dry utility impacts, as previously described. The analysis must take into account the length and extent of construction of the improvements and the operation of the improvements. The analysis for Impact AQ-5 states that additional minor emissions would be associated with the operations and maintenance activities to service the water lines and roadways, but it is unclear the extent of off-site improvements that are considered in this statement and the extent of the routine maintenance activities. The Draft EIR does not provide any evidence for this conclusory statement. Impact AQ-5 indicates that construction activities have the potential to expose receptors to DPM and disturb asbestos-containing materials, but identifies that improvements would be completed within a few months and no more than 2 years. Nowhere in the Draft EIR is a schedule that demonstrates the timing of the various Project, infrastructure, and transportation improvements that supports this statement. Further, the Project must consider the cumulative effect of the Project, including the construction emissions, operation emissions at buildout, and long-term operational emissions. There is no analysis of the mitigation measures and how they will result in reductions in health risks associated with increases in criteria improvements and health risks associated with exposure to TACs, including all TACs generated by the Project and not just DPM.

## 7. Biological Resources

The Draft EIR relies on multiple outdated surveys conducted from 2009 through 2014 that do not reflect existing conditions and are not adequate to determine the baseline for presence of special-status species. While one on-site survey was conducted in 2020, it only addressed oak woodlands and while several off-site (VMVSP) surveys were conducted in 2018 and 2019, these were not comprehensive and only addressed a limited number of biological issues: oak woodlands, oak trees, foothills yellow-legged frog, and Brandegee's Clarkia.

The Project site is located in an area with little development and very few surveys from the Project site and region surrounding the site are available to inform the California Natural Diversity Database (CNDDDB) of on-the-ground conditions. The Draft EIR does indicate that a CNDDDB search was completed for the Project in 2024, but does not identify which quadrangles were searched. The California Department of Fish and Wildlife recommends a nine-quadrangle search. The CDFW CNDDDB Management Framework specifically states:

"When trying to determine what CNDDDB-tracked elements occur in the vicinity of a project, the recommended approach is to perform a nine-quad search using the CNDDDB QuickView Tool. This tool allows users to generate a baseline list of rare taxa that have been previously documented in the area. By looking at what has been documented on

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the quad of interest and on the eight surrounding quads, a preliminary list can be obtained of what taxa might be found in similar habitats within the area of interest.; For a Project the size of LRVSP, a nine-quad search is warranted, particularly given the spotty data and surveys prepared for the Project. ... While having a list of rare taxa known from the area can be helpful, on-the-ground surveys should always be conducted in order to document what is actually present at a site.”

The biological resources studies for the Project site do not address the potential species identified in a nine-quad search for the Project area, but rather study a more limited number of species. A number of species have been dismissed from being present on the Project site based on surveys conducted in 2009 and 2014; surveys a decade old are not adequate to confirm absence of a species. Species migrate and their range shifts over time; current records should be used along with on-site protocol-level species for all species with the potential to occur.

A search of the nine-quad area centered around the Clarksville quadrangle identified the potential presence of multiple species that have not been evaluated in the Draft EIR, including those listed below in Table 2. This is not a comprehensive list for evaluation. Based on the extensive size of the Project and extent of off-site improvements, a 9-quad search should be performed for each quadrant affected by the Project (including off-site improvements). Table 2 is just a sample of species that have not been evaluated. Table 1 of this letter includes special-status species, migratory birds and raptors, species that are not listed for protection but are known to occur in the area and may use the area as a migratory corridor or a nursery site, and sensitive habitats (terrestrial communities) that have not been evaluated in the Draft EIR.

Table 3-3 dismisses a number of plant species from being present on the Project site and references surveys conducted, including a 2020 survey. However, the special-status plant survey conducted in 2020 was for the VMVSP site and did not include the LRVSP area. The surveys for the Project site are outdated and not adequate to dismiss the presence of special-status plant species on the LRVSP site. Table 3-3 should be updated to reflect the potential presence of special-status plant species based on site conditions and updated surveys must be performed to verify the presence or absence of species.

Two ephemeral or intermittent streams are located on the Project site that are not identified or analyzed in Section 3.3 nor shown on Figure 3.3-1. These streams originate north of the Project site and the location of each is shown in Figure 2 below. These streams typically have water in them throughout the winter rainy season.

It is incumbent upon the Draft EIR preparers to perform the assessments necessary to comprehensively identify the potential presence of biological resources, including but not limited to all special-status species, sensitive habitats, and wildlife migration corridors, that are present or have the potential to be present: 1) on the Project site, 2) in the areas in the vicinity of the Project site that could have indirect impacts to sensitive resources resulting from construction disturbances, including activities and noise, and 3) in each of the areas identified for offsite improvements.

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Chapter 3.3 of the Draft EIR does not identify existing wildlife movement corridors within the Project site or in the area of offsite improvements. Impact BIO-15 addresses wildlife corridors but does not evaluate the Project site for any wildlife movement corridors and, without any substantiation, assumes that retaining oak woodland and riparian areas would allow for species movement and because large areas of oak woodland would remain intact, those would be adequate for wildlife movement. The Draft EIR does not even attempt to evaluate the Project site to identify the location of wildlife movement corridors that may be present. Impact BIO-15 erroneously relies on the lack of designated important biological corridors or preserves in determining the significance of the impact, rather than studying the Project site to assess whether it serves as a local wildlife movement corridor or corridors and whether the development proposed on the Project would affect such corridors. Deer, bobcat, and coyotes frequently move throughout the Project site and from the Project site into Cameron Estates. Absent identification of the wildlife corridors on the Project site, providing open space corridors in all locations where the Project adjoins Cameron Estates would ensure that these existing wildlife corridors are not significantly impacted. As previously described, there are limited comprehensive studies for the Project site so there is the potential for not-yet-documented biological resources, including habitat for special-status species and wildlife movement corridors, to be present on the Project site. This must be studied as part of a comprehensive biological resources assessment for the Project site.

While the some of the studies biological resources were conducted for off-site improvements, particularly those located in VMVSP, many of the off-site improvements have not been included in the analysis for presence of special-status species, sensitive habitats, and wildlife migration corridors. Figures 3.3-1 and 3.3-2 do not identify any offsite biological resources or impacts. The existing setting and related analysis for biological resources does not address existing conditions and the impacts resulting from the Project in relation to the water, wastewater, and dry utilities improvements that are described in Chapter 2, Project Description, of the Draft EIR. Further, the transportation improvements discussed in Chapter 3.3 do not reflect the full list of off-site transportation improvements that are included in the Project Description of the Draft EIR, resulting in an incomplete analysis of impacts related to off-site transportation improvements.

The Existing Setting clearly identifies that although details of some off-site improvements are provided in Section 2.3, Project Overview, the Project's full off-site alignments and improvements were not included in the vegetation community surveys or the protocol-level wildlife species and blooming-period special-status plant surveys conducted for the Project. The discussion of offsite improvements that have been studies repeatedly states that improvements to the west have been studied, but improvements to the east have not. These references don't specify which improvements to the west have been studied and neglect mention of improvements to the north, including the Phase 1 water main improvements. The Draft EIR is deficient as it has not established existing conditions in areas that are proposed to be developed or disturbed as part of the Project. The Draft EIR does not clearly describe which improvements have been studied and analyzed and which known improvements have been deferred to be analyzed until some time in the future. Impacts to off-site improvements should be included in Figures 3.3.-1 and 3.3-2 to provide the reader with an understanding of the Project's impacts to biological resources. The deferral of a complete analysis of all aspects of the Project, including off-site improvements, results in a Draft

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EIR that is inadequate and does not provide the reader of the Draft EIR an understanding of impacts to biological resources in areas affected by the alignments and off-site improvements that the County opted to not address in the Draft EIR.

In order to fully disclose the potential of the Project to have impacts on biological resources, the existing conditions of all aspects of the Project, including areas identified for off-site improvements must be considered and analyzed. The Draft EIR improperly defers analysis and mitigation of these known off-site improvements. This is not an issue solely related to biological resources – a complete description of the off-site improvements is lacking from the Project Description and the Draft EIR sections do not fully analyze the full extent of the off-site improvements, but rather analyze a select number of improvements and generally separate analysis of the off-site improvements from the analysis associated with the Project, resulting in a bifurcated analysis that minimizes impacts and makes it difficult for the reader to understand the full extent of the Project and the potential for all aspects of the Project to result in potentially significant impacts under CEQA.

Without a complete identification of the existing setting and potential for special-status species, sensitive natural communities, native resident species, migratory fish or wildlife species, established native resident or migratory wildlife corridors, and native wildlife nursery sites for all species known to occur in the region, the impact analysis provided under Impacts BIO-1 through BIO-32 is inadequate. Additional analysis is necessary to determine the full extent of the Project to have a significant impact on biological resources. Recirculation of the Draft EIR is warranted to analyze impacts on all special-status species and all species and habitat addressed under the thresholds of significance identified on pages 3.3-56 and 3.3-57, including those species and habitats identified in Table 2 as those species pertain to special-status species, sensitive natural communities, native resident species, migratory fish or wildlife species, established native resident or migratory wildlife corridors, and native wildlife nursery sites, to afford the public an opportunity to comment on impacts to these resources and potential mitigation measures.

**Table 2: Species and Terrestrial Communities Identified through a Nine-Quad Search (Clarksville as center quad)**

Element Type	Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Name
Animals - Amphibians	<i>Batrachoseps diabolicus</i>	Hell Hollow slender salamander	None	None	-	-	CLARKSVILLE
Animals - Amphibians	<i>Batrachoseps diabolicus</i>	Hell Hollow slender salamander	None	None	-	-	FOLSOM SE
Animals - Arachnids	<i>Banksula californica</i>	Alabaster Cave harvestman	None	None	-	-	PILOT HILL
Animals - Birds	<i>Accipiter cooperii</i>	Coopers hawk	None	None	WL	-	FOLSOM
Animals - Birds	<i>Accipiter cooperii</i>	Coopers hawk	None	None	WL	-	BUFFALO CREEK
Animals - Birds	<i>Buteo regalis</i>	ferruginous hawk	None	None	WL	-	BUFFALO CREEK
Animals - Birds	<i>Buteo regalis</i>	ferruginous hawk	None	None	WL	-	FOLSOM SE
Animals - Birds	<i>Circus hudsonius</i>	northern harrier	None	None	SSC	-	BUFFALO CREEK
Animals - Birds	<i>Eremophila alpestris actia</i>	California horned lark	None	None	WL	-	CLARKSVILLE
Animals - Birds	<i>Ardea alba</i>	great egret	None	None	-	-	CLARKSVILLE
Animals - Birds	<i>Ardea alba</i>	great egret	None	None	-	-	FOLSOM
Animals - Birds	<i>Ardea herodias</i>	great blue heron	None	None	-	-	CLARKSVILLE
Animals - Birds	<i>Ardea herodias</i>	great blue heron	None	None	-	-	FOLSOM
Animals - Birds	<i>Ardea herodias</i>	great blue heron	None	None	-	-	PILOT HILL
Animals - Birds	<i>Ardea herodias</i>	great blue heron	None	None	-	-	ROCKLIN
Animals - Birds	<i>Ardea herodias</i>	great blue heron	None	None	-	-	LATROBE
Animals - Birds	<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	Threatened	Endangered	-	-	CLARKSVILLE
Animals - Birds	<i>Falco columbarius</i>	merlin	None	None	WL	-	FOLSOM
Animals - Birds	<i>Falco columbarius</i>	merlin	None	None	WL	-	FOLSOM SE
Animals - Birds	<i>Falco columbarius</i>	merlin	None	None	WL	-	BUFFALO CREEK



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**Table 2: Species and Terrestrial Communities Identified through a Nine-Quad Search (Clarksville as center quad)**

Element Type	Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Name
Animals - Birds	Falco mexicanus	prairie falcon	None	None	WL	-	FOLSOM SE
Animals - Birds	Spinus lawrencei	Lawrences goldfinch	None	None	-	-	BUFFALO CREEK
Animals - Birds	Spinus lawrencei	Lawrences goldfinch	None	None	-	-	FOLSOM
Animals - Birds	Progne subis	purple martin	None	None	SSC	-	ROCKLIN
Animals - Birds	Icteria virens	yellow-breasted chat	None	None	SSC	-	PILOT HILL
Animals - Birds	Icteria virens	yellow-breasted chat	None	None	SSC	-	FOLSOM
Animals - Birds	Pandion haliaetus	osprey	None	None	WL	-	ROCKLIN
Animals - Birds	Nannopterum auritum	double-crested cormorant	None	None	WL	-	FOLSOM
Animals - Birds	Melanerpes lewis	Lewis woodpecker	None	None	-	-	FOLSOM SE
Animals - Birds	Asio otus	long-eared owl	None	None	SSC	-	FOLSOM
Animals - Birds	Asio otus	long-eared owl	None	None	SSC	-	BUFFALO CREEK
Animals - Crustaceans	Calasellus californicus	An isopod	None	None	-	-	PILOT HILL
Animals - Crustaceans	Branchinecta mesovallensis	midvalley fairy shrimp	None	None	-	-	BUFFALO CREEK
Animals - Crustaceans	Linderiella occidentalis	California linderiella	None	None	-	-	BUFFALO CREEK
Animals - Crustaceans	Linderiella occidentalis	California linderiella	None	None	-	-	FOLSOM
Animals - Crustaceans	Linderiella occidentalis	California linderiella	None	None	-	-	ROCKLIN
Animals - Crustaceans	Dumontia oregonensis	hairy water flea	None	None	-	-	BUFFALO CREEK
Animals - Insects	Andrena blennospermatis	Blennosperma vernal pool andrenid bee	None	None	-	-	CLARKSVILLE
Animals - Insects	Bombus crotchii	Crotchs bumble bee	None	Candidate Endangered	-	-	PILOT HILL
Animals - Insects	Bombus crotchii	Crotchs bumble bee	None	Candidate Endangered	-	-	BUFFALO CREEK

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**Table 2: Species and Terrestrial Communities Identified through a Nine-Quad Search (Clarksville as center quad)**

Element Type	Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Name
Animals - Insects	Bombus occidentalis	western bumble bee	None	Candidate Endangered	-	-	COLOMA
Animals - Insects	Bombus occidentalis	western bumble bee	None	Candidate Endangered	-	-	PILOT HILL
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	PILOT HILL
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	ROCKLIN
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	COLOMA
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	FOLSOM
Animals - Insects	Bombus pensylvanicus	American bumble bee	None	None	-	-	FOLSOM SE
Animals - Insects	Hydrochara rickseckeri	Rickseckers water scavenger beetle	None	None	-	-	CLARKSVILLE
Animals - Insects	Hydrochara rickseckeri	Rickseckers water scavenger beetle	None	None	-	-	BUFFALO CREEK
Animals - Insects	Cosumnoperla hypocrena	Cosumnes stripetail	None	None	-	-	COLOMA
Animals - Insects	Cosumnoperla hypocrena	Cosumnes stripetail	None	None	-	-	PILOT HILL
Animals - Mammals	Erethizon dorsatum	North American porcupine	None	None	-	-	CLARKSVILLE
Animals - Mammals	Erethizon dorsatum	North American porcupine	None	None	-	-	LATROBE
Animals - Mammals	Dipodomys heermanni heermanni	Heermanns kangaroo rat	None	None	-	-	SHINGLE SPRINGS
Animals - Mammals	Myotis yumanensis	Yuma myotis	None	None	-	-	FOLSOM
Community - Aquatic	Central Valley Drainage Hardhead/ Squawfish Stream	Central Valley Drainage Hardhead/ Squawfish Stream	None	None	-	-	LATROBE

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**Table 2: Species and Terrestrial Communities Identified through a Nine-Quad Search (Clarksville as center quad)**

Element Type	Scientific Name	Common Name	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Name
Community - Terrestrial	Northern Hardpan Vernal Pool	Northern Hardpan Vernal Pool	None	None	-	-	BUFFALO CREEK
Community - Terrestrial	Northern Hardpan Vernal Pool	Northern Hardpan Vernal Pool	None	None	-	-	FOLSOM
Community - Terrestrial	Northern Volcanic Mud Flow Vernal Pool	Northern Volcanic Mud Flow Vernal Pool	None	None	-	-	FOLSOM
Community - Terrestrial	Northern Volcanic Mud Flow Vernal Pool	Northern Volcanic Mud Flow Vernal Pool	None	None	-	-	ROCKLIN
Community - Terrestrial	Valley Needlegrass Grassland	Valley Needlegrass Grassland	None	None	-	-	FOLSOM
Plants - Vascular	Calycadenia spicata	spicate calycadenia	None	None	-	1B.3	FOLSOM
Plants - Vascular	Calycadenia spicata	spicate calycadenia	None	None	-	1B.3	CLARKSVILLE
Plants - Vascular	Calycadenia spicata	spicate calycadenia	None	None	-	1B.3	BUFFALO CREEK

Source: California Department of Fish and Wildlife Biogeographic Information and Observation System 6 Viewer, accessed 6/13/2024

## 8. Greenhouse Gas Emissions

### A. Existing Conditions

The discussion of existing conditions and regulatory documents related to climate change and greenhouse gas emission on pages 3.6-1 through 3.6-11 fails to address the effects of climate change that are anticipated at the local level, including changes to water resources, including the Sierra Nevada snowpack, changes to weather extremes, effects on agricultural resources, effects on ecosystems and biodiversity, effects on wildfire, and other effects related to hazards, human health, and emergency management.

### B. Environmental Impacts

#### Methods of Analysis

Due to the lack of a complete Project description and construction phasing schedule, the analysis of greenhouse gas (GHG) emissions does not address all aspects of the Project. As described in above in Section 6, Air Quality, Paragraph C, Environmental Impacts, the air quality and greenhouse modeling performed for the Project, including the materials provided in Appendix C, do not address construction and operational impacts of the full extent of future Project uses and the off-site improvements.

#### Project Phasing

The discussion of construction emissions references the Project phasing described in the Project Description and summarized in Appendix C. However, Appendix C does not describe nor summarize Project construction phasing and, thus, provides no basis for the phasing assumptions. However, as previously described, the details of the Project construction phasing are absent from the Draft EIR Project Description. Many laypeople reading the Draft EIR would have a difficult time going through Appendix C and correlating the phasing details identified for the air quality and greenhouse gas modeling to all phases of the Project. There is no construction schedule and phasing that identifies the number of units, park uses, length of roadway, and other improvements, including off-site improvements, projected to be developed on an annual basis.

#### Construction of Project Uses and Off-Site Improvements

A review of Appendix C identifies that the inputs for the CalEEMOD modeling of air pollutant and GHG emissions included 405 total acres of grading for the entire Project, 800 dwelling units, 8 acres of park uses, no grading for site preparation, and 39 acres of pavement. The acreages of disturbance are consistent with Table 2-2 in the Project Description. However, Table 2-2 only reflects the improvements proposed within the Specific Plan boundary and does not include the off-site improvements, including the acres of disturbance, acres of grading, nor the acres of pavement that are necessary to support the miles of off-site improvements, including:

- Roadway improvements, including the Marble Valley Parkway extension to Bass Lake Road.

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- Improvements to the Cambridge Road/Country Club Drive and Cambridge Road/Knollwood intersections.
- Water transmission improvements, including the:
  - interim Phase I potable water transmission improvements in the Durock Road area,
  - interim Phase I potable water transmission improvements in the Coach Lane area,
  - interim Phase I potable water transmission improvements in the Strolling Hills, Lariat Road, Ridge Pass Drive area,
  - interim Phase I potable water transmission improvements in the Shingle Lime Road area,
  - interim Phase I potable water transmission improvements in the Palmer Drive area north of Highway 50,
  - interim Phase 1 potable water transmission improvements in the
  - interim Phase I potable water pressure station improvements,
  - water storage facilities, and
  - if needed, new water treatment facility.
- Dry utilities tie-in to the existing electrical transmission lines near the Bass Lake Road interchange north of Highway 50.

The modeling also does not address the improvements for the day use park, including the grading and paving for allowed uses, including parking, campgrounds, trails, equestrian center and stable, and restroom facilities allowed for this use by the LRVSP document.

The modeling also does not address second dwelling units, ADUs, that are allowed by right under the LVRSP and State law.

The modeling does not address trips and activities associated with the importing or exporting of fill materials for Project construction.

The Construction Inventory Summary on pages 167 through 169 of the Draft EIR Appendices A through C document does include emissions for several of the off-site improvements. However, no calculations are provided for these improvements and there is no description of the extent of the improvements to address whether the full extent of off-site improvements have been addressed. For example, there is only one potable water transmission line identified despite there being off-site water transmission improvements in at least 4 distinct areas as well as throughout the Project site that will likely not be conducted simultaneously, there are no calculations for the extensions of the dry utility infrastructure, there are no calculations for water storage tanks or booster stations, and there are no calculations for improvements to emergency vehicle access (EVA) roads.

#### Project Operation

Similarly, the calculations of operational GHG emissions at the LRVSP full buildout in Appendix C (pages 224 through 244 of the Draft EIR Appendices A through C document) only address 39 acres of asphalt surfaces, 8 acres of city park, and 800 single family dwelling units. The trip generation rates only address the single family residential use trips and do not address trips associated with

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the Village Park, regional day use park, or accessory dwelling units. The full buildout calculations do not address all aspects of the Project, including:

- Ongoing operation and maintenance emissions associated with the off-site improvements, including the on-site and off-site water and electricity improvements;
- Regular maintenance of brush and trees within Project open space areas, residential parcels, and along utility corridors and roadways (including the Marble Valley Parkway) to reduce wildfire hazards.
- Operations and maintenance of the 124-acre day-use park, including the allowed campground, parking, equestrian center, and stable uses.
- Second dwelling units (ADUs and JADUs) which are allowed by right and are not subject to the 800 dwelling unit limit identified for the Project.
- The methodology does not identify what assumptions are made for all on-site and off-site development and infrastructure improvements that will be operational at buildout that correlates to or supports the emissions identified in Table 3.2-4 through 3.2-8.
- The construction and operational emissions must analyze and disclose the full extent emissions associated with all phases of the Project and all components of the Project, including off-site and on-site improvements.

#### Need to Update GHG and Air Quality Modeling

The air quality and GHG modeling must be updated to address all aspects of the Project in order to provide adequate disclosure of GHG impacts for Project construction (Impact GHG-1, including Table 3.6-4) and Project operation (Impact GHG-1, including Tables 3.66-4 and 3.6-5). Operational impacts must address operation and maintenance of off-site improvements associated with the Project in addition to onsite improvements in order to address the full extent of the Project (this holds true for all operational impacts including air quality, noise, and traffic).

#### Impact GHG-1

In addition to the flawed modeling of GHG emissions as described above which affects Tables 3.6-4, 3.6-5, 3.6-6, and 3.6-9, Impact GHG-1 identifies that the Project will comply with mandatory policies as described in Appendix C. There is no description of these policies in Appendix C; Appendix C is limited to data outputs from the modeling and provides no context for the data provided or mitigation assumed in the modeling. There is no description of how the reductions in GHG emissions provided in Table 3.6-5 and Table 3.6-9 are calculated, including the reductions associated with each of the LRVSP policies and the reductions associated with Mitigation Measure GHG-2. Appendix C is unwieldy and there is no guide to Appendix C to help the reader understand which of the tables reflect the different LVRSP and GHG-2 mitigation scenarios and how the Project inputs have been adjusted to address each of the scenarios.

Regarding the mandatory LVRSP policies identified on pages 3.6-22 and 3.6-23 to reduce GHG emissions, with the reduced emissions shown in Table 3.6-5, some of these policies are not adequate to take credit for the GHG emissions:

Policy 7.15 limits the installation of Energy Star appliances to those installed prior to occupancy. This provides the opportunity for developers to not install all appliances and future homeowners,

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renters, etc. may install non-Energy Star appliances. In order to take credit for installing Energy Star appliances in all components of the Project, the measure must require that all appliances and equipment (refrigerator, dish washer, clothes washer, clothes dryer, water heater, HVAC systems, lighting, lighting control systems, etc.) that are eligible for Energy Star ratings will be limited to those that are Energy Star certified and will be installed prior to occupancy.

Policy 7.33 (as well as Policy 7.34) would not reduce water use beyond current California Plumbing Code requirements – this policy would reduce water use beyond 2008 Plumbing Code standards but only comments to achieving the current Plumbing Code standards, which in 2024 are the 2022 Plumbing Code standards that are included in the California Building Standards Code.

Policies 7.45 and 7.46 should be expanded to prohibit outdoor recreational wood-burning, including fire pits, and to prohibit wood burning activities for vegetation management.

Table 3.6-7 addresses the Project’s consistency with the 2022 Scoping Plan. Under the VMT reduction measures, the Draft EIR claims that the Project is consistent with the attribute of locating a project on an infill site. The language from the 2022 Scoping Plan (2022 Scoping Plan, page 10) specifically states: “Utilize existing infill sites that are surrounded by urban uses, and reuse or redevelop previously developed, underutilized land presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer)” and includes a footnote to California Government Code Section 65041.1. The Project is not an existing infill site that is surrounded by urban uses. It is mostly natural open space and does not have urban uses adjacent to the Project on any of its boundaries. The Project does not reuse or redevelop underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, and sewer). The Project does not have an existing water, sewer, or roadway network. Internal roads on the sites are very limited and are not public roads constructed to County standards. There is no transit service to the site. To claim that the Project is consistent with this Scoping Plan attribute is false and misleading.

Regarding no net loss of existing affordable units identified in Table 3.6-7, what is the rental rate of the two caretakers dwelling on the Project site? Are the rental rates considered affordable based on the maximum rents that would be affordable for a household at 80% of median income (the State threshold for “Low Income” and a typical benchmark of affordability)? If so, the Project would result in the loss of affordable housing and does not propose to replace the units.

On page 3.6-28, the Draft EIR discusses the Project’s consistency with Scoping Plan objectives and goals related to the water sector and states that “LRVSP Policy 7.33 requires indoor residential water use be reduced by 20% from the current Plumbing Code in effect at the time of construction.” This is a false statement – Policy 7.33 requires a 20% reduction from the 2008 Plumbing Code (which is very outdated at this point) or compliance with the current Plumbing Code that is in effect. Policy 7.33 will not result in any reduction over current Plumbing Code requirements.

Page 3.6-30 includes a list of LRVSP policies that will reduce construction-related GHG emissions. However, these policies do not include any implementation component to ensure that each policy is fully implemented. All construction contracts, site improvement plans, including grading plans

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and the final map, must reflect these requirements and the County must confirm implementation for each phase of the Project.

#### Environmental Impacts of GHG Emissions

While Impact GHG-1 describes the Project's GHG emissions (although neglects to address all uses associated with the Project and all off-site improvements), the analysis does not identify the impact on the environment that the Project's GHG emissions would cause. While the impact statement "Impact GHG-1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (significant and unavoidable)" suggests that the GHG emissions of the Project would have a significant impact on the environment, the Draft EIR fails to describe the impact on the environment. There is no discussion of changes to the environment that could result from the GHG emissions of the Project, including health and safety issues associated with increased GHGs. As a disclosure document, the Draft EIR must help the public and decision-makers understand the effect of the Project's increase in GHG emissions. CEQA requires that an EIR accurately disclose sufficient information to enable the public "to understand and consider meaningfully the issues raised by the proposed project." (*Sierra Club I* at 516)

The analysis under Impact GHG-1 fails to address the effects of climate change that are anticipated at the local and regional level, including changes to water resources, including the Sierra Nevada snowpack, changes to weather extremes, effects on agricultural resources, effects on ecosystems and biodiversity, increased wildfire hazards, and other effects related to hazards, human health, and emergency management. This information is readily available from multiple sources that include scientifically-based evidence, including a variety of reports on the U.S. Department of Agriculture, the California Energy Commission, the University of California at Los Angeles Institute of the Environment & Sustainability, and the Resilient California websites.

#### Mitigation Measures

The mitigation measures provided for Impact GHG-1 neglect to address areas where the Project is inconsistent with the 2022 Scoping Plan as discussed on Table 3.6-7. The statement on page 3.6-32 that "the plan is also not consistent with all project attributes identified in the state's 2022 Scoping Plan that aim to reduce mobile-source GHG emissions" should be changed to the following to clearly reflect the Project's inconsistency "the plan is also not consistent with ~~all~~any project attributes identified in the state's 2022 Scoping Plan that aim to reduce mobile-source GHG emissions."

To reduce impacts associated with inconsistencies with the 2022 Scoping Plan, the Draft EIR should analyze and consider mitigation measures that would address all areas of inconsistency with the 2022 Scoping Plan, including but not limited to: 1) provide electric vehicle charging infrastructure that meets the most ambitious voluntary standards of the California Green Building Standards Code, 2) that minimize permanent losses of natural lands, 3) deed-restrict at least 20% of the units to be affordable to lower-income residents, 4) require that there be no change in land use or zoning designations for the Project site until the Project is located on an infill site surrounded by existing urban uses and served by existing utilities and essential public services, including regular transit service, and 5) establishes a maximum covered parking (garage or carport) ratio of one vehicle per dwelling unit. Such measures would address consistency with the



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2022 Scoping Plan and reduce GHG impacts addressed under Impact GHG-1. The Draft EIR does discuss affordable housing, but indicates that the Project design does not support the affordable housing designation – however, mitigation can be considered that would revise the Project design to include an affordable component. Just because the Project has opted to not include a component does not mean that the Project should not be revised through the CEQA process to eliminate or reduce impacts.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

Further, Mitigation Measures GHG-1 and GHG-2 do not establish performance-based standards and implementation components to ensure that the measures are fully carried out. The measures include nebulous components that do not include specific requirements that can be quantified or measured to ensure that the measure is implemented and actually achieves GHG reductions. Some of the nebulous language includes: “minimize the amount of concrete,” “reduce electricity use,” “encourage and provide carpools.” These phrases do not establish any performance standards. In other words, Measure GHG-1 identifies that the Project applicant will encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction-worker commutes. Compliance with this could be achieved by providing two transit passes or a single bicycle parking space – these are not significant actions and would have no discernible reduction in impact for an 18-year construction project. The measure should include a description of how this will be coordinated, the number of shuttle vans that will be provided per phase and how each shuttle van’s route will be determined to maximize opportunities for workers to use the shuttle, and the percentage of construction workers that will use the alternative methods of transportation (how many construction workers are anticipated to bicycle to the site or use transit). This same type of revision should be made to each of the open-ended, non-quantified components of Measures GHG-1 and GHG-2.

Measure GHG-2 identifies the reduction commitment needed to achieve a no-net increase in Project-related GHG emissions, but does not commit the Project to any specific level of reduction, either as a percentage or total amount of emissions. The measure also states that strategies that could be used in formulating the greenhouse gas reduction plan are summarized in the measure, meaning that the measure does not include any specific requirements, except that there will be a limited number of revisions to LRVSP policies. The measure also provides an opportunity for mitigation to be significantly reduced by allowing GHG emissions to be re-calculated for the Project at each phase of development without requiring a specific performance standard or reduction level that each phase must meet.

The measure must include quantifiable standards and specify the approach the Project will follow to achieve the required reductions. The measure should also require review and approval by the Air District and County of any updated emissions analysis to ensure that the updated analysis considered under GHG-2 is accurate and reflects the full extent of the Project, including all on-site and off-site Project components.

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Most importantly, while the mitigation measures identified would achieve some reduction in GHG emissions, there is no discussion of how the mitigation measures would reduce the adverse environmental effects associated with the Project's increases in GHG emissions. The creation of GHG credits in distant areas, which is allowed under Mitigation Measure GHG-2, will not assist in reducing the local and regional GHG effects that the Project will contribute to, including increased risk of wildland fires, increased temperatures (including extreme heat days which result in health risks), increased drought periods, changes to the ecosystem and biodiversity, and a variety of other environmental impacts associated with the projected changes to the climate that will occur from GHG emissions. Local and regional effects of increased GHG emissions are readily available from a variety of scientifically-based sources, including reports available on the U.S. Department of Agriculture, the California Energy Commission, the University of California at Los Angeles Institute of the Environment & Sustainability, and the Resilient California websites.

## Impact GHG-2

### Metropolitan Transportation Plan and Sustainable Communities Strategy (MTP/SCS)

The analysis of the Project's consistency with the MTP/SCS on page 3.6-48 concludes that the LRVSP would create a mixed-use, pedestrian friendly walkable community and discusses LRVSP policies related to parking and alternative transportation. The discussion concludes that the impact related to consistency would be less than significant. However, the Project would conflict with the MTP/SCS and the impact related to MTP/SCS consistency is significant and unavoidable.

The MTP/SCS supports a compact development pattern, stating in Chapter 3 on page 30 "In order to improve our economy and quality of life, the region needs to develop land more efficiently in the next 20 years compared to the way it developed over the last 60 years. More compact development will help keep agricultural land in production to power our agricultural and food industries; protect our communities from worsening air pollution; conserve water; efficiently deliver public and transportation services; and make it more reliable and affordable for people to get to their daily destinations."

The Draft EIR analysis fails to address the Project's consistency with the land use forecasts and Community Types established by the MTP/SCS. The MTP/SCS identifies 5 community types:

- Center and Corridor Communities
- Established Communities
- Developing Communities
- Rural Residential Communities
- Natural Resource Lands/Lands Not Identified for Development during the MTP/SCS Planning Period

The MTP/SCS describes where growth is envisioned in Chapter 3 on page 39: "This regional growth strategy is built up from local land use plans. Nearly two-thirds of the region's new housing and 85 percent of its job growth is expected to be in Centers and Corridors, and Established Communities (i.e., existing suburbs, downtowns, commercial corridors, and the buildout of today's existing suburbs). The remaining third of new housing and 15 percent of job growth is

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expected to be in more than two-dozen new Developing Communities (i.e., greenfield areas), mostly located at the edge of established communities and in scattered rural residential areas.”

However, the Project is not located in the Center and Corridor, Established Community, or Developing Communities community types.

Figure 3.5, Community Types, provided in Chapter 3 of the MTP/SCS designates the Project site, as well as the adjacent VMVSP site, as “Lands Not Identified for Development in the MTP/SCS Planning Period” as shown in Figure 2 below. The Land Use Forecast (MTP/SCS Appendix C) specifically identifies the Marble Valley and Lime Rock Valley Sites under the following heading “Projects Not Identified for Growth in the 2020 MTP/SCS by 2040” and identifies that no (0) housing units are planned for the Project site and the adjacent VMVSP site in any of the MTP/SCS scenarios, including 2035, 2040, buildout, and Preferred Growth scenarios. Development of the Project site is inconsistent with the MTP/SCS. The Draft EIR must address the Project’s inconsistency with the MTP/SCS, particularly the Community Types and Land Use Forecast assumptions that are specific to the Project site.

#### 2022 Scoping Plan

See previous comments for Impact GHG-1 regarding the 2022 Scoping Plan. The Draft EIR has not demonstrated that the Project is consistent with any of the key attributes of the 2022 Scoping Plan and to purport that the Project is an infill site or reuse/development site that is served by existing utilities and services is ludicrous. The statement on page 3.6-51 that “As shown in Table 3.6-7, the LRVSP does not include all required 2022 Scoping Plan attributes related to VMT reduction.” Is false and should be revised to state the following: “As shown in Table 3.6-7, the LRVSP ~~does not include all~~ has not demonstrated consistency with any of the required 2022 Scoping Plan attributes related to VMT reduction.”

Similar to the MTP/SCS, the 2022 Scoping Plan encourages a compact development pattern with an emphasis on infill and mixed use and development preservation of natural resources, including grasslands. The Project is not located on an infill site and is not a mixed use project. The Project is not consistent with the land use vision identified in the 2022 Scoping Plan and is not consistent with the SCS, General Plan, or zoning for the Project site. The Project specifically conflicts with the land use-oriented strategy listed in the strategies to address vehicle miles travelled on page 194:

- “Ensure alignment of land use, housing, transportation, and conservation planning in adopted regional plans, such as regional transportation plans (RTP)/ sustainable communities strategies (SCS), regional housing needs assessments (RHNA), and local plans (e.g., general plans, zoning, and local transportation plans), and develop tools to support implementation of these plans.”

On page 252, the 2022 Scoping Plan states: “In addition to carbon storage (primarily in the soil), grasslands provide open space, wild habitat, grazing land, and important water filtration and recharge benefits. The protection of grasslands provides an opportunity to reduce sprawl and complement VMT reduction strategies.” The Project would convert grasslands to residential

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development and is not consistent with the 2022 Scoping Plan strategies related to the preservation of grasslands (2022 Scoping Plan, pages 252), which include:

- “Establish and expand mechanisms that ensure grasslands are protected from land conversion/parcelization and that support ongoing, rather than one-time, management actions that improve carbon sequestration.
- Deploy grassland management strategies, like prescribed grazing, compost application, and other regenerative practices, to support soil carbon sequestration, biodiversity, and other ecological improvements.”

Appendix D, Local Actions, of the 2022 Scoping Plan states on page 5: “To address the State goals for housing affordability, social equity, and climate simultaneously, local government institutions are well-positioned to take on a portfolio of integrated strategies such that housing policies are designed to address climate goals and climate policies are designed to meet the State’s housing needs. In many cases, land use strategies that support more compact development in infill areas, particularly those already displaying efficient resident travel patterns, have the greatest potential to reduce emissions while also reducing combined housing and transportation costs for Californians and infrastructure costs for local governments due to avoided new roads, public schools, and other sprawl supporting infrastructure. Infill housing development alleviates pressure to develop on the urban periphery, preserving natural and working lands and areas often at risk of wildfire.” The Project is directly in conflict with the 2022 Scoping Plan’s vision for local land use strategies that reduce new roads and other sprawl-supporting infrastructure and alleviate development pressure on the urban periphery. The Project would place suburban development on natural (oak woodlands/grasslands) and working lands (grazing has historically occurred on the Project site in addition to the mining operation) that are at high and very high risk of wildfire.

On pages 11 and 12, Appendix D, identifies priority GHG reduction strategies, which include “Preserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert “greenfield” land to urban uses (e.g., green belts, strategic conservation easements).” The Project conflicts with this strategy as it would convert greenfield land to urban/suburban uses.

Impact GHG-2 must be revised to reflect the Project’s inconsistencies with the MTP/SCS and the 2022 Scoping Plan.

#### GHG Emissions, Modeling, and Mitigation Measures

The discussion on pages 3.6-51 through 3.6-52 that discuss Project emissions and the effect of the LRVSP policies and mitigation measures is not substantiated by data and evidence provided in the Draft EIR – please see other comments related to the GHG modeling conducted for the Project and the adequacy of the Draft EIR mitigation measures.

As the GHG modeling does not address all aspects of the Project, including the 124-acre day park, second dwelling units (ADUs and JADUs), and all off-site improvements, the Project emissions that are described in Impact GHG-2 are understated and do not reflect the entirety of the Project. The discussion based on Project emissions and the anticipated effects of the LRVSP strategies and mitigation measures is not supported by any evidence provided in the Draft EIR of the purported

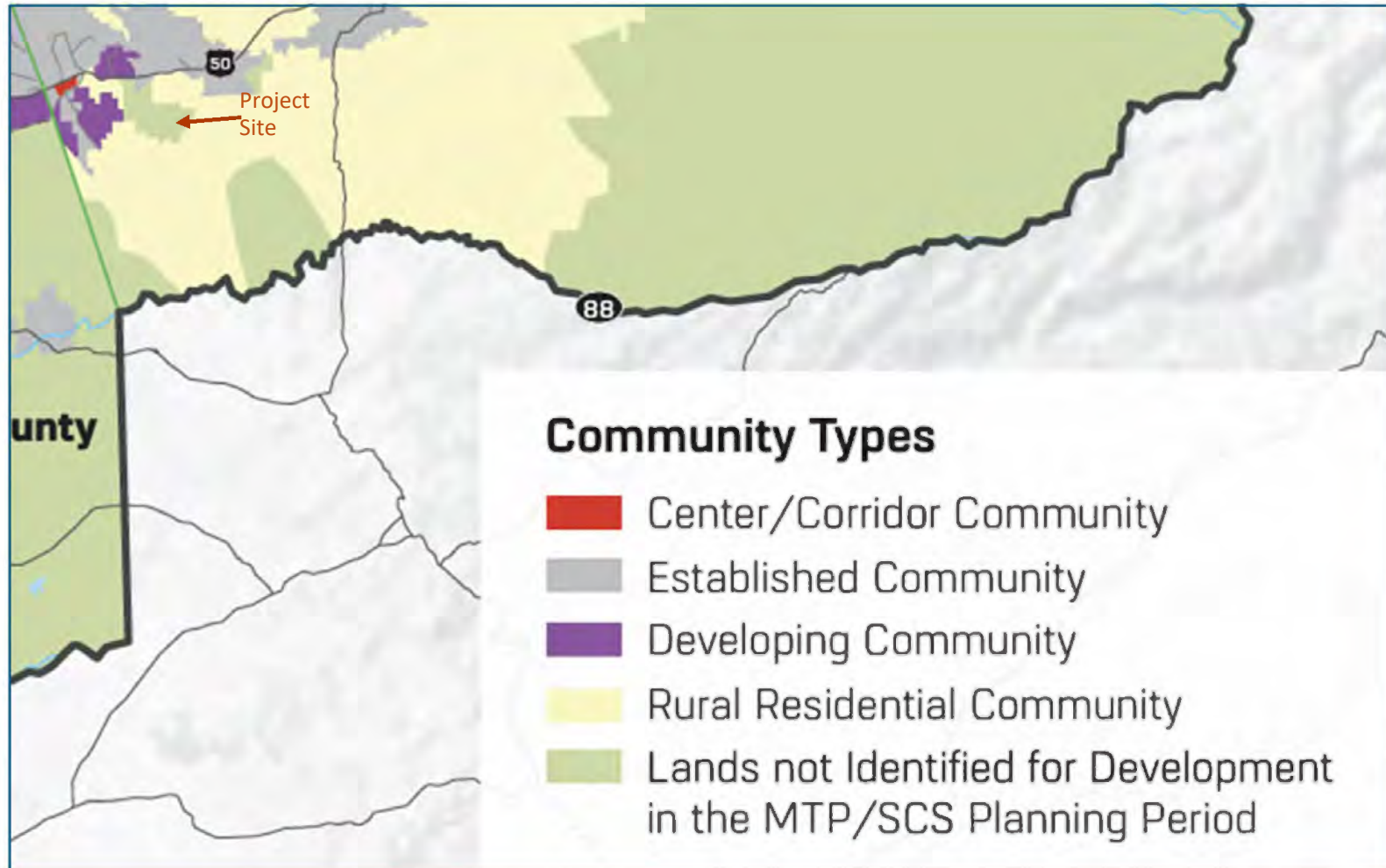
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reductions in emissions. The analysis in Appendix C does not provide a clear description of mitigation measures and how Project inputs have been adjusted to reflect the effects of Mitigation Measures GHG-1, GHG-2, TRA-2, AQ-2b, and AQ-2c.

#### **Impacts GHG-3 and GHG-4**

Impacts GHG-3 and GHG-4 analyze the Project's GHG emissions associated with offsite improvements separately from the analysis in GHG-1 and GHG-2. This has the effect of downplaying the impacts associated with the Project's offsite improvements by not analyzing the offsite improvements as part of the Project. Further, the analysis of off-site improvements is not comprehensive and the information provided in Chapter 3.6 and Appendix C does not demonstrate that all off-site improvements have been considered. The full extent of off-site improvements necessary to develop the Project (without relying on the development of the adjacent VMVSP) must be included and addressed in Impacts GHG-1 and GHG-2.

Figure 2. MTP/SCS Sub Community Type Designation for the LRVSP Site and Adjacent Areas



Source: MTP/SCS Appendix C, Figure

# 9. Geology, Soils, Minerals, and Paleontological Resources

## A. Environmental Impacts

### Impact GEO-3

Impact GEO-3 identifies the potential for people to fall in or become trapped in mine features, including shafts, large vents, and adits open to the surface, which could be located on the Project site. The impact is determined to be less than significant. The mitigation identified for this impact is inadequate. Human health and safety, including for construction workers as well as future residents and users of the site, should be paramount and not an afterthought. The impact analysis does not address the potential for ground failure due to operating heavy equipment in areas with potentially unstable mine features.

The mitigation provided is reactive – if these features are identified during construction, then the feature shall be flagged and fenced and closed or sealed if the feature is a hazard (Mitigation Measure GEO-3b) and the homeowners association will develop a mechanism to report findings of these features (Mitigation Measure GEO-3c). Mitigation Measure GEO-3b puts construction workers at risk by not identifying potential hazards prior to the start of construction. This impact should be revised to include a mitigation measure requiring that each phase be surveyed by a qualified professional prior to the start of construction to identify and flag any shafts, vents, adits, caves, voids, or other features associated with prior quarrying and mining activities on the Project site, to assess such features, and to seal off any hazardous features or establish fenced setbacks prior to the start of construction of each phase.

Mitigation Measure GEO-3b must also include specific steps to be followed in the event that features are discovered after Project construction – the measure currently requires that the feature be closed, but it does not provide any mechanism for a homeowner, business owner, or other user of the Project site to report the feature and does not establish the entity responsible for obtaining a qualified engineer to assess the feature and to close the feature if necessary.

Mitigation Measure GEO-3c should be revised to include specific steps to assess and close features located following Project construction and should include reporting any finds to the County as well as the California Department of Conservation Division of Mines and Geology. Further, Mitigation Measure GEO-3c only addresses residential uses by placing the responsibility for addressing previously unidentified features on the Lime Rock Valley Homeowners Association – this measure needs to be expanded to ensure that the future Village Park and day use parks and any open space that is open to the public also has an entity to report finds to that will address evaluating and closing the feature.

Mitigation Measures GEO-3a, 3b, and GEO-3c as well as any new mitigation measures must also address the potential for special-status species to be present in the mining features, including assessment by a qualified biologist and appropriate steps if any species are found (see CEQA Guidelines Section 15126.4(a)(1)(D)). The California Department of Mines and Geology Abandoned Mines Land Unit web page states: “While abandoned mines are dangerous to people, they have

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become important habitat for wildlife, including bats, tortoises, owls and snakes. Many of the sensitive and endangered species that use the mines perform critical ecological functions including pest control and crop pollination.” ([https://www.conservation.ca.gov/dmr/abandoned\\_mine\\_lands](https://www.conservation.ca.gov/dmr/abandoned_mine_lands))

## 10. Hazards

### B. Environmental Impacts

#### Impact HAZ-7

Impact HAZ-7 does not address specific adopted emergency response and evacuation plans adopted by the County and does not analyze whether the Project would impair implementation of the plans. The Project’s potential to impair or conflict with emergency response and evacuation plans, including, but not limited to, the El Dorado County Emergency Operations Plan, El Dorado County Local Hazard Mitigation Plan, El Dorado Irrigation District Local Hazard Mitigation Plan, and the General Plan Safety Element, must be analyzed.

#### Impact HAZ-8

The Draft EIR does not analyze nor mitigate wildland fire risks associated with construction of the Project. Construction activities, such as operation of equipment that may cause sparks, that could increase wildfire risks must be disclosed and, where necessary, mitigation must be addressed.

The analysis does not address wildland urban interface areas that would be created or modified by the Project, despite identifying that wildland urban interface fire incidents require immediate protective measures and a rapid response by local fire agencies and CAL FIRE to minimize the risk to lives and properties in the Project area (p. 3.7-10).

While the Project would reduce fuels located on the Project site, it would also include 335 acres of open space (see Draft EIR Project Description) and would retain at least 85% of the oak woodland canopy (see Draft EIR Impact BIO-16). The Project would increase the potential for a fire through significantly increasing human presence on the Project site with an anticipated buildout population of 2,336 residents (which does not include residents of second dwelling units) and associated use of equipment or materials that could result in a wildfire.

The analysis identifies 11 risk reduction measures (a bulleted summary list on pages 3.7-21 and 3.7-22) that the Draft EIR claims are included in the LRVSP. However, the risk reduction measures are not identified in the LRVSP document and are not demonstrated to be a part of the Project. The risk reduction measures also focus on protecting Project development from wildland fires and do not address risks from the Project to nearby residents. The finding that Impact HAZ-8 would be less than significant with mitigation relies on LRVSP measures that cannot be confirmed and adequate detail regarding the specific requirements and implementation timing is not available. A search of the LRVSP for terms related to the measures, including risk reduction, buffer zones (referenced in fifth bullet point), interface, and yielded no results related to policies or other measures that would be required of the Project. The analysis does not demonstrate that measures would be implemented that would reduce wildfire risks associated with development and



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operation of the Project to surrounding residents, uses, and lands. The Draft EIR must identify mitigation that would ensure that wildland fire risks are not increased to existing offsite uses. In order to ensure that an accidental wildfire on the Project site would not result in increased risk to existing offsite residences and other nearby uses, the Draft EIR should consider mitigation that requires annual fuels management within 100 feet of existing residential parcels adjacent to the Project site and restricts the placement of structures or planting of additional wildland fuel sources within 100 feet of existing residential parcels located adjacent the Project site. The 100-foot recommendation is based on Public Resources Code Section 4291 which requires a defensible space of 100 feet around all buildings on non-federal state responsibility areas. Requiring the Project to maintain a defensible space of 100 feet around the Project perimeter would reduce, but not eliminate, the potential to expose adjacent existing residents to a wildland fire emanating from the Project site.

On page 3.7-21, Impact HAZ-8 identifies that there are two primary evacuation points and five emergency vehicle access (EVAs) points but does not identify where these five EVAs are or which roadways they will connect to. The Lime Rock Valley Specific Plan Transportation Impact Analysis prepared by Fehr & Peers in August 2018 only identifies two EVAs – Amber Fields Drive and Shingle Lime Mine Road (Appendix K, p. 5). The Draft EIR Project Description identifies that Shingle Lime Mine Road, Deer Creek Road, and Amber Fields Drive would be available only for emergency access. It appears that some of these EVAs, such as Deer Creek Road, do not access public rights-of-way but generally abut private property. The Draft EIR fails to address how the EVAs will function, whether they are adequate in both design and capacity to provide access to and from the Project site in the event of an emergency, and whether any private entities that control the roadways affected by the EVAs have provided the Project applicant with the right to access private land. The Draft EIR also fails to address the impact that use of the EVAs will have on existing residents and users of the EVA routes. The Project must be revised to identify feasible EVAs and to analyze the impact on the existing environment related to the EVAs.

The Draft EIR references conclusions of the Fire Evacuation Assessment (Draft EIR Appendix N), including that the Fire Evacuation Assessment found that the Project would inhibit a fire more effectively than under existing conditions, with the slowed fire progression due to the removal of fuels and vegetation and fuels management activities. However, the vegetation assumptions in the Wildland Fire Evacuation Risk Report provided in Appendix N show extensive areas of tree canopy and the Project site under existing conditions (Appendix N, Figure 5) and appear to show that the developed areas of the Project will be sparsely vegetated under LRVSP development conditions (Figure 6). However, the Project would retain at least 85% of the oak woodland canopy (see Draft EIR Impact BIO-16) and will likely retain some of the existing brush and vegetation on the larger (2-acre and more) lots. In order to adequately assess the impacts of the Project, the Wildland Fire Evacuation Risk Report must be revised to reflect the vegetation types that will be on the Project site with development of the Project, including residential and park areas where the oak woodlands and other vegetation will be retained.

The only mitigation identified for the Project is the preparation of a wildfire safety plan, with several general requirements identified. The mitigation does not establish any standards to ensure wildfire risks are decreased to a less than significant level, including addressing extent of

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fuel management, timing of fuel management, that adequate water sources and adequate water pressure are available to serve the Project AND existing users in the event of a wildfire, and how the plan will be implemented.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts. Mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

At a minimum, the Draft EIR must address the environmental impacts of construction and operation of the Project, including establishment of buffer zones, maintenance of wildland areas to reduce wildfire risks, evacuation, feasible EVAs, and identify and consider mitigation that would a manner that allows for review of the language of the actual measures in the LRVSP.

### Impact HAZ-9

Impact HAZ-9 only addresses limited off-site infrastructure and improvements and neither the impact nor the Environmental Setting portion of the Draft EIR Hazards and Hazardous Materials section addresses the existing conditions related to the full extent of off-site infrastructure and improvements in terms of identifying existing hazardous conditions, fire hazard severity zones, wildland urban interface conditions, location of known asbestos-containing materials as related to the location of the off-site improvements. The analysis of the environmental impact that the construction and operation of the off-site improvements is conclusory without describing the effect that the improvements would have on existing conditions (as previously stated existing conditions related to the off-site improvements are not clearly identified in the environmental setting). As previously described, the off-site improvements are part of the Project and must be analyzed as part of the Project and not addressed separately in a manner that downplays the potential for impact through conclusory statements unsupported by evidence. The analysis provided for the off-site impacts is cursory and does not examine the potential for the offsite improvement to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, particularly where off-site improvements may disrupt use of local roads used as potential evacuation routes, nor are wildfire risks, including the potential for the improvements to people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires; due to slope, prevailing winds, and other factors, exacerbate wildfire risks; require the installation or maintenance of associated infrastructure that may exacerbate fire risk; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes, actually analyzed.

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# 11. Hydrology, Water Quality, and Water Resources

## A. Existing Conditions

### Drainage and Stormwater Runoff

The description of existing conditions related to hydrology, water quality, and water resources does not address all of the ephemeral streams on the Project site. There are two drainages that feed the pond located in the northeastern portion of the Project site near Cameron Road. Both of these drainages have water throughout the rainy/winter season and are the primary sources of water for the pond. The general location of the two ephemeral streams is shown in orange on Figure 3 and drainage from these features is shown in the photos provided as Figure 3. The ephemeral streams convey stormwater from upstream locations in Cameron Estates to the pond on the Project site. These storm drainage and riparian features, including the two ephemeral streams and the associated seasonal pond, are not described in Section 3.8 and are not shown on Figure 3.8-1 (Existing Drainage Features) of the Project area. The ephemeral streams are also omitted from Appendix J, Lime Rock Valley Storm Drain Master Plan.

Figure 3. Location of Ephemeral Streams



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**Figure 3. Drainage from Cameron Estates to the LRVSP Site – Photos**



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## B. Environmental Impacts

### Impact WQ-2

While the EIR admits that components of the Project such as roads and houses would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge, it does not identify the extent to which new impervious surfaces could be developed as part of the Project and the extent of the potential impact. The Draft EIR states that the Project area is underlain by bedrock and that the net change in groundwater recharge potential would be limited. The Draft EIR also indicates that the Marble and Deer Creek floodplain are likely to have

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the greatest potential for recharge of the groundwater aquifer and this area would remain designated open space under the LRVSP, citing the LRVSP document "G3 Enterprises 2020" – however, the LRVSP document does not address recharge and does not support this claim. While the Draft EIR also references a study by Youngdahl Consulting Group in 2012, the Draft EIR does not: include the study as an appendix, summarize the details of the study, identify areas on the site tested for recharge capacity, nor provide a detailed description of the ground and soil characteristics of the Project area (including on-site and off-site improvements) as related to groundwater recharge.

The Existing Conditions discussion of Section 3.8 states that the project area is primarily underlain primarily by bedrock and groundwater recharge potential would be limited. However, Section 3.5 identifies five geological units present on the Project site; the recharge potential of each of these units should be described in Section 3.8.

The Project site is partially underlain by limestone deposits – it is the site of a limestone quarry as described on Draft EIR pages 2-2, may have limestone underlying other rock units (page 3.5-10), and has limestone outcroppings as described in the Draft EIR. Limestone rock aquifers are known to be productive, so the Project site must be evaluated to address where development would occur in relation to limestone deposits. Further, the past mining activity on the Project site may have created tunnels, caves, shafts, and other openings that contribute to groundwater recharge.

The impact analysis is not based on actual evidence but rather a cursory description of existing conditions and limited analysis, leading to an unsubstantiated claim of a less than significant impact. The Draft EIR must be revised and recirculated to actually analyze the effects of developing the Project site with the amount of impervious surface [the Draft EIR does not identify the actual acreage of impervious surface] that would occur with the Project and how the impervious surfaces relate to the recharge characteristics of the geologic units and soils present on the Project site. The Draft EIR does not identify any comparison of groundwater recharge rates that occur in the varied areas of the LRVSP site, both with and without the Project.

### Impact WQ-3ii

Impact WQ-3ii addresses the potential for the Project to alter the existing drainage pattern of the Project site or area.

As described above, the Draft EIR and the Storm Drain Master Plan prepared for the Project do not address two existing drainages that enter the site from Cameron Estates. These drainages flow in the wet months to the pond located in the northeastern area of the site, shown in Figure 3 above.

The analysis under Impact WQ-3ii focuses only on the facilities that will be provided on the Project site in order to attenuate peak stormwater runoff to a level that would not affect downstream facilities. (Draft EIR, p. 3.8-22) The Draft EIR does not address whether the development of the Project would impact existing drainages that discharge to the Project site, including the two drainages/ephemeral streams identified in Figure 3 above. The Draft EIR does not address whether the Project would maintain the existing drainage pattern or include stormwater facilities

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with adequate capacity to convey the existing discharge to the Project site in order to not result in off-site flooding on the adjacent Cameron Estates properties. In fact, there is no analysis of whether the development of the Project, including changes to the drainage patterns, would reduce the capacity of the Project site to continue to accommodate flows discharged from upstream of the Project site and whether these changes to the drainage patterns would result in upstream flooding. The Draft EIR must demonstrate how the existing drainage flows originating from upstream of the Project will continue to be accommodated and measures the Project will implement to ensure that future homeowners do not impede existing drainage flows that are discharged to the Project site.

## 12. Noise

### A. Environmental Impacts

#### Impact NOI-1

The Project would result in 20 to 25 years of construction (Draft EIR p. 2-13). The Draft EIR identifies that noise levels associated with construction would expose residences and sensitive land uses in the vicinity of the Project area to significant and unavoidable noise impacts. On pages 3.10-3 and 3.10-4 of the Draft EIR, it discusses human response to noise, including performance interference (detrimental effects on information processing, concentration, accuracy, reaction times, and academic performance) and annoyance (annoyance, nuisance, and dissatisfaction from differences in individual sensitivity and habituation to sound).

The Project is in a generally quiet area, with sound levels ranging from 35.1 to 47.1 dB Leq based on the four short-term measurements summarized in Table 3.10-10. The construction analysis identifies that noise levels associated with Project construction activities will be much higher than the construction noise levels allowed under the General Plan for residential uses and rural lands, as identified in Draft EIR Table 3.10-7 and Table 3.10-9. The Draft EIR identifies that existing sensitive receptors would experience a noticeable and substantial increase in ambient noise levels during the construction activities.

Mitigation Measure NOI-1a includes a number of noise control measures, including prohibiting noise-generating construction activities between 7:00 p.m. and 7:00 a.m. on weekdays and 5:00 pm to 8:00 a.m. on weekends and federally recognized holidays. This means excessive construction noise can occur daily for a 20-25-year period. This measure is not adequate to address the potential adverse effects, including effects on human health, of the increased noise associated with Project construction. Given the extensive time frame for Project construction, the Draft EIR should address mitigation that would reduce the days and times when construction is permitted to Monday through Friday from 8:00 a.m. to 5:00 p.m. and not allow construction on weekends or holidays. "Compliance with a general plan in and of itself "does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects." (*City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1332, 232 Cal.Rptr. 507 (*Antioch*)) A project's effects can be significant even if "they are not greater than those deemed acceptable in a general plan." (*Gentry*, supra, 36 Cal.App.4th at p. 1416, 43



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Cal.Rptr.2d 170 ; also *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732, 187 Cal.Rptr.3d 96” (*E. Sacramento P'ship for a Livable City v. City of Sacramento*, 5 Cal.App.5th 281, 301 (Cal. Ct. App. 2016)) While the application of this determination to the LRVSP Draft EIR varies from the Livable City case, the question of whether compliance with a General Plan standard (i.e., time of construction) is adequate to reduce the impact remains relevant.

The evaluation of ambient noise levels measured existing noise levels at locations within the Project site (Draft EIR Table 3.10-10 and Figure 3.10-1) but did not measure existing noise levels at residences in the vicinity of the Project that may be affected by Project construction and operation noise. The Draft EIR has not examined the noise levels associated with the park sites, which may include sports fields and other uses that involve amplified sound, but rather has deferred analysis and mitigation of the impact as part of Mitigation Measure NOI-1b. Mitigation Measure NOI-1b does not address the potential to expose existing sensitive receptors in the Project vicinity to unacceptable levels of noise, but rather solely addresses “new noise-sensitive land uses within the project area.” This does not address impacts to existing sensitive receptors. Mitigation must be considered that addresses the potential increase in noise at existing sensitive receptors associated with land uses proposed by the Project and establishes enforceable standards.

If there is a potential to expose residences and sensitive receptors to amplified sound at levels that exceed the noise thresholds, mitigation must be analyzed and considered that would reduce the impact. Such mitigation should commit to specific enforceable actions, include a plan to ensure that the mitigation is carried out throughout the operation of all outdoor events with the Project, and should prohibit the use of amplified sound after 9:00 pm for all uses within the Project and shall require that sound from amplified noise sources not exceed 50 dBA  $L_{eq}$  and 60 dBA  $L_{max}$  between 7:00 a.m. and 7:00 p.m., not exceed 45 dBA  $L_{eq}$  and 55 dBA  $L_{max}$  between 7:00 p.m. and 9:00 p.m..

## 13. Transportation and Circulation

### A. Existing Setting

The Existing Setting fails to describe the existing roadway system that will serve the Project site under existing and cumulative conditions, including US 50, Bass Lake Road, Cambridge Road, Deer Creek Road, and Flying C Road and intersections and interchanges that will serve the Project, including US 50/Bass Lake Road, US 50/Cambridge Road, Marble Valley Road/Bass Lake Road intersection, and Cambridge Road/Flying C Road intersection. Rather, the Vehicular Circulation setting provided in Draft EIR Section 3.14 states on page 3.14-8 that, “Under CEQA, vehicle or automobile circulation is addressed in terms of vehicle miles traveled (VMT). This metric focuses impact analysis on those impacts to the environment related to transportation and traffic, as opposed to impact on drivers.” While CEQA has shifted from analyzing transportation impacts based on level of service and roadway congestion in favor of the vehicle miles traveled metric, CEQA has not removed analysis of roadway operations completely. The CEQA Guidelines Appendix G identifies the following thresholds (as identified on p. 3.14-12 of the Draft EIR):

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- Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

In order to address the potential for a Project to conflict with the first, third, and fourth bullet points listed above, the existing roadway system must be identified. Conflicts with programs, plans, ordinances, and policies related to roadway safety must be addressed by the Draft EIR. The potential to increase hazards due to a geometric design feature, including how the Project will safely access the existing roadway and intersection, and emergency access must be analyzed by the Draft EIR. The Draft EIR fails to identify the existing environmental setting related to roadways and does not provide the public with an understanding of current roadway conditions. Without an understanding of existing conditions, the Draft EIR lacks a basis against which environmental impacts are analyzed and mitigation measures considered.

## B. Environmental Impacts

### Impact TRA-1

This impact addresses the potential for the Project to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. However, no analysis is given to the Project's consistency with programs, plans, ordinances, or policies addressing the roadway system, except to state the following "The proposed project would pay applicable TIF fees that would pay the project's fair share of roadway improvements needed to accommodate planned growth, consistent with General Plan Policy TC-Xb and TC-Xc. Therefore, the proposed project would not conflict with the County General Plan policies addressing vehicle circulation. The project will comply with General Plan Goal TC-X and its implementing Policies TC-Xf and TC-Xh." There is no discussion under Impact TRA-1 of the requirements of the TIF Program and General Plan policies nor is any analysis or evidence provided demonstrating how the Project will comply with programs, plans, ordinances, and policies addressing the roadway circulation system. The conclusory statements regarding compliance with the General Plan are not based on any analysis.

In fact, the Draft EIR Project Description does not commit to providing General Plan Policy TC-Xf improvements; rather it lists improvements that 'could' be required on p. 2.-12 of the Draft EIR. The potential to require improvements is not the same as demonstrating that the Project will comply with applicable County General Plan policies. Further, the TC-Xf improvements are not identified in the LRVSP document and are not demonstrated to actually be a part of the Project.

Apart from conclusory statements made regarding consistency with the TIF Program and General Plan Policy TC-XF, Impact TRA-1 fails to address other applicable programs, policies, and ordinances. For example, General Plan Policy TC-1 establishes minimum spacing requirements for intersections and level of access from adjacent properties in order to provide safe, efficient roads. Policy TC-1w requires that new streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and

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ensure neighborhood quality to the extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety. The Draft EIR fails to address whether the Project would result in unsafe conditions for affected roadways and intersections. The Draft EIR does not even establish which roadways and intersections exist in the vicinity of the Project, as described above in Section 13.A. of this letter.

### Impact TRA-2

The VMT analysis does not take into account the full extent of the Project. For a discussion of the short-comings of the Project Description, see Section 4 of this letter. Project components not addressed in the VMT analysis include:

- The 124-acre day use park, which will allow a variety of uses including parking, campgrounds, trails, equestrian center and stable, and restroom facilities (LRVSP, Table A.11).
- Second dwelling units, including ADUs and JADUs, that are allowed by right under the LVRSP and State law and are not subject to the 800 dwelling unit limit identified for the Project.
- Regular maintenance of brush and trees within Project open space areas, residential parcels, and along utility corridors and roadways (including the Marble Valley Parkway) to reduce wildfire hazards.
- Ongoing operation and maintenance of extensive off-site improvements, including:
  - Roadway improvements, including the Marble Valley Parkway extension from the Project boundary to Bass Lake Road.
  - Improvements to the Cambridge Road/Country Club Drive and Cambridge Road/Knollwood intersections.
  - Improvements to the US Highway 50/Bass Lake Road interchange.
  - Water transmission improvements, including the:
    - interim Phase I potable water transmission improvements in the Durock Road area,
    - interim Phase I potable water transmission improvements in the Coach Lane area,
    - interim Phase I potable water transmission improvements in the Strolling Hills, Lariat Road, Ridge Pass Drive area,
    - interim Phase I potable water transmission improvements in the Shingle Lime Road area,
    - interim Phase I potable water transmission improvements in in the Palmer Drive area north of Highway 50,
    - interim Phase 1 potable water transmission improvements in the
    - interim Phase I potable water pressure station improvements,
    - water storage facilities, and
    - if needed, new water treatment facility.
- Dry utilities tie-in to the existing electrical transmission lines near the Bass Lake Road interchange north of Highway 50.

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The VMT analysis is misleading. The VMT analysis on pages 3.14-15 through 3.14-18 of the Draft EIR as well as the VMT analysis on pages 15 through 17 of Appendix K uses a smaller undefined area (Project Area) to calculate the Baseline plus Project conditions in Draft EIR Tables 3.14-3 through 3.14-6 (same as Appendix K 2021 Fehr & Peers Memo Tables 5 through 8) compares this smaller “Project Area” VMT to the unincorporated County as a whole. There is no definition of the “Project Area”. While there is a discussion of a “study area”, there is no map that defines the boundaries of the study area nor any discussion that establishes that the study area will reflect the full extent of VMT generated by the Project. Further, VMT from the Project will affect a larger area, as Project residents and users will likely travel to Folsom, Placerville, and areas beyond. By only evaluating the change to the undefined “Project Area”, the analysis of the Project’s change in VMT does not address the full extent of VMT that would be generated by the Project. The VMT associated with Project residential and non-residential trips to locations outside of the Project Area, such as trips to Folsom, Placerville, and other destinations in the region, is not disclosed. Draft EIR Tables 3.14-3 through 3.14-6 must be revised to reflect the full VMT from the Project and to provide a clear comparison between Baseline and Baseline plus Project Conditions for the region, to capture all Project-related VMT, in addition to identifying the actual baseline conditions for the Project Area in order for the reader to have an understanding of the Project’s impacts to VMT at the regional level as well as the local level.

As previously described, CEQA Guidelines Section 15126.4 requires an EIR to describe feasible measures which could minimize significant adverse impacts and mitigation measures must be fully enforceable. Paragraph (b) of Section 15126.4 prohibits deferring formulation of mitigation measures until a future time and establishes specific standards when the specific details of a mitigation measure will be developed after Project approval.

The mitigation identified is not adequate. The mitigation measures must ensure that the uses that are mitigating the VMT impact of the residential uses are actually constructed to ensure that the use is less than significant with mitigation. If the residential units that would cause the significant impact are completed in advance of the commercial retail development anticipated under Mitigation Measure TRA-2, the impact would not be reduced as shown in Table 3.14-6. In order to ensure that this impact is reduced, Mitigation Measure TRA-2 must limit construction of the number of residential units to the amount that would be accommodated as a less than significant impact until such time that the commercial retail land use is developed and occupied.

Mitigation Measure TRA-2 also does not address how it will be implemented. When will the marketing strategy and community-based travel planning occur? Will these be quarterly events to promote VMT reductions on an on-going basis? Who will be responsible for implementing these activities?

The Draft EIR also fails to discuss the environmental impacts of implementing Mitigation Measures TRA-2. There is no discussion of where the commercial retail uses would be located within the Project and no discussion of air quality, noise, utilities, or other impacts associated with the addition of the commercial retail use.

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## 14. Public Services and Utilities

### A. Environmental Setting – Water Supply, Demand, and Conservation

#### Water Supply

The description of the El Dorado Irrigation District (EID) water supplies on Draft EIR pages 3.12-16 through 3.12-23 describes existing supplies and planned supplies. There is no discussion of EID's current facilities to divert its existing water supplies in order to treat the water for domestic use and distribute the water to its customers and the existing capacity, current demand, and planned capacity of such facilities.

#### Missing Description of Existing Conditions for Water Treatment Facilities

The discussion of the EID's water supply, demand, and conservation related to the potable water supply on Draft EIR pages 3.12-16 through 3.12-23 in the Public Services and Utilities section does not include any description of existing conditions related to water treatment. Water treatment is a necessary step that must occur prior to the raw water supply being delivered to end customers in order to ensure that the water meets California's drinking water standards. There is no description of:

1. existing water storage facilities (treated water and untreated water),
2. existing water treatment facilities,
  - a. total treatment capacity of existing facilities,
  - b. daily water treatment demand,
  - c. projected demand from total development associated with the County General Plan and approved and pending Projects, and
  - d. remaining capacity taking into account demand to serve planned development.
3. existing water transmission lines to connect the water supply to water treatment facilities and the capacity of such lines, including existing capacity and capacity needed to serve future development,
4. existing potable water transmission lines to connect water treatment facilities to water storage and end users of the system and the capacity of such lines, including existing capacity and capacity needed to serve future development, and
5. system facilities needed to maintain pressure and the existing capacity and capacity needed to serve future development.

There is no discussion of California's water quality standards and treatment necessary to meet water quality standards for EID water.

There is no discussion of future facilities, including the size and capacity of such facilities that have been planned and evaluated, including completion of CEQA documentation, to ensure water is treated to meet State standards prior to being conveyed to EID's water users.

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## Summary

The water supply, demand, and conservation discussion must be expanded to establish the existing conditions related to water conveyance and water treatment in order for the reader of the Draft EIR to understand the basis for potential environmental impacts related to the need to expand or construct water supply, conveyance/transmission, pressurization, and treatment facilities to serve the Project and to consider mitigation measures to address such impacts.

## B. Environmental Impacts

### Impact PSU-2

As described in this comment letter under Section 11, Paragraphs A and B, the Draft EIR does not take into account the Project's potential to result in impacts resulting from the Project's ability to maintain capacity to accommodate existing levels of discharge from two ephemeral streams/drainages onto the Project site. The stormwater analysis on pages 3.12-42 and 3.12-43 focuses on facilities necessary to address only the stormwater discharge leaving the Project site neglects to address the stormwater conveyance, detention, and/or retention facilities that will be necessary to continue to convey stormwater entering the Project site from upstream locations and ensuring that the Project's system will not adversely affect existing drainage patterns and result in off-site flooding or increased retention/detention of stormwater upstream from the Project due to a decrease in stormwater conveyance capacity on the Project site. As these facilities are not disclosed nor analyzed, Impact PSU-3 does not address the environmental impacts of the full extent of facilities necessary to maintain stormwater flows.

### Impact PSU-3

As previously described, there is no establishment of baseline conditions related to water treatment facilities in the environmental setting section of the Public Services and Utilities section of the Draft EIR.

Impact PSU-3 identifies that a new 44-mgd water treatment plant (WTP) will be needed to serve the Project and identifies that transmission mains will need to be constructed for the new WTP. The Draft EIR analysis does not identify the capacity of the existing water treatment facilities and does not address whether the remaining capacity of existing WTP facilities is reserved for other approved or planned projects. The impact analysis does not address when the 44-mgd WTP would be needed and which of the Phase I water improvements would connect to an existing WTP and which of the Phase I water improvements would connect to the new 44-mgd WTP.

Although the new WTP is necessary to serve the Project, there is no evaluation of the environmental impacts associated with the construction and operation of the new WTP. The new WTP is not addressed in the off-site improvements.

The Draft EIR must be revised to address the capacity of the existing WTP and to address how water treatment will be provided for the Project, including both water treatment at the start of the Project, water treatment for any interim conditions (based on the interim water improvements), and water treatment at buildout. If the expansion of existing water treatment facilities or construction of new water treatment facilities is necessary to serve the Project, those

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improvements must be described and the Draft EIR must disclose the environmental effects of the water treatment infrastructure.

#### Impact PSU-4

On page 3.12-50 through 3.12-54, the Draft EIR refers to a water supply analysis based on a Water Supply Assessment and revalidation memo, located in Appendices H-1 and H-2, respectively. However, the Draft EIR Appendices only include Appendix H, Water Supply Assessment (August 2013) and do not include a revalidation memo (there is no Appendix H-2). The Draft EIR indicates the total estimated water demands of the Project would be lower than calculated in the EID-approved 2013 WSA, but does not provide any evidence for this opinion. Due the extensive lapse in time between the Notice of Preparation and the Draft EIR, it is necessary to identify the full extent of demand on the EID system in order to understand which water supply, treatment, and transmission facilities are needed to serve current users and approved and planned future demand.

Table 3.12-8 does not address Project potable water demands associated with second dwelling units (ADUs and JADUs) and does not address the 124-acre day use park, including the allowed campgrounds, equestrian facility, and commercial stables (see Section 4 of this letter related to the incomplete Project Description).

Based on a review of the outdated Appendix H, there are a number of projects in the region not accounted for in Table 3.12-9, the Urban Water Management Plan, or the WSA, including the SB 330 Bass Lake Family Apartments (126 dwelling units), Community for Health and Independence (approximately 4,000 dwelling units in El Dorado Hills plus schools and commercial uses), Cameron Meadows, Country Club Apartments, Dorado Oaks, East Ridge, Generations (project is identified in UWMP but does not have units assigned), El Dorado Hills Specific Plan Mixed Use Revision, Montano Master Plan Mixed Use Proposal, Town and Country Village El Dorado, Carson Creek Village, Carson Creek R&D Project, Creekside Village, and other projects listed on the County's website. The County's website has an interactive map of proposed and approved projects, but does not have a table identifying the status of the individual projects so it is difficult to determine the status and total number of residential units and amount of non-residential development that must be considered. Due the extensive lapse in time between the Notice of Preparation and the Draft EIR, it is necessary to identify the full extent of demand on the EID system in order to understand which water supply, treatment, and transmission facilities are needed to serve current users and approved and planned future demand.

The discussion on pages 3.12-51 and 3.12-52 includes incorrect references to tables - Tables 3.12-12 and 3.12-13 do not exist in the Draft EIR. The water demands references in the discussion do not correlate with the water demands shown in Tables 3.12-9 and 3.12-10, which it appears the Draft EIR is intending to reference.

Table 3.12-9 identifies the total estimated water demands of the Project along with other existing and planned future uses. Table 3.12-9 identifies a total water demand of 38,894 acre-feet per year (AFY) under current conditions and a total demand, including the Project, for 57,874 AFY in Year 20 and 67,295 AFY in Year 25.

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However, the water demands identified in Table 3.12-10 are inconsistent with Table 3.12-9. Table 3.12-10, which compares the projected available water supplies to the project demands, analyzes demand numbers that are different and far less than the total water demands shown in Table 3.12-0.

For example, Table 3.12-10 identifies a demand in Year 2045 of 43,320 AFY under normal conditions and 45,490 AFY under a single dry year and multiple dry year scenarios. This error in Table 3.12-10 is present for all conditions and all supply/demand years evaluated, with the water demand analyzed in Table 3.12-10 being far less than what is projected for the Project and other existing and planned development. If the Project demand plus existing and planned demands at buildout (67,295 AFY in Year 25) in Table 3.12-9 is used to identify the 2045 demand in Table 3.12-13, the demand would exceed the supply in the single dry year condition (67,295 AFY demand versus 67,100 SFY supply) and in all multiple dry year conditions (67,295 AFY demand versus 56,600 to 63,400 SFY in supply). Tables 3.12-9 and 3.12-10 must be revised to be consistent and Table 3.12-10 must address demand for full buildout of the Project. The discussion in the text must address the actual demand projected and any discrepancies between the projected demand used for the Project, the WSA revalidation memo, and for the current EID Urban Water Management Plan.

The outdated analysis provided in Appendix H must be updated to address current conditions, including the current EID Urban Water Management Plan.

Without identification of the Project's water demands and without the updated analysis that is missing (Appendix H-2), it is impossible for the reader of the Draft EIR to understand the implications of the Project's water supply impacts. The Draft EIR does not include adequate information to provide an informed comment relative to this topic.

### **Impacts PSU-2, PSU-3, PSU-5 - Off-Site Improvements**

There are significant off-site improvements required for wastewater, water, and storm drainage facilities to serve the Project. However, Impacts PSU-2, PSU-3, and PSU-5 do not address the environmental impacts of constructing and operating these facilities.

For example, on page 3.12-40, Impact PSU-2 identifies the Deer Creek wastewater treatment plant (WWTP) will need to be expanded to accommodate the Project and future development and references environmental documentation for the expansion, but does not identify any of the environmental impacts associated with expansion of the WWTP.

Impacts PSU-2, PSU-3, and PSU-5 reference various environmental topics addressed in other chapters of the EIR, but do not provide any description of the environmental impacts, which impacts would be significant, and which impacts would be significant and unavoidable.

Under Impact PSU-2, in the last paragraph on page 3.12-43, the Draft EIR lists chapters where impacts related to off-site improvements are discussed, but does not identify the impacts that would occur. Further, the analysis on pages 3.12-43 through 3.12-45 does not describe how mitigation measures will be applied and enforced for each of the off-site improvements and does not address how the mitigation measures will reduce impacts associated with construction and



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operation of off-site infrastructure will reduce the impact to less than significant. There is no discussion of biological resources located in the areas proposed for improvements and how the proposed mitigation measures will apply to the Project's off-site improvements.

The above deficiencies also apply to Impacts PSU-3 and PSU-5 in terms of lack of analysis and identification of the environmental effects of the improvements, including construction of new facilities and expansion of existing facilities, which will be necessary to serve the Project.

While there is a list of mitigation measures identified under the discussion of Impacts PSU-2, there is no description of how these mitigation measures will be applied and enforced for each of the off-site improvements and no analysis of the extent to which the mitigation measures will reduce the impact. In short, there is no evidence provided for the claim that the mitigation measures would reduce impacts to less than significant for Impacts PSU-2, PSU-3, and PSU-5.

Under Impact PSU-5, the Draft EIR indicates that the mitigation measures to address the WWTP expansion are the responsibility of EID and that the measures have been adopted by EID, but fails to disclose what the mitigation will be to reduce potentially significant impacts, if all measures must be implemented by EID, and if the remaining impact was significant and unavoidable after the implementation of mitigation. Regardless of the agency responsible for implementing the mitigation, the Draft EIR must disclose the environmental effects of the improvements, identify the applicable mitigation, and describe the impact after mitigation.

### Impact PSU-8

The Project is on a site that is designated for a modest amount of residential units by the General Plan. Development of the Project as proposed would require significantly more energy than envisioned by the General Plan. The Project is not necessary to accommodate regional housing needs or growth. The County General Plan Housing Element identifies adequate sites to accommodate housing needs through 2029. The Land Use Element of the General Plan designates additional sites for residential and non-residential development and additional projects have been approved following the 2021-2029 Housing Element. These projects, along with additional sites in the General Plan Land Use Element designated for residential and non-residential growth, provide additional capacity and will be available to meet the County's regional housing needs.

The Project site is not envisioned for development by the MTP/SCS, as described in the comments above on the GHG section.

The proposed General Plan Amendment, rezoning, specific plan, and infrastructure plans for the Project would result in growth beyond what planned by the County and would result in extensive on- and off-site improvements. The Project, the related improvements, and the related energy consumption are not consistent with the County's General Plan nor the MTP/SCS, which have been adopted to ensure efficient use of resources, including land and energy. Therefore, the energy used by the Project would be wasteful, inefficient, and unnecessary and would result in a significant and unavoidable impact.

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## 15. Land Use and Planning

Impact LU-2 fails to analyze the environmental effects of the Project's conflicts with the County General Plan, as adopted. The change in the land use designation and zoning of the Project site results in an increase in development capacity that is inconsistent with the General Plan. Impact LU-2 must examine the Project's consistency with County General Plan policies and programs adopted to avoid or reduce an environmental effect. The analysis must address the aspects of the Project and whether those aspects are consistent or inconsistent with the adopted General Plan, including the General Plan's boundaries for community regions. At the time the EIR for LRVSP is considered for certification, the El Dorado Hills Community Region boundary will not have been updated and the EIR would be certified for a project that is not consistent with the community region boundary. The Project does not provide for separation between community regions and existing communities, but rather contributes to the further spread of the El Dorado Hills Community Region, including in areas that do not have existing services, utilities, and transportation infrastructure. The Project does not provide for any transition or separation between the Cameron Park Community Region nor between the Project and the existing communities of Cambridge Oaks, Cameron Estates, Royal Equestrian Estates, and Shingle Springs.

As part of the adoption of the County General Plan, the County Board of Supervisors adopted mitigation measures, General Plan policies, and General Plan programs that were adopted to avoid or reduce environmental impacts. The Project would conflict with a number of these mitigation measures, policies, and programs. These conflicts must be discussed and disclosed as part of Impact LU-2, which is required to address whether Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Draft EIR p. 3.9-8). Mitigation measures, policies, and programs (numbering of measures, policies, and programs is based on the numbering of such at the time of General Plan adoption) that must be addressed include, but are not limited to, the following requirements:

- General Plan Mitigation Measure 5.1-3(a): Establish General Plan Conformity Review Process for All Development Projects.
- Implementation Measure LU-C: Review projects for General Plan compliance including (1) the effects of the proposed project on biological resources, cultural resources, geology and soils, agriculture, visual, noise, and air quality; (2) the project's compliance with the concurrency requirements of the General Plan pertaining to traffic infrastructure and the availability of water and other services; (3) risks of exposure to hazardous materials and conditions as a result of site development; and (4) a determination as to whether the project is exempt from review under the California Environmental Quality Act.
- 5.1-3(b): Require Development Projects to Be Located and Designed in a Manner That Avoids Adjacent Incompatible Land Uses
  - Policy 2.2.5.21 Development Projects that are potentially incompatible with existing adjoining uses **shall be designed in a manner that avoids any incompatibility** or shall be located on a different site. (emphasis added)
- Mitigation Measure 5.3-1(a)

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- Mitigation Measure 5.3-1(b): Protect Views from Scenic Corridors
  - Policy 2.6.1.3: Requirements for discretionary projects to address impacts to scenic viewpoints
- Mitigation Measure 5.3-1(c): Extend Limitations on Ridgeline Development within Scenic Corridors or Identified Viewing Locations to Include All Development
  - Policy 2.6.1.5: Address visual impacts of development on ridgelines
- Mitigation Measure 5.3-3(b): Consider Lighting Design Features to Reduce Effects of Nighttime Lighting
  - Policy 2.8.1.1: Limit excess lighting and glare
- Mitigation Measure 5.5-1(a):
- Mitigation Measure 5.5-1(b): Ensure that Surface Water Supplies are Adequate and Physically Available Before Any New Development Occurs
- Mitigation Measure 5.7-3(a): Implement Mitigation Measure 5.1-3(b)
- Mitigation Measure 5.7-3(b): Implement Mitigation Measure 5.1-3(d)
- Mitigation Measure 5.1-2: Create Distinct Community Separators
  - Policy 2.5.1.3
  - New required implementation measure for Policy 2.5.1.3
- General Plan Policy 2.1.1.2 requires Community Regions to be based on a number of factors, including availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. *The Draft EIR must further address consistency with Policy 2.1.1.2. The Project lacks infrastructure, demonstrated by the extensive improvements necessary to serve the Project. The Project has not provided appropriate transitions at the Community Region boundary.*
- General Plan Policy 2.1.1.7 limits the timing of development within Community Regions, as with development elsewhere in the County, requiring that may proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. Accordingly, development in Community Regions and elsewhere will be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan. *Adequate roadways, utilities, and other public service infrastructure are not yet available at the Project site and there is not an approved Fire Safe Plan to mitigate wildfire hazards. The Project should be rejected until such time that development patterns have extended to the Project site to provide adequate roadway, utility, and other infrastructure connections, rather than the Project developing miles of improvements in order to serve the Project. The Project also must be rejected until such time that there are approved Fire Safe Plans for the Project and for all*

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*surrounding areas to ensure that wildfire impacts are reduced to a safe and acceptable level.*

- Policy 2.2.5.21 prohibits development projects that do not avoid any incompatibility with adjoining land uses. *The Project is incompatible with adjoining land use designations and existing uses. The Project would increase densities near low density residential uses and would expose neighboring uses to significant and unavoidable aesthetic, air quality, noise, and other impacts. The Project must be redesigned to eliminate incompatibility or be rejected.*
- Policy 2.5.1.1. *The Project has not incorporated low intensity land uses to provide physical and visual separation of communities. The Project has not designated areas that are physically or visually connected to nearby communities with low intensity uses, which must include parks, natural open space areas, special setbacks, parkways, roadway buffers, and transitional development densities. Rather, the Project results in significantly higher residential development densities adjacent to much lower density residential uses. The Project does not provide for a visual transition from adjacent undeveloped and rural residential areas.*
- Policy 2.6.1.5. *The Draft EIR does not identify where ridgelines are located, so impacts associated with ridgelines cannot be evaluated. The Draft EIR does not establish adequate measures to reduce aesthetic impacts as discussed previously.*
- Measure LU-H: *The General Plan required a program to address preservation of community separation **within 3 years of General Plan adoption**. Proposals to amend Community Region boundaries must be denied until the County has complied with its General Plan mitigation measures. This Project conflicts with the intent of the measure to preserve community separation and would create a sprawling El Dorado Hills Community Region that does not reflect logical, orderly, or efficient boundaries. This Project would infringe on the unique identity of Cameron Park and conflicts with the County's transition to distinct communities surrounded by rural uses.*

## 16. Alternatives

### Basis for Alternatives

The alternatives considered in the Draft EIR were developed based on an incomplete Project Description and inadequate environmental analyses, as previously described. Upon completion of the revisions to Chapters 3 and 5 of the Draft EIR, the Alternatives chapter should be updated to reflect any changes to the significance determinations and to reflect alternatives that would reduce significant impacts of the Project.

### Range of Reasonable Alternatives

The Draft EIR does not include a reasonable range of feasible alternatives, as required by Section 15126.6 of the CEQA Guidelines. The Draft EIR must identify methods to reduce significant and unavoidable impacts to less than significant, where feasible, either through mitigation or through

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reasonable alternatives to the Project. As the Draft EIR does not address the full extent of the Project and is deficient in terms of establishing the Project Description, Existing Setting, Environmental Impacts, and Mitigation Measures, as previously described, all alternatives must be re-analyzed and revised to address changes to the Draft EIR and to ensure that meaningful and feasible alternatives are presented to reduce significant impacts.

Table 4-1 must be revised to identify the estimated ADUs, JADUs, and SB 9 units, the square footage of non-residential development (if any), and the estimated acreage disturbed or total length of off-site improvements that would result under each alternative. As provided, the table is deficient in helping the reader understand the extent of development under each alternative. In terms of the offsite improvements, would there be a reduction in the sewer, water, and utility lines constructed on- and off-site to serve the reduction in development anticipated for Alternatives 1, 2, and 4? Would any of the alternatives avoid the need for a new 44-mgd WTP? Would the extent of roadway and infrastructure improvements be less to serve the reduction in vehicle and non-vehicle travel associated with each alternative?

## Alternatives Analysis

### Alternative 1: No Project Alternative

#### *No Project Alternative Description*

The County's General Plan and zoning regulations have been prepared to regulate development on the Project site.

There is no description of the extent of reduction in off-site improvements under this alternative. Due to the reduced size of the No Project Alternative, there would be no need for a new WTP and associated water transmission mains, there would be no need for wastewater infrastructure, and there would likely be a reduction in other off-site improvements as well, reducing impacts associated with construction and operation of off-site improvements.

This alternative must be revised to reflect the Marble Valley Master Plan policies, requirements, and development standards and extent of off-site improvements associated with the alternative. The evaluation of environmental impacts associated with aesthetics, air quality, biological resources, cultural resources, geology and soils, mineral resources, hazards and human health, hydrology, land use and planning, population and housing, public services and utilities, transportation and circulation, wildfire, and cumulative impacts must be revised to reflect the complete description of the No Project Alternative, including the reduced environmental impacts associated with the reduction in off-site infrastructure.

Further, the analysis for impacts under the No Project Alternative does not reflect the reduction in development that would occur with rural residential lots. Rural residential lots are typically not fully landscaped and developed in the same manner as suburban tract homes; typical rural residential development in El Dorado County usually results in development of a portion of the lot with the remainder either undeveloped and natural or used for agricultural/livestock purposes. This reduced intensity of development does not result in impacts to biological resources, cultural resources, drainage patterns, etc. in the same manner as the type of development proposed by the Project. The alternatives analysis must be revised to reflect the

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typical development of rural residential uses in El Dorado County. Examples of rural residential development and the intensities that should be evaluated under this alternative include the neighboring Cameron Estates and Royal Equestrian Estates developments.

The reduced intensity and scale of development associated with this alternative must be accurately discussed.

In order to analyze this alternative's impacts associated with air quality, greenhouse gas emissions, and transportation and circulation, a VMT analysis of the alternative must be conducted and the air quality and GHG emissions must be modeled.

To demonstrate the improper analysis for this alternative, see the below comments on Aesthetics. This type of comment pertains to all resources analyzed for this alternative.

### *Air Quality*

The analysis on pages 4-11 of the Draft EIR does not provide a meaningful comparison between the Project and the No Project Alternative. There is no evidence provided for the assertion on page 4-11 that the No Project Alternative would exceed EDCAQMD's thresholds and result in a significant air quality impact for criteria pollutants. The general magnitude of reduction in emissions should be discussed. Would emissions be 1 percent lower, or would the No Project Alternative that has less than 10% of the development of the Project (in terms of number of residential units), result in 50 to 80% reduction in emissions?

### *Greenhouse Gas Emissions*

There is no analysis of the actual greenhouse gas emissions that would result from the No Project Alternative in order to compare emissions with the Project and support the conclusion on page 4-13 that the No Project Alternative would have a significant and unavoidable impact in terms of its cumulative contribution of GHG emissions. The analysis does not clearly address that the significant reduction in total development (reduced residential units, reduced residential square footage, reduced non-residential square footage) would result in less greenhouse gas emissions associated with construction and operation of the Project. Rather the analysis states that GHG emissions would "likely be lower" than the Project. This is a misleading statement in that it does not address the extent to which emissions would be lower.

Would emissions be 1 percent lower, or would a No Project Alternative that has less than 10% the development of the Project (in terms of number of residential units and acreage of non-residential development as the Project Description nor Table 4-1 estimate the square footage of potential residential and non-residential development), result in 50 to 80% reduction in emissions? The magnitude of reduction in emissions should be discussed. Application of mitigation measures would further reduce the emissions for the No Project Alternative below Project levels.

There is no evidence to support the statement on page 4-16 that this alternative would conflict with the 2017 Scoping Plan, State climate goals, and the 2022 Scoping Plan.

### *Land Use Planning*

The No Project Alternative would be consistent with the adopted General Plan and the County's zoning regulations that would guide development on the Project site. Thus, the No Project

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Alternative would have a reduced impact in comparison to the Project, which is inconsistent with plans and regulations adopted to address development in the area, including the County General Plan, County General Plan EIR, and the County Zoning Regulations, including the zoning of the Project site.

### *Feasibility*

The analysis of the feasibility of the No Project Alternative is not supported by any financial data.

### *Ability to Meet Project Objectives*

The Draft EIR does not provide an objective analysis of the No Project Alternative in terms of its ability to meet Project Objectives, as described on pages 4-22 of the Draft EIR. The No Project Alternative would meet the majority of the objectives of the Project, as described below. Further, the discussion on page 4-18 indicates that the No Project Alternative would be piecemeal development. There is no evidence to support this statement. Due to the number of units accommodated by the No Project Alternative, a tentative subdivision map would likely be required as multiple parcel splits that eventually create a new subdivision would be in conflict with the California Subdivision Map Act.

***Metropolitan Transportation Plan/Sustainable Communities Strategy.*** As previously described in the comments on the GHG analysis, the Project is not consistent with the MTP/SCS. The No Project Alternative would be more in line with the MTP/SCS strategies than the Project as the No Project Alternative would not create sprawl and would not extent urban/suburban development into natural resource and working lands that currently do not have transit, water, wastewater, and storm drainage services.

***Curtail Suburban Sprawl:*** The Project is not consistent with this objective. The Project would result in suburban sprawl that extends the El Dorado Hills community all the way to the Shingle Springs border. The Project exemplifies a pattern of sprawl. The No Project Alternative would achieve this objective better than the Project by reducing suburban sprawl by maintaining a rural residential pattern consistent with similar developments in the County and would promote mixed use development through the on-site school, event center, and park resources.

***Assist in meeting future Regional Housing Needs Allocation.*** The No Project Alternative would assist in meeting the County's Regional Housing Needs Allocation for all income levels. The County's provisions for ADUs and JADUs and the County's efforts to promote ADUs and JADUs as affordable housing options in single family areas (Housing Element Policy HO-1.24, Measure HO-9) will assist the County in accommodating a portion of its very low and low income RHNA through these second units that can be constructed concurrently with the single family homes as part of the No Project alternative or be constructed later by the future property owners. The 2021 Housing Element identifies that the County has a surplus of units for all income levels, meaning that the County has more than enough capacity to accommodate its RHNA, so the No Project Alternative would result in further excess capacity for the current and future cycles. The 2021 Housing Element also does not take into account all recent projects, so there is additional capacity to accommodate the RHNA associated with recently approved and proposed development projects that are consistent with the General Plan.

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***Provide a strong community identity and quality built environment.*** The No Project Alternative would be developed to have a strong community identity, consistent with the County General Plan and similar to other planned rural residential neighborhoods composed of large lots in the County. It is anticipated that compliance with the County's standards and the California Building Standards Code would result in a quality built environment. The No Project Alternative is consistent with this objective.

***Utilize Existing Infrastructure and Public Services.*** The No Project Alternative would connect to existing dry utility infrastructure in similar locations to the Project. The No Project Alternative would better utilize existing infrastructure and public services by reducing the amount of new infrastructure, including a new WTP needed to serve the Project, as well as reducing the many off-site infrastructure extensions and expansions needed to serve the Project.

***Create a new non-motorized transportation system.*** The No Project Alternative would be required to include facilities for non-motorized transportation to be consistent with the County General Plan and other regulatory requirements. There is no basis for a conclusion that the No Project Alternative would not create a new non-motorized transportation system.

***Create opportunities to expand the regional trail system.*** Without an evaluation of the County General Plan policies that would be required for a new tentative subdivision map, it is not possible to gauge whether this alternative would expand the regional trail system. There is no basis for a conclusion that the No Project Alternative would not expand the regional trail system.

***Create New Recreational Opportunities.*** The No Project Alternative could be designed to include a park or recreational trails. There is no basis for a conclusion that the No Project Alternative would not create new recreational opportunities.

***Minimize impacts on Oak Woodlands.*** The reduced intensity under this alternative would likely leave many oak woodlands on the large lots created by the alternative and have an overall reduction in impacts to oak woodlands; further, the alternative would be required to comply with County policies and programs to protect riparian resources and oak woodlands, so would minimize impacts consistent with County requirements.

***Preserve natural habitats and set aside wildlife corridors.*** The No Project Alternative would include connected areas of open space or setbacks to provide natural habitat protection and which could serve as wildlife movement corridors. The Project does not identify wildlife movement corridors. The No Project Alternative would be required to comply with CEQA, including implementing measures to preserve natural habitats and implement measures to reduce impacts to biological resources, including natural and sensitive habitats.

***Protect important cultural resources.*** The No Project Alternative would be required to implement measures to protect cultural resources and could achieve this objective similar to the Project.

***Foster sustainable communities.*** The No Project Alternative would comply with the California Green Building Standards Code (CalGreen), which includes sustainable design practices to reduce



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energy, water, and wastewater use/consumption and would reduce greenhouse gas emissions and would be more consistent with the MTP/SCS that the Project.

## Alternative 4

It is recommended that Alternative 4 be revised to: 1) preserve the intermittent drainages that discharge to the seasonal wetland pond as described in the previous comments related to hydrology and drainage. In order to preserve the pond and maintain its hydrologic function and sustain it as biological habitat, the drainages to the pond must also be preserved, and 2) reduce the unit count by approximately 100 units in order to provide an open space transition buffer on the northern and eastern boundaries of the Project site that are adjacent residential uses and to require a 5-acre minimum lot size within 1,000 feet of existing rural residential area, which would apply to Project residential lots located beyond the open space transition buffer and within 500 feet of existing rural residential areas. This alternative would reduce impacts associated with biological resources, hydrology, and storm water drainage by preserving the intermittent drainages. The reduction in units and decrease in the overall development footprint would decrease air pollutant emissions, GHG emissions, noise, water and wastewater demand, VMT, and would allow for increased preservation of oak woodlands and biological habitat in comparison to the Project.

## Additional Alternatives for Consideration

Typically, alternatives are recommended for consideration through the Notice of Preparation process. However, the Notice of Preparation for this project was issued over a decade ago, depriving the public of providing meaningful input regarding alternatives that reflect current conditions, changes to the El Dorado County General Plan, and recently approved projects.

The alternatives analysis in the Draft EIR should provide sufficient detail to allow the Planning Commission and Board of Supervisors to select and approve one of the project alternatives without the need for additional or subsequent CEQA review. The following alternatives would reduce impacts of the Project and would be feasible:

- An alternative that reduces the Project's impacts to scenic resources, including ridgelines and scenic views of the Project site, impacts to the visual character of the Project site and its surroundings, and impacts to light and glare, biological resources, and hazards, including wildfire risks.
- A neighborhood transition alternative that transitions from the Project's suburban development characteristics in the vicinity of the VMVSP site to rural residential and open space uses along the portions of the Project site that border existing rural areas and rural residential uses and provides a meaningful reduction in units.

## Modified No Project Alternative

The Draft EIR should evaluate a version of the No Project Alternative that retains the same number of residential units or a slightly reduced amount of residential uses, but uses the County's transfer of development rights provisions to cluster development near the VMVSP entrance to the Project.

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This iteration of the alternative would significantly reduce the construction costs to extend roads and infrastructure throughout the Project site, would reduce sprawl and inefficient extension of services that would occur under the Project, and would maintain the majority of the Project site as open space or for agricultural uses in keeping with the character of the area and past use of the site for livestock grazing.

### Scenic Resources, Visual Character and Quality, and Ridgeline Protection Alternative

The Draft EIR does not identify the location of ridgelines within the Project. Based on a review of the Project site plan, it appears that development may occur along ridgelines generally running north-south through the site. Development along the ridgeline will exacerbate visual impacts. This alternative should include:

- Open space and visual resource protection along the ridgeline by precluding development within 150 feet of the ridgeline in either direction.
- Reduced development densities and intensities to decrease building heights and massing and provide for a more open, rural character to the Project that would not detract from the Project's contribution to views of scenic resources and the areas visual character and quality.

None of these proposed project alternatives should be dismissed from further analysis due to financial infeasibility or failure to meet the Project objectives.

- Based on the review of the Project objectives, each of these alternatives would further the majority of Project objectives – the alternatives should be refined as needed to further Project objectives (i.e., include recreational components, trails, alternative modes of travel, etc.) provided the reduced residential development levels are maintained.
- Any assertion of financial infeasibility made by the County or Project applicant must be supported and confirmed by substantial and detailed supporting evidence in the form of a verifiable and publicly available economic and fiscal impact analysis prepared by a qualified third-party consultant under contract with the County.

CEQA Guidelines Section 15126.6(c) states that the EIR should "...identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination." The Draft EIR does not identify alternatives that were suggested during the Notice of Preparation process and thus completely fails to acknowledge potentially reasonable alternatives suggested during the scoping process and fails to discuss or disclose why the recommended alternatives were not selected for further analysis and inclusion in the Draft EIR. The Draft EIR does not include NOP comments in Appendix A and the summary of comments is not adequate to determine the details of any alternatives suggested. The Draft EIR should be revised and recirculated to include analysis of alternatives identified through the scoping process as well as alternatives developed to address the impacts of the Project, with consideration given to address impacts that were not adequately analyzed in the Draft EIR.

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## 17. Cumulative Impacts

The Draft EIR uses a combination of the project list approach and projection approach to address cumulative impacts as described on Draft EIR page 5-1.

### General Plan Planning Horizon

The General Plan Planning Horizon is based on updates to the County's Travel Demand Model that occurred in 2013, which addresses growth through 2035. Since that time, there have been changes to the General Plan and approval of projects that have changed the capacity of the General Plan. The discussion of growth projections on page 5-3 identifies a slower pace of growth resulting from the housing crash in the late 2000s and the resulting drastic reduction in the rate of growth in El Dorado County. Since that time, the pace of development has increased considerably.

Since 2013, the County's TDM model was updated to reflect more current conditions and address growth forecasted through 2040 (<https://www.eldoradocounty.ca.gov/Land-Use/County-Projects/CIP-TIF-Program/Travel-Demand-Model>). The growth projections for the updated TDM should be reviewed to ensure that the cumulative scenario accurately considers potential growth under the adopted General Plan and takes into account approved and pending projects.

On pages 5-3 through 5-5, the Draft EIR discusses projects that would contribute to cumulative development. There are additional known projects that are pending or approved in the region that must also be considered. Projects identified on the County's <https://engageeldorado.us.engagementhq.com/> site that are not referenced and addressed in the cumulative scenario include:

- East Ridge
- Creekside Village
- Community for Health and Independence
- EDH 52 Mixed Use Center
- Generations at Green Valley
- Town and Country Village
- Country Club Apartments
- Cameron Meadows
- Dorado Oaks
- Gateway R&D
- Central El Dorado Hills Specific Plan
- Bass Lake Family Apartments

The County does not maintain a matrix or easily referenceable list of all of its pending, proposed, and approved projects, including the number of residential units and amount of non-residential growth associated with each project, so there may be additional projects beyond those listed above.

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The Project identifies an approximately 20- to 25-year period for development on Draft EIR page 2-13. This timeframe could result in development from 2025 through 2045 or later. On page 5-3, the Draft EIR indicates that the TDM model used to develop the cumulative growth scenario and to address transportation impacts addresses growth through 2035. This falls well short of the Project's development period and fails to take into account cumulative development through the Project's 20- to 25-year buildout period (2045 to 2050).

As defined in Section 15355 of the CEQA Guidelines, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. By analyzing a cumulative scenario that ends earlier than the buildout of the Project, the cumulative analysis is not taking into account other projects that would be developed at buildout and is not addressing the Project's incremental contribution to the cumulative impacts of anticipated development. The cumulative scenario must address Project growth in conjunction with General Plan and known pending, proposed, and approved projects for the buildout of the Project.

The Project must establish an accurate cumulative growth scenario and timeline is particularly important as the Project requires a General Plan Amendment and the growth proposed under the LRVSP is not captured in any cumulative scenarios envisioned for the County's adopted General Plan.

## Analysis of Cumulative Impacts

The analysis of cumulative impacts on pages 5-7 through 5-28 of the Draft EIR is deficient due to an incomplete Project Description, as described in Section 4, Project Description, of this letter and also fails to base impacts on the full cumulative buildout conditions (see General Plan Planning Horizon above), and does not describe the cumulative geographic scope of the area affected by each cumulative impact topic. Without a complete Project Description and a description of the cumulative geographic scope considered for each cumulative impact topic (Aesthetics, Air Quality, Biological Resources, etc.), the analysis of the Project's contribution to cumulative impacts is inadequate.

CEQA Guidelines Section 15064 (h)(1) requires *"When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."*

The Draft EIR fails to comply with CEQA Guidelines Section 15130 (b)(3), which requires that the Draft EIR identify the geographic scope of the area affected by the cumulative effect for each of the environmental topics discussed in the cumulative impact analysis. The geographic scope, extent of the cumulative impact, and analysis of the Project's incremental contribution to cumulative impacts is not provided for the following topics:

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### Mitigation to Address Cumulative Impacts

The Draft EIR does not identify or analyze mitigation measures to mitigate or avoid the Project's contribution to any significant cumulative effects. Section 15130, paragraph (b), subparagraph (5) requires the Draft EIR to provide "A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." Further, the CEQA Guidelines clearly state at Section 15130 paragraph (c) that "With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis."

The Findings of Fact adopted for the County General Plan state on page 41:

*"Each of the mitigation measures described in Section O below for the direct impacts of the adopted General Plan associated with the categories listed above are also applicable to cumulative impacts, and will mitigate countywide cumulative effects in the manner described in Section O. To the extent cumulative impacts are regional, the EIR did not identify any additional mitigation measures within the jurisdiction and responsibility of the County that would mitigate those impacts, beyond the measures discussed in Section O. Other local, state, and federal entities with jurisdiction over contributors to regional cumulative impacts can and should adopt measures similar to those incorporated into the adopted General Plan to mitigate cumulative impacts. The Board considered these significant cumulative impacts in making its findings on the feasibility of the proposed mitigation measures in Section O."*

The General Plan was adopted almost 20 years ago, and the County has yet to fulfill its commitment to implement a number of measures established by the General Plan EIR to reduce environmental impacts. Based on the most recent General Plan implementation report (2019) available on the County's website (<https://www.eldoradocounty.ca.gov/Land-Use/Planning-Services/Adopted-General-Plan/Adopted-General-Plan-Implementation>), the County has not implemented multiple General Plan policies and measures that would create standards and programs to reduce the project-level and cumulative impacts of development projects. For example, the 2004 General Plan EIR Mitigation Measure 5.1-2 required the County to develop and implement a program that addresses preservation of community separation, as outlined in Policy 2.5.1.3. The 2004 General Plan EIR Mitigation Measure 5.3-2 required the County to revise the County Design and Improvement Standards Manual to allow for narrower streets and roadways. The 2004 General Plan EIR Mitigation Measure 5.3-2 addressed standards to minimize visual impacts, preserve rural character, and ensure neighborhood quality consistent with emergency access needs; on-street parking, and vehicular and pedestrian safety. 2004 General Plan EIR Mitigation Measure 5.10-1(b) required the County to develop a procedure to review truck routes associated with discretionary projects to ensure project-related heavy truck traffic noise impacts are minimized. Based on the 2019 General Plan implementation report, these have not yet been implemented.

It is incumbent on the County to consider mitigation measures that would address cumulative impacts, including measures to establish ridgeline protection requirements, standards to preserve

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scenic views, standards for off-site lighting and glare, standards for nighttime lighting, protective standards to address health impacts associated with long-term exposure to construction noise and excessive noise and vibration resulting from construction activities, including drilling, jackhammering, and blasting, and address the cumulative effects of development. The consistent conclusion of the Draft EIR that impacts are significant and unavoidable without examining measures available to reduce the impacts is irresponsible and does not fulfill the County's obligations under CEQA to examine reasonable, feasible options for mitigating or avoiding a project's cumulative impacts.

### Aesthetics

The Draft EIR fails to adequately analyze cumulative impacts to aesthetic resources. On page 5-7, the Draft EIR generally references that the cumulative context for aesthetics includes western El Dorado County, which comprises the central region of the County. This is not an adequate description of the geographic scope – first, is the cumulative context western El Dorado County or is it the central portion of the County? What are the general boundaries of this area? Are there primary roadways, ridgelines, community areas, or other boundaries that generally define the scope of the area affected by cumulative impacts to aesthetic resources that are relevant to the Project? The Draft EIR fails to address cumulative impacts that would occur with construction and operation of cumulative projects.

On pages 5-7 and 5-8, the Draft EIR acknowledges that the Project will have a considerable contribution to cumulative impacts and significant and unavoidable impacts related to glare, nighttime lighting, altering the existing visual character and quality of the site, and converting the site from scenic natural open space to one that is well-lighted and developed with buildings, infrastructure, and utilities. However, the analysis primarily identifies mitigation measures to protect biological resources and does not address how the identified mitigation measures would reduce the Project's considerable contribution to cumulative impacts. There is no analysis of how mitigation measures will mitigate or avoid the Project's contribution to cumulative impacts. In order to address the Project's contribution to cumulative aesthetic impacts, the Draft EIR must consider feasible mitigation that would reduce the Project's contribution – the measures identified for consideration under the comments related to The aesthetics cumulative impact discussion is insufficient based on the requirements of CEQA Guidelines Section 15130.

### Air Quality

The Draft EIR fails to identify the cumulative geographic scope for air quality impacts. The Draft EIR fails to identify the impacts that are anticipated to occur associated with applicable projects under the cumulative condition and fails to discuss whether the Project's contribution to cumulative impacts associated with air quality may be cumulatively considerable, including impacts that may be mitigated to a less than significant level for the Project but may be cumulatively considerable when considered in conjunction with cumulative projects that would contribute to impacts within the cumulative geographic area.

The discussion of significant health risks from toxic air contaminants does not address cumulative conditions and associated health risks associated with toxic air contaminants. As previously

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described in Section 6.B. of this letter, the California Air Resources Board identifies 21 TACs and has adopted the US EPA's list of HAPs as TACs. The Draft EIR fails to identify toxic air contaminants that may result from the Project and associated health risks of those TACs. Without an understanding of which TACs would result from the Project and the associated health risks, it is impossible to understand the Project's contribution to cumulative risks associated with TACs. The cumulative discussion on pages 5-8 and 5-9 of the Draft EIR identifies that several policies of the LRVSP document and several mitigation measures purported to reduce health risks to less than cumulatively considerable, but provides no evidence that these measures would reduce health risks to acceptable levels. As previously described, TACs differ from criteria pollutants and mitigation that addresses criteria pollutants does not necessarily address and reduce TACs to the same extent. The Draft EIR must identify enforceable and measurable mitigation measures that ensure TAC impacts will be reduced to a safe level below the Air District's standards.

Further, the Air Quality discussion on pages 5-9 and 5-10 also identifies mitigation measures that will reduce construction and operational measures, but does not address what these measures will require, how they will be enforced, and to what extent the measures will reduce the Project's cumulative contribution to criteria pollutant emissions.

In addition to not addressing the full extent of the Project as previously described, the Air Quality analysis must be revised to clearly state the Project's contribution to criteria pollutant emissions, to clearly identify the Project's contribution to cumulative health risks associated with significant and unavoidable increases in criteria pollutant and TAC emissions, and must identify and analyze mitigation measures to reduce the impacts to less than cumulatively considerable levels.

### Biological Resources

The Draft EIR fails to identify the geographic scope of cumulative impacts to biological resources. The Draft EIR generally references that the cumulative context for aesthetics includes western El Dorado County, which comprises the central region of the County - this is a conflicting description and does not provide a basis for addressing cumulative impacts to biological resources. There are a variety of sensitive habitats, species, and topics addressed in the biological resources chapter of the Draft EIR and the geographic area identified for cumulative impacts must be adequate to address cumulative impacts associated with each of the resources addressed in Chapter 3.3. The Draft EIR must provide a basis for the geographic scope of the area considered for impacts associated with biological resources.

The Draft EIR fails to identify the cumulative impacts that are anticipated to occur associated with applicable projects under the cumulative condition. While the Draft EIR provides some discussion of Project-level impacts, the Draft EIR fails to discuss whether the Project's contribution to cumulative impacts associated with biological resources may be cumulatively considerable, including impacts that may be mitigated to a less than significant level for the Project but may be cumulatively considerable when considered in conjunction with cumulative projects that would contribute to impacts within the cumulative geographic area.

For example, the biological resources analysis does not address the extent to which cumulative projects will reduce natural and sensitive habitats, reduce or remove wildlife corridors, and

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reduce or remove wetlands and other waters of the State and U.S. The extent of Project impacts on biological resources has not been adequately examined, as previously described, so the Project's contribution to cumulative impacts cannot be fully understood without examination of the Project's potential to impact special-status species and sensitive habitats as previously described in Section 7 of this letter. The cumulative analysis fails to identify and analyze any specific mitigation that will reduce the Project's contribution to cumulative impacts to biological resources. The discussion does not address how wildlife movement corridors can be maintained on the Project site and how the County could develop programs to ensure wildlife movement corridors are maintained between adjacent developments to reduce cumulative impacts. A full analysis of methods to reduce the Project's contribution to cumulative biological resources impacts must be provided.

### Greenhouse Gas Emissions

The Draft EIR fails to identify the geographic scope for consideration of cumulative impacts associated with greenhouse gas emissions. The Draft EIR fails to identify the significance of cumulative impacts associated with greenhouse gas emissions.

### Wildland Fire Hazards

The analysis provided on page 5-15 does not demonstrate how compliance with County General Plan Goals 5.7 and 6.2 and the County's Fire Hazard Ordinance, and the Vegetation Management and Defensible Space Ordinance would reduce cumulative impacts to a less than significant level, particularly the level to which defensible space will be maintained, how adequate water supply including water pressure is assured for existing and cumulative development, and how a wildfire safety plan will be implemented. Compliance with a general plan or regulatory requirement in and of itself "does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects." (*Antioch* at 507) As previously described, case law has shown that a project's effects can be significant even if "they are not greater than those deemed acceptable in a general plan."

Further, it is meaningless for a project to prepare a wildfire safety plan if there are not steps in place to ensure that the safety plan is implemented, revised as necessary to address wildfire hazards and practices to reduce wildfire hazards, and monitored for implementation in perpetuity. The mitigation measures identified for the Project must provide adequate detail to ensure they are implemented and enforced.

### Land Use Planning

The Draft EIR fails to identify the geographic scope for consideration of cumulative impacts associated with land use planning and agricultural resources. Further, the Draft EIR fails to identify the cumulative impacts associated with implementation of the cumulative projects, including cumulative projects anticipated by the General Plan as well as cumulative projects currently proposed, approved, or reasonably foreseeable.

The analysis must address the Project's inconsistency with the General Plan and zoning. Just because the Project includes an amendment to the General Plan, this does not mean an impact is less than significant or less than cumulative considerable. Rather, the Draft EIR must evaluate the



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cumulative effect of the amendments to the General Plan, many of which expand community regions and development beyond that anticipated in the General Plan and result in sprawl and development that is inconsistent with the policies and measures adopted in the General Plan and result in land use patterns inconsistent with the MTP/SCS. The Draft EIR must analyze the environmental impact of the requested General Plan Amendment, rezoning, and inconsistencies with all other applicable environmental and land use plans and regulations adopted to avoid or reduce an environmental impact.

### Population and Housing

The Draft EIR fails to identify the geographic scope for consideration of cumulative impacts associated with population and housing. The Draft EIR fails to identify the cumulative impacts associated with cumulative development and does not examine whether the Project's contribution to cumulative impacts would be cumulatively considerable when considered in the context of the cumulative impacts associated with cumulative projects anticipated by the General Plan as well as cumulative projects currently proposed, approved, or reasonably foreseeable.

### Public Services and Utilities

While the Draft EIR provides a general statement on page 5-20 that the area considered for cumulative impacts for public services and utilities is the service area for these providers, it fails to identify the geographic extent of these service areas and the impacts associated with cumulative development affecting the service areas. The Draft EIR fails to identify the cumulative impacts associated with cumulative development. The Draft EIR fails to examine whether the Project's contribution to cumulative impacts would be cumulatively considerable when considered in the context of the cumulative impacts associated with cumulative projects anticipated by the General Plan as well as cumulative projects currently proposed, approved, or reasonably foreseeable.

### Transportation

The Draft EIR fails to identify the geographic scope for consideration of cumulative impacts associated with transportation. The Draft EIR fails to identify the significance of impacts to transportation under cumulative conditions. The Draft EIR relies on the VMVSP to reduce the Project's contribution to cumulative VMT impacts and fails to identify that the Project would result in a significant contribution to significant and unavoidable cumulative impacts. The Draft EIR only discusses Project-level impacts associated with pedestrian, bicycle, and transit modes of travel and hazards associated with geometric design, incompatible uses, or emergency access and does not identify cumulative impacts to these topics associated with cumulative development and also does not address the Project's contribution to these cumulative impacts.

### Remove Obstacles to Growth or Provide New Access

The discussion on pages 5-28 and 5-29 concludes that the Project would not be a catalyst for new growth. This is a disingenuous discussion and conclusion. The Project would provide extensive infrastructure improvements, including water transmission lines, utility lines, and sewer transmission lines through areas currently not served by these utilities and services. The VMVSP Draft EIR acknowledges that facilities would be constructed "to accommodate future needs

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assessed by EID based on the County General Plan and estimates of future known and unknown densities” – it appears that the Project proposes many of the same off-site improvements. While this oversizing is not disclosed in the LRVSP Draft EIR, this oversizing of utility and infrastructure facilities removes an obstacle to growth and provides new access to growth in the undeveloped and rural areas surrounding the Project. The Project anticipates the development of a 44-mgd WTP that will be sized to accommodate the Project as well as other future development. The Project will make infrastructure improvements, including roadway and utility improvements, which will make the adjacent VMVSP property to the west more accessible and more developable. Figure 2-4 exemplifies the sprawling land use pattern that would be created by the Project – it would create an island of the El Dorado Hills Community Region and would encourage development and sprawl from the current boundary of the El Dorado Hills Community Region to the farthest boundary of the Project site.

By expanding the El Dorado Hills Community Region boundary, the Project paves the way for future extensions to this boundary. The Project would provide infrastructure that serves the adjoining VMVSP Project, including extensions of Lime Rock Valley Road, Marble Valley Parkway, water transmission main connections, and connections to dry utilities, as shown in Figures 2-8, 2-9, 2-10, and 2-11 of the Lime Rock Valley Specific Plan Draft EIR issued by El Dorado County in May 2024. The Lime Rock Valley Specific Plan requests to continue the extension to the El Dorado Hills Community Region requested by the LRVSP Project even farther to the east. This is clearly a growth-inducing effect of the Project, as the Lime Rock Valley Specific Plan is clearly an extension of the Community Region and development proposed by the LRVSP.

The Project’s potential to induce growth must be identified as a significant impact of the Project. Mitigation to reduce this impact must be disclosed, including sizing all roadways, infrastructure, and other improvements only to the level necessary to serve the Project. While this measure would reduce the growth-inducing impacts of the Project, the impact would remain significant and unavoidable as the Project would provide for extensions of roads, utilities, and infrastructure in natural, open space areas that are not envisioned for urban or suburban development by the County General Plan.

## 18. Timing of Notice of Preparation

The Notice of Preparation was issued over a decade ago for this Project. Since that time, State laws, the County’s General Plan, and existing conditions have changed considerably. Public agencies affected by the Project have adopted new regulations, made changes to operating plans, and have revised their plans to address new growth. Property owners affected by the Project have changed. The lapse of time between the NOP and the Draft EIR deprives the affected agencies and property owners from making meaningful comments on the Project, recommendations regarding mitigation measures, and recommendations regarding alternatives that reflect more current conditions.

CEQA Guidelines Section 21092 (a) requires: “A lead agency that is preparing an environmental impact report or a negative declaration or making a determination pursuant to subdivision (c) of Section 21157.1 shall provide public notice of that fact ***within a reasonable period of time*** prior

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to certification of the environmental impact report, adoption of the negative declaration, or making the determination pursuant to subdivision (c) of Section 21157.1. (emphasis added)” A Notice of Preparation issued more than 10 years prior to the issuance of the Draft EIR does not provide public notice within a reasonable time period prior to consideration of the LRVSP EIR for certification.

CEQA Guidelines Section 15108 requires that the Lead Agency shall complete and certify the Final EIR within one year after the application has been accepted as complete, and provides for the one-year time limit to be extended for a period of not more than 90 days. The length of time between the Notice of Preparation and issuance of the Draft EIR is well beyond the one-year and 90-day limit.

This lengthy amount of time has deprived the responsible agencies and the public of meaningful participation in the EIR process. In our discussion with multiple neighbors, many believed that the Project had been denied by the County, had been withdrawn, or had expired due to the extensive amount of time that had passed without any public notice of activity related to the Project.

It is recommended that the Notice of Preparation be re-issued for the Project in order for the public and affected agencies to be able to comment on the potential impacts of the Project based on current conditions and to provide an opportunity for mitigation measures and alternatives that reflect current conditions and regulation to be recommended that will be considered in the Draft EIR.

## 19. Adequacy of Mitigation Measures

As previously described, the Draft EIR lacks enforceable mitigation measures that have been demonstrated to result in a reduction of the related impact. In addition, multiple mitigation measures are poorly crafted and will be difficult to implement and enforce.

Many mitigation measures require the project applicant or project contractor to take a specific action, but do not address that there will be multiple phases to the Project, including multiple project applicants and multiple contractors over the course of the Project. For example, Mitigation Measure BIO-1a requires the project construction contractor to install orange construction barriers or other similar barriers prior to the start of construction activities. Does this mean that the barriers will be installed throughout the entire Project site, including on-site and off-site improvements prior to the first activity for any of the on-site or off-site improvements? How will the barriers be reviewed and modified as biological conditions may change during the 20- to 25-year time frame of development? The mitigation measures do not relate to specific areas of disturbance, specific timing of construction activities, or specific phases of the Project. As written, many mitigation measures will require significant effort on the part of the applicant and construction contractor to address potential conditions throughout all on-site and off-site areas of the Project at the initial start of construction.

Similarly, Mitigation Measure BIO-1b requires training to be conducted for construction employees prior to beginning construction activities. Given that this is a 20-year or longer project,

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there will be multiple construction crews working on the Project site throughout development stages. However, Mitigation Measure BIO-1b only provides for training at the onset of construction, which means that future construction phases will not receive this training nor have any reduction in impacts associated with Mitigation Measure BIO-1b.

Mitigation Measure BIO-1c requires periodic visits depending on the biological resource. This measure is too vaguely worded to ensure that site visits and monitoring is occurring throughout all phases of Project construction. The measure must be specific regarding when it will be implemented and how it will be applied to each phase of construction.

Mitigation Measure BIO-1d is similarly vague. Will pruning occur at the start of Project construction or in conjunction with each phase? How will the in-lieu fees referenced in the measure be determined? Where are the on-site and offsite locations identified to receive required oak woodland replacement plantings?

Mitigation Measures in the Draft EIR that 1) lack language to address how the measure will be applied to each stage of the Project, 2) lack language to address how the measure will be enforced, 3) lack specific requirements of performance-based standards, or 4) include vague, permissive language that does not commit the Project to actually mitigating the impact must be revised to ensure that the mitigation measures reduce the impacts throughout all phases of the Project and are enforceable.

## 20. Segmentation and Piecemealing

CEQA Guidelines Section 15003(h) establishes policies applicable to an EIR, including “The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151)”

The AEP CEQA Portal Topic Paper – Project Description dated 2/10/20 provides the guidance regarding piecemealing or segmenting analysis under CEQA on page 2:

*“Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies.*

*In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all*

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*project components, including those that will have to be approved by responsible agencies. When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.”*

The Draft EIR both piecemeals and segments analysis. The Draft EIR piecemeals its analysis of environmental impacts by separating analysis between impacts associated with the Project site, impacts associated with off-site infrastructure, and impacts associated with certain traffic improvements rather than analyzing the entirety of the Project. The Draft EIR does not consider “the whole of an action” when analyzing aesthetic, air quality, biological resources, cultural resources, geology and soils, greenhouse gases, hydrology and water quality, human health and hazards, public services and utilities, and transportation and circulation, rather it provides segmented and piecemealed analysis of discrete parts of the Project. This is at odds with the requirement of CEQA Guidelines Section 15003(h).

Further, the Project relies on the VMVSP project to provide a variety of off-site roadway and infrastructure improvements. While the Draft EIR provides a cursory analysis of the impacts of these improvements if constructed by the Project, it does not demonstrate that the Project can and will implement these improvements independent of the VMVSP project and it does not provide a project-level analysis of the improvements that would occur on the VMVSP site if the VMVSP project is not approved.

The LRVSP document does not address the Project’s commitment to constructing the off-site improvements (except for stormwater improvements addressed LRVSP Section 8.6) and instead indicates the Project’s reliance on the VMVSP multiple times – the Project is anticipated to be served by VMVSP schools (LRVSP pp. 0-3, 4-1), the Project anticipates connecting to the Lime Rock Valley Road collector street/utilities in the VMVSP (LRVSP, pp. 4-5, 8-10), the Project anticipates connecting to the telecommunications and cable television lines in the VMVSP (LRVSP, p. 8-11). LRVSP Figure 4.1, Circulation, does not demonstrate how the Project will provide an improved roadway that connects to existing roadways to serve the Project, but rather just shows that the Project will connect to VMVSP.

The discussion of backbone infrastructure and public facilities necessary to serve the Project is provided on page 9-10 of the Specific Plan. It is noted that some of the backbone infrastructure is not addressed in the Project Description, including water storage tanks, water booster pumps, wastewater pump stations. The discussion of backbone infrastructure includes regional backbone infrastructure, including Highway 50 Interchange improvement (Bass Lake Road and Cambridge Road), and off-site water, potable water, recycled water and wastewater infrastructure and treatment plants. The discussion indicates that the Public Facilities Financing Plan includes a phasing plan for these improvements, however the phasing plan is not provided in the LVRSP or the Draft EIR. Further, the LVRSP Phasing Plan (LVRSP Figure 9-1) only identifies improvements on the Project site, reinforcing that the off-site improvements have not been included in the planned phasing of the Project.

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If the Draft EIR does not include adequate details to analyze all phases of the Project and all off-site improvements, the Draft EIR is deficient. For a project requiring construction of offsite infrastructure (e.g., water and sewer lines), the offsite infrastructure must be included in the project description. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713)

The LVRSP must demonstrate that the Project is independent from VMVSP by addressing all off-site road, utility, and infrastructure improvements necessary to serve the Project.

## 21. Conclusion

As described in the comments above, there are significant deficiencies in the Draft EIR that warrant recirculation.

We strongly encourage the County's planning staff to halt work on the EIR until a meaningful community engagement process can occur. This community engagement process should provide opportunities for the Board and Planning Commission to actively engage the community regarding the Project, and develop feasible project alternatives that are more consistent with the character and density of the surrounding residential uses.

We strongly support growth in the County that is consistent with the General Plan, or that provides modest increases over the development anticipated by the General Plan but only when those increases have been evaluated against all of the pending, proposed, and approved projects and remaining capacity of the undeveloped and underutilized areas in the General Plan to ensure that the growth is orderly, logical, efficient, necessary, and consistent with the intent of the County General Plan.

In the months following release of the NOP in 2024, a significant number of residents in the surrounding neighborhoods have conducted an ongoing dialogue and continued communication regarding our strong, and now more organized, opposition to this Project in its current form. We remain respectful of the rights of private property owners to develop their land in a manner consistent with the intent of the County General Plan, including existing land use designations, and the County's zoning for the site. However, the currently proposed number of housing units, intensity of development, the Project inconsistency with nearby neighborhoods and the general rural character south of US 50, and the attempt to extend the El Dorado Hills Community Region all the way to the Cameron Park, Cameron Estates, Shingle Springs, and Royal Equestrian Estates borders through this Project and the related Lime Rock project, is unacceptable and will be vigorously opposed through a range of legal and political means.

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We look forward to opportunities to continue this discussion in order to move towards a project that is more compatible with the character and density of our wonderful community here in Cameron Park.

We appreciate the opportunity to submit these comments on the Draft EIR.

Regards,

Beth Thompson and Caleb Gilbert  
4860 Trails End Road  
Cameron Park, CA 95682

PC 08/08/24  
Item # 3  
2 pages

**Re: Marble Valley and Lime Rock**

Andy Nevis <Andy.Nevis@edcgov.us>

Thu 8/8/2024 8:14 AM

To: Joe H. Harn <joe.harn@edcgov.us>

Cc: Planning Department <planning@edcgov.us>; Aurora M. Osbual <Aurora.Osbual@edcgov.us>

Thank you Mr. Auditor! Forwarding to Aurora so this can be posted and shared with all Commissioners.

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**From:** Joe H. Harn <joe.harn@edcgov.us>

**Sent:** Thursday, August 8, 2024 7:22 AM

**To:** Andy Nevis <Andy.Nevis@edcgov.us>; Bob Williams <Bob.Williams@edcgov.us>

**Cc:** KBone@parkerdevco.com <KBone@parkerdevco.com>; Josh Pane <joshpane1@icloud.com>; David A Livingston <david.livingston@edcgov.us>; Rafael Martinez <Rafael.Martinez@edcgov.us>; Karen L. Garner <Karen.L.Garner@edcgov.us>; Jefferson B. Billingsley <Jefferson.Billingsley@edcgov.us>

**Subject:** Marble Valley and Lime Rock

Commissioners,

For a number of reasons, we cannot count on our Traffic Impact Fee (TIF) program to mitigate traffic caused by new development. Two huge legal clouds hang over the County's TIF program.

**Austin Litigation**

For all practical purposes, the County has lost the Austin case. This litigation has been going on for nearly a decade. Because of the County's failure to follow the Mitigation Fee Act from 2013 through 2016, it is extremely likely that the County will be ordered to refund millions of dollars of road impact fees collected in 2015 and 2016. This refund, which could be tens of millions of dollars, will cripple our ability to build the roads that are needed to accommodate the impacts of growth.

**Sheetz Litigation**

This litigation has been going on for nearly a decade. Under the "current" requirements of the California Mitigation Fee Act (MFA), there needs to be a reasonable relationship between the fee charged the homebuilder, the type of development project, and the need for the infrastructure to be built by local government. The Sheetz case is likely to tighten the requirements of the MFA. If the Sheetz case does effectively "change" the MFA, we may not be able to levy TIF fees on the developers of these two proposed specific plans as is currently envisioned and we may not be able to finance the road improvements necessary to mitigate the traffic impacts.

**Current West End TIF Program**

In December 2016, the Board of Supervisors removed a number of important projects from the El Dorado Hills road capacity improvement program. The result was a much lower road impact fee that builders pay. On many occasions I have criticized this decision publicly. The bottom line is that the current TIF program has a goal of avoiding Level of F traffic, period. The TIF program does not ensure new development mitigates the resulting traffic impacts. The TIF program allows developers to utilize excess road capacity as long the level of service is projected to stay about level of service F. Generally, our constituents do not approve of the County government "giving away" what traffic engineers deem excess road capacity.

**Conclusion**



I recommend that these proposed specific plans be conditioned to require precise road improvements be funded and constructed by these two applicants based on certain milestones and in some cases prior to the issuance of the first building permit. Further, I recommend that serious consideration be given to a joint traffic circulation study that includes these two projects, along with the proposed Town and Country Village project.

(DISTRIBUTED AT HEARING) PC 8/8/2024  
ITEM #3 Emailed  
2 PAGES 7/22/24

To: El Dorado County Planning and Building Department Attn: Cameron Welch

From: Angela and Lance Johnson 4864 Flying C Rd Cameron Park CA 95682 530-676-8601

Re: Lime RockValley Specific Plan Draft Environmental Impact Report

We are opposed to this project for many reasons and we believe that the developer and the County should adhere to what is already allowed in the General Plan. The approval of this new proposed project by Planning and then by the Board of Supervisors would be unconscionable and would not represent the best interests for El Dorado County and its citizens.

Yes, approval of this project would generate more property tax revenue for the County but at the great cost for the citizens. The current General Plan for the currently approved project allows for and would result in a nice increase in the County property tax revenue. Why be greedy and approve something that benefits only the developer?

Our concerns are serious and are as follows:

- Decrease in wildlife habitat.
- Increased density of project.
- Unauthorized use of private roads and emergency egress.
- Increased traffic in the area.
- Increased traffic congestion on U.S. Highway 50.
- Water supply and availability.
- Wildfire hazard.
- Decreased response time for emergency services: ambulance, fire, law enforcement.

**Specific Concerns with the project and the Draft EIR include:**

- The project conflicts with the adopted El Dorado County General Plan and is inconsistent with the urban/suburban boundaries of the adopted El Dorado County General Plan, including limiting urban/suburban development to the established Community Regions.
- The Project Description is missing details of when and how the project will be implemented, where the emergency vehicle access (EVA) points and routes will be located. The Project Description lacks details regarding EVAs, including the location and proposed routes of the five specific emergency vehicle access points and provides conflicting information regarding the number of EVAs. The Draft EIR lacks analysis of the EVAs, including any improvements for the EVAs and routes.
- The Project Description does not identify where and how the access points between the project site and roads serving the project will be designed, including design of intersections with existing roads that will provide access to the project site, including the

project access point at Bass Lake Road and project access point at Cambridge Road/Flying C Road;

- The Project creates the need to use existing roads, such as private road Deer Creek, for emergency exits, while giving no benefit to existing Cameron Estates residents, and creates dangerous evacuations in emergency situations. In this case, many cars unfamiliar with Cameron Estates would flood the roadways, impacting Cameron Estates residents exiting in evacuation efforts.
- The Draft EIR does not address any solution to the water shortage in the area and in the county in general.
- The Draft EIR presents an inaccurate depiction of views of the project site, including views from US 50, Country Club Drive, and nearby uses.
- The Draft EIR does not fully evaluate impacts to scenic resources and the visual quality and character of the site and its surroundings, including changes to public views of the project site.
- The Draft EIR does not address how mitigation measures will reduce impacts and does not provide adequate detail to ensure that mitigation measures are implemented for all phases of the project.
- The Draft EIR lacks analysis of impacts related to increases in nighttime lighting, including the extent to which nighttime lighting will have an effect on surrounding lands and the region, and lacks analysis of how policies and mitigation measures will result in a meaningful reduction in the impact.
- The Draft EIR only addresses a limited amount of the special-status birds, wildlife, and other species that are known to occur in the region that may use the project site, lacks identification and analysis of potential wildlife migration corridors on the site, does not address the full extent of protected species that use the site and how impacts will be reduced to raptors, owls, egrets, and wildlife species that likely use the site and are known to occur in broader region, including identification of the wildlife migration corridors present on the project site and how those would be affected.
- The Draft EIR does not identify the full range of toxic air contaminants that may be associated with the project, does not evaluate the health effects of potential exposure to toxic air contaminants, and lacks mitigation to address hazards to the public including exposure to toxic air contaminants and asbestos.
- The Draft EIR does not sufficiently address the existing wildfire conditions, including location and extent of CalFire-designated fire hazards severity zones, location and extent of wildland urban interfaces, and does not address increased wildfire risks that may occur from construction, operation of residential and nonresidential uses, does not address where EVAs are located and whether they are adequate in the event of a wildfire, and does not address how the project would adversely impact evacuation routes, including increased delays or lack of access to routes due to project traffic, of existing residents in the event of an emergency, including wildfire.

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July 22, 2024

Marble Mountain Homeowners Community Services District

Cameron Welch, Senior Planner  
Planning Division  
El Dorado County Planning and Building Department  
2850 Fairlane Court, Building C  
Placerville, CA 95667

Regarding: Comments to the Lime Rock EIR

Dear Mr. Welch,

Thank you for the opportunity to review and provide our comments to the Marble Valley EIR. We previously provided comments to the Notice of Preparation (NOP) but feel that the comments were not addressed in the EIR, even though there was ample opportunity to do so. We feel this is unfortunate in that our concerns and voices are not being heard. For the record, we will reiterate them here and request you address them if this project moves forward.

We are small community of 70 homeowners that comprise the Marble Mountain Community Services District (MMCS D). We have five elected Board members that oversee the primary responsibility of maintaining the roadways in our CSD. Our roads are privately owned via adjacent landowner easements to the centerline of the road and a portion of the property tax revenue paid to the county is returned for the purposes of road maintenance.

Our CSD board is focused primarily on road maintenance, road safety and other issues, such as fire egress, that are related to our roads. **Therefore, the comments in this letter, which represent the viewpoint of our Board of Directors, will be focused on those issues only.**

**Be advised that our residents have other issues, including but not limited to water supply, aesthetics, wildlife, noise and quality of life, that may be included in different letters.**

There are six such CSD's like ours in the El Dorado County, some of which have opted for gating their roads and others that have not.

The MMCS D roads that access to Marble Valley Road are Marble Mountain Road and Marble Ridge Road. If approved, the Marble Valley project primary entrance will use Marble Valley Road, just as we do. We have just learned that the Lime Kiln project EIR is out for review and this project will also use Marble Valley Road as an entrance. Right now, Marble Valley Road is a dead-end road that serves the MMCS D and one other home, but with Marble Valley (4,036

residential units plus 475,000 SF of office space) and Lime Kiln (800 residential units) projects, up to 4,836 homes will use this road, a 70-fold increase.

Our roads are one-lane roadways that provide access to the residents of the MMCS D area. These roads are narrow, steep and have limited visibility. As residents, we have learned how to drive these roads safely, when and where to slow down, and how to safely pass each other without tearing up the roads. The incidental and foreseeable traffic that will use our roads because of Marble Valley, either unintendedly or intentionally, will significantly erode and deteriorate our roadways and cause significant public hazard to drivers. More traffic will only make it worse and any, and we emphasize, ANY traffic from Marble Valley will have a substantial impact on our roads and residents. This significant impact should have been addressed in the EIR.

While we feel that several areas of the EIR had the opportunity to address our concerns as expressed on the NOP, the one that we will focus on here is Impact TRA-5, as shown on page 3.14-20 and recited below for reference:

*Impacts on transportation as a result of offsite improvements (less than significant with mitigation) As described in Chapter 2, Project Description, and shown in Figure 2-13, the proposed project would include offsite improvements, including the extension of the new Marble Valley Parkway to the Cambridge Road interchange, a new connection of Marble Valley Parkway to the Bass Lake Road interchange, and a new section of Marble Valley Parkway between the east and west sides of the northern portion of the project site. These improvements would serve as primary access roadways for accessing US 50 from the project area and therefore, would improve circulation and connectivity between the proposed project and adjacent areas. These improvements would include bicycle and pedestrian access to the existing and planned non-motorized transportation network north of US 50, which includes future access to commercial areas like the El Dorado Hills Town Center. If the improvements are not constructed by others, the applicant will be responsible for implementing these improvements consistent with County General Plan Goal TC-X and supporting Policy TC-Xf to ensure that transportation improvements are implemented concurrent with approved residential development. If the improvements are constructed by the applicant, the applicant will be subject to fee credit or reimbursement through the County's TIF Program. Therefore, the offsite improvements would not be in conflict with any policies or plans. Offsite improvements related to transportation and circulation are considered in the project-level VMT analysis and therefore, impacts would be less than significant, as discussed above. Offsite improvements would be constructed in compliance with County standards and VMVSP Policy 4.9, as discussed in Impact TRA-3, and therefore the offsite improvements would not increase hazards and the impact would be less than significant.*

This impact summary seems to focus on internal roads in Marble Valley, but getting to the project involves substantially increasing hazards with adjacent land uses that are not discussed at any detail. Primarily, the Marble Valley Road entrance and the impacts to Marble Ridge Road and Marble Mountain Road are not discussed but should have. The EIR contains an exhibit

(Figure 2-15) that has a small notation saying, “improve Marble Valley Parkway/Marble Road improvements”, but nothing else. There is absolutely no discussion in the EIR about what these improvements are or when they will be improved. In fact, the impact statement says, “if the improvements are not constructed by others, the applicant shall...”. Who is that someone else and why would someone else mitigate the impacts caused by Marble Valley? This makes absolutely no sense.

The impact statement concludes that this is a less than significant impact. We are unsure how the EIR preparer came to that conclusion without fully analyzing all of the impacts.

There are several unavoidable and significant impacts to our CSD:

1. Increased traffic and safety concerns. As outlined above, our roads are largely single lane, steep and winding, without sidewalks. Without some control, such as gates paid for and maintained by the developer of the Marble Valley and Lime Kiln developments, there will be increased traffic of inexperienced drivers on those roads, resulting in serious hazards to our drivers and to the residents, including children, who walk along those roads.
2. Access to Marble Valley Road. All of our CSD access to highway 50 occurs via Marble Valley Road. The new projects will increase that traffic enormously, making significant negative impacts on our ability to get in and out. The developer must specify that they will construct roundabouts, or other solutions acceptable to our CSD, at the junctions of Marble Valley Road and both Marble Mountain Road and Marble Ridges roads.
3. Fire safety. For the same reasons outlined above, the increased traffic along Marble Valley Road will pose a serious and unavoidable fire risk to our residents. Our only egress is via Marble Valley Road, and increased traffic there will pose a significant, unavoidable and unacceptable risk to our residents. The EIR must specify, specifically, what the developer will construct to mitigate that safety risk.
4. Access to Highway 50. The EIR seems to acknowledge that the project(s) will overload the intersection of Marble Valley Road and Highway 50. This is yet another significant and unavoidable impact, and is not addressed in the EIR. The EIR must address specifically what will be done, by whom, and in what timeframe to update that intersection to support future needs.

Simply put, if the Marble Valley project does not provide for (pay for) the following mitigations, then the impact to our CSD is significant and unavoidable and the EIR should say so.

1. Construct and maintain gates to our CSD for Marble Ridge Road and Marble Mountain Road.
2. Specify and provide roundabout intersections between Marble Mountain Road and both Marble Ridge Road and Marble Mountain Road.
3. Specify the upgrades to the Highway 50 interchange with Marble Valley Road, including who will construct them, who will pay, and the timetable for completion.

**Our request again is that the Marble Valley project, if approved, be required to fund and install roadway gates on Marble Mountain and Marble Ridge roads prior to any development occurring to mitigate their impact to our roadways. In addition, the Marble Valley project should also specify mitigation items (2) and (3) above.**

We have additional comments about the current EIR, which support our requests above. Instead of outlining them, we would like to reference the same points made in a separate letter to you, from the Cameron Estates Community Services District, which specifies these points in great detail in includes, as applicable, references to applicable codes and regulations.

A copy of that letter is attached to this letter.

Issues raised by Cameron Estates CSD, with which we concur.

Item 2.B. Phasing of Construction Activities. Needs to be specified.

Item 2.C. Missing Components. EVAs need to be clarified.

Item 7.A. Hazards-Wildfire/Environmental Setting. Since this project will negative impact our CSD's fire safety, further consideration of impacts on fire safety zones is crucial.

Item 7.B. The EIR does not address modified fire safety EVA plans on the part of the county, nor their unavoidable and significant impacts upon the fire safety of our CSD.

Item 9. Transportation and Circulation. We concur with Cameron Estates CSD's assessment of inadequate EIR, and we submit their comments as amplification to the traffic and safety comments we have made above.

Item 11. Alternatives. The EIR has shown no alternatives to mitigate the significant and unavoidable impacts and safety issues raised by this project.

Thank you for the opportunity to provide comments on the EIR and considering our request.

Regards,

Mike O'Dell

Director, President, Marble Mountain CSD

Mattias Bergman

Director, Treasurer, Marble Mountain CSD

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**SCOT D. BERNSTEIN**

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July 22, 2024

Cameron Welch, Senior Planner  
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Placerville, California 95667

Via Email Only to [lrvsp@edc.gov.us](mailto:lrvsp@edc.gov.us) and [edc.cob@edcgov.us](mailto:edc.cob@edcgov.us)

**Re: Lime Rock Valley Specific Plan Draft EIR Comments**

Dear Mr. Welch:

I am writing to provide my comments regarding the Lime Rock Valley EIR and the proposed project that it describes.

As a starting point, I agree with such comments as have been and/or are being submitted by the Cameron Estates Community Services District in its comment letter and with such comments as have been or may be submitted by the Marble Mountain Homeowners Community Services District in its comment letter.

My further comments and concerns are as follows.

- 1. Risk generally.** The EIR does not address risk adequately. The submitted materials assert that risks of undesirable potential impacts have been “mitigated.” But “mitigated” just means reduced. It does not and cannot mean that the risk has been eliminated, *i.e.*, reduced to zero. Indeed, it expressly admits that risk still is there. That leaves, among other things, questions about who is exposed to and who is bearing the remaining risk.

Thus, a representation that a developer will “mitigate” a risk that it is imposing on a community or a region is not a guarantee of any kind. “Mitigate” is a word that is used all too often in conjunction with offloading risk onto the neighboring public. There always is some risk. People often turn out to be wrong, even – or especially – when they were not in doubt.

Thus, the critical follow-up question is “who ultimately bears the risk?” If the answer is that the public – the existing residents of this area – ultimately will bear the risk that the developer’s assurances and projections turn out to be wrong, that should be deemed unacceptable. The existing public should not



be forced to subsidize a project that will increase the impacts above and beyond the risks and costs that already existed.

Instead, the proposed activity and proposed changes that would impose the added risk should not be approved. Large numbers of longtime residents should not have their properties and their quality of life placed at risk because a developer would like a fourteen-fold increase in the number of residences that it can put on its parcel.

If this project is approved, longtime residents who live on and own properties in the vicinity of the subject area will be forced to bear the risks that the EIR's projections and forecasts regarding traffic, noise, pollution, light pollution and other ills will turn out to have been overly optimistic. For that reason, approval of the project should be denied. Any other outcome puts existing property owners in the role of a forced insurer of the applicant's project, bearing risks that they never agreed to bear and should not be forced to bear.

- 2. The risk to our wells.** A critical part of any risk discussion must concern water and wells. The properties and residents in this area always have depended upon and continue to depend upon their wells for water. In an area that already experiences droughts, and in which many residents already experience inadequate water flow from their wells from time to time, the idea of seeking permission to drill hundreds of additional wells or otherwise radically increase the quantity of water being pulled out of the ground is shocking. Doing that in a time in which climate change is an increasingly-acknowledged risk makes it all the more so.

Moreover, the problem *is not limited* to the large-scale drilling of additional wells. The proposed project would impose other serious risks to our wells. Construction-related activities and disturbances, including but not limited to drilling and dynamiting, easily could have severe and possibly sudden adverse impacts on the performance of the wells upon which all residents of this area depend. Allowing that to happen – and potentially to impact the viability of a large area and the existing residences – would be grossly irresponsible. It is a risk that should not be imposed on existing residents and their properties.

Thus, the EIR needs a far more substantial discussion of what will be done to mitigate that risk so thoroughly as essentially to eliminate it. Development activity that could leave the entire area in a perpetual or near-perpetual drought is grossly unfair to existing residents and to the region as a whole and should not be approved.

3. **Wildlife impacts.** The EIR needs a more thorough and robust discussion of impacts on wildlife.
4. **A proposed windfall for the developer at the public's expense.** A key beneficiary of this proposal is an entity or group of entities that, years ago, paid for property that included the right to build about 56 homes. Now it wants to build 800. That 14-fold increase plainly has the potential to impose enormous costs and burdens on nearby property owners and residents and on the broader community as a whole. It would constitute a radical change to the nature of the area.

What is the upside? The party that bought the right to build about 56 homes enjoys the financial windfall of being able to increase density fourteen-fold and build and sell 800 homes on the same property.

What is the downside? The neighboring property owners, who simply are asking to preserve what they own – the nice, rural atmosphere, the dark, star-filled night sky, the quiet, the natural flora and the animals native to the area – suddenly will face a huge increase in noise, traffic congestion, traffic delays, lighting that will ruin what otherwise would and should be a star-filled night sky, and all of the other urban density problems that they moved here or stayed here to avoid.

How is any of this in any way acceptable? If their big neighbor bought the right to build fifty-eight houses, why are members of the public being subjected to a real risk that the number will be eight hundred instead – not to mention other potential uses that do not belong in a quiet, rural residential area? Why should the numerous neighboring property owners and the broader community as a whole have to bear that cost and risk so that an investor can reap a giant windfall – something far beyond the permissions that came with the property that was purchased?

Indeed, isn't one of the values that should be protected the ability to be secure in the knowledge that everything about where you live won't change radically simply because a developer sees a way to make a large amount of money at a community's and its existing residents' expense? Shouldn't any discussion of "amenities" include that sense of security?

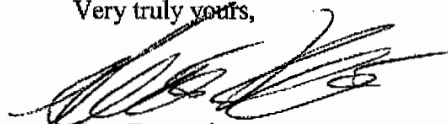
Allowing a fourteen-fold ramp-up in the number of houses allowed to be built in a beautiful and biologically important area of El Dorado County would impose an irreversible harm on the people who have planned their lives around living here. I urge

Cameron Welch, Senior Planner  
Planning Division  
El Dorado County Planning and Building Department  
July 22, 2024  
Page Four

all involved to reject the large ramp-up and to preserve and protect the public's rightful wishes and expectations.

Thank you for the opportunity to comment in this matter.

Very truly yours,



Scot Bernstein

SDB:msw

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## Cameron Estates Community Services District

P.O. Box 171 Shingle Springs CA 95682

Phone and FAX: 530.677.5889, email [cecsd@att.net](mailto:cecsd@att.net)

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Cameron Welch  
El Dorado County, Planning and Building Department  
Planning Division  
2850 Fairlane Court, Building C  
Placerville, CA 95667

**Subject: Village of Marble Valley Specific Plan Draft EIR Comments**

Dear Mr. Welch:

This letter comments on the May 2024 Draft EIR ("Draft EIR") for the Village of Marble Valley Specific Plan (VMVSP Project or Project). The Project requests that the County approve an amendment to the El Dorado County General Plan, rezoning of the project site, rescission of the approved 1998 Marble Valley Master Plan, adoption of the VMVSP, a development agreement, a financing plan, storm sewer permit, grading and improvement plans, tentative and final maps, off-site improvement plans, and building permits (Project). The VMVSP project would also request approval from other agencies, including El Dorado Irrigation District, Regional Water Quality Control Board, State Water Resources Control Board, California Department of Fish and Wildlife, California Department of Education, Buckeye Union School District, and El Dorado County Local Agency Formation Commission (boundary adjustment between fire agencies).

The Project requests discretionary actions from the County, meaning that the Board of Supervisors has the opportunity to require that the Project be modified to reduce impacts, including impacts that are not addressed under CEQA, or to reject the Project. This is an important distinction as the County is not required to approve the Project and should take the Project review process as an opportunity to improve the Project to reflect the vision of the El Dorado County General Plan (General Plan), as adopted through a comprehensive public process, to retain the rural character of El Dorado County and to limit sprawl.

The Project, in its current form, is unacceptable to the community and affected neighborhoods, and given the Project history, previous entitlement of the Marble Valley Master Plan and Tentative Subdivision Map for 398 lots, and the length of time (over 11 years) that lapsed between the Notice of Preparation and issuance of the Draft EIR, community input on the proposed project design, scope, scale, beyond the requirements of CEQA, should occur. We would also like to request that the County initiate planning and site design review workshops with the Planning Commission, Board of Supervisors, and the community to explore opportunities to improve the proposed project and identify viable project alternatives that are appropriately compatible with the surrounding neighborhoods and the community character, including nearby rural communities and Cameron Park. The Project applicant has made presentations throughout the County; however, these presentations have been more of a marketing effort for the Project rather than an open discussion regarding the effects of the project, concerns of the community, and considering methods to address such effects and concerns.

## **1. CEQA's General Requirements of Environmental Impact Reports (EIRs)**

CEQA is intended "to be interpreted in such manner as to afford the fullest possible protection of the environment within the reasonable scope of the statutory language." (*Laurel Heights Improvement Assn. v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 390 (*Laurel Heights*)). "Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." (*Laurel Heights*, p. 392).

This means that an EIR must provide the public and decision-makers with detailed information about the Project's potentially significant and significant environmental effects, identify ways to minimize and mitigate significant adverse impacts, and explore less damaging alternatives. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th (*Sierra Club*) 502, 511. CEQA requires that an EIR accurately disclose sufficient information to enable the public "to understand and consider meaningfully the issues raised by the proposed project." *Id.* at 516. An EIR must also provide substantial evidence to support its conclusions, including determinations about the significance of project impacts and the effectiveness of mitigation measures. *Laurel Heights* at 376, 392.

An EIR must accurately describe existing conditions in order to establish the existing environmental setting against which impacts will be evaluated. "Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined." [Citation.] The Guidelines state that an EIR must include a description of "the physical environmental conditions in the vicinity of the project" which constitute the "baseline physical conditions" for measuring environmental impacts." (*San Joaquin Raptor Rescue Center v. County of Merced* (200\)) 149 Cal.App.4th 645,657-658 (*San Joaquin Raptor*)).

The Draft EIR fails as an informational document that accurately discloses sufficient information for the public to understand and consider the effects of the project. Deficiencies of the Draft EIR are described below.

## **2. Project Description**

The Project Description fails to provide a full description of all aspects of the project and thus fails to analyze the magnitude of the Project's alteration. Without a complete description of all aspects of the project, the Draft EIR does not provide sufficient specificity to enable meaningful comments on the changes to the environment that would result from project implementation.

### **A. Transfer of Residential Units**

The Project includes an allowance that would allow development to be reallocated between residential parcels. The Draft EIR grossly understates the potential for modifications for the reallocation between parcels. The VMVSP would establish in Section 10.3.2 that both residential and non-residential land use allocations may be transferred through an Administrative Modification process. The Draft EIR does not identify that the Project includes transfer of non-residential land use allocations and the Project could reallocate both residential and non-

residential throughout the site. This provision to administratively allow transfer of residential and non-residential land use allocations means that the future built Project could vary extensively from what is being described in the Draft EIR, what is being shared with the public, and what will be considered by the decision-makers. Further, the public is deprived of an opportunity to comment on what could be significant changes to the Project as the transfer provision would go through an administrative process that is not subject to CEQA. This provision allows the Project to circumvent CEQA. The Project Description must provide a level of certainty regarding the extent of the Project, including all aspects of the Project with a potential to have a significant effect on the environment.

#### **B. Phasing of Construction Activities**

The environmental analysis in the Draft EIR relies on phasing of the construction of the project. However, the Draft EIR, including the Project Description, does not describe the phases of the project. The Draft EIR, including the Project Description, provides no basis for the assumptions and analysis of impacts that rely on phasing of the project. There is no description of the construction activities that will occur in each phase, including site preparation, estimated construction trips, amount of import and export of fill materials and associated heavy truck trips, the number of units under construction, the amount of non-residential development under construction, including retail, office, park, school, and other proposed non-residential uses. The timing of public facilities, including infrastructure improvements (roadway, water, wastewater, recycled water, stormwater) and public facilities (schools, fire station, etc.) is not provided.

#### **C. Missing Components**

The Project Description fails to describe the extent, intended use, and feasibility of proposed emergency vehicle access (EVA) points and routes. On page 3.7-23, it identifies five EVAs, on page 3.14-18 only one EVA point is identified with the potential for a second EVA, and Figure 2-7 only identifies one EVA. There is no description of how and where each EVA will connect to existing roads and what extensions or roadway improvements are necessary for the EVAs. There is also no discussion if any EVAs that are proposed on private property have been accepted or approved by the property owner(s).

### **3. Aesthetics**

The discussion and analysis of aesthetic and visual impacts included in the Draft EIR are misleading and do not represent an accurate depiction of the visual impacts that would result from the project.

#### **A. Project Vicinity Visual Character**

The discussion of views of the project site, which affords significant scenic views of Marble Valley, lake/water features, oak woodlands, and ridgelines, are understated in the description of the visual character on Draft EIR pages 3.1-12 through 3.1-1. The discussion of the project vicinity visual character is limited to views of the project within 0.5 mile of the project site. This limited distance does not address foreground, middle-ground, and background views of the site, all of which provide the public with scenic views of the project from various public vantage points throughout a much larger area.

There are multiple public vantage points in the vicinity with views of the project site. Highway 50 eastbound between Bass Lake Road and Cambridge Drive affords the public significant views of Marble Valley, including the lake and lands beyond that are not represented in the seven

photos of views of the site from nearby areas (Draft EIR Figure 3.1-1 and Photos 1 through 7). Local roads in the vicinity of the project site, including but not limited to US 50, Country Club Drive, and the walking path between Country Club Drive provide views of the site that are of much higher quality, with views of the valley, woodlands, lake, open areas, hillsides, and ridgelines, than described in the Draft EIR. The expansiveness of existing views is not reflected in Figure 3.1-1 and Photos 1-7 in the Draft EIR. Residences abutting and in the vicinity of the site have extensive views of the foreground, middle ground, and background, with views of the valley features and the ridgelines.

The Draft EIR must not downplay the quality of the scenic views of the site or of the project site in the context of its visual character and contribution to the visual quality of the site and its surroundings.

Without an accurate description of the existing conditions, the Draft EIR fails to identify the existing environment and establish a setting against which impacts will be evaluated.

#### **B. Views and Viewer Response-Residents**

The description of resident views underplays actual views of the site from nearby residential areas. On page 3.1-14 of the Draft EIR, the document states "Rural residential homes east, south, and west of the project site are generally tucked into the oak woodland canopy and do not have views of the site because the terrain and trees limit such views." Cameron Estates residents have quality views of the Project site, including views from property lines and views from roadways. A full survey of residential areas in the vicinity of the project site was not conducted for this response; however, given that the description of views of residents is erroneous for this one area, views from residential areas must be reexamined for all areas in order to provide factual information in the Draft EIR and not false statements.

#### **C. Regulatory Framework**

The regulatory framework does not identify General Plan Policy 2.6.1.3. The regulatory framework and environmental impact analysis sections also omit identification of the mitigation measures identified in the General Plan EIR that are applicable to the project. Adopted mitigation measures that are applicable to the Project must be identified and the Project's consistency with the requirements must be evaluated.

#### **D. Environmental Impacts**

##### **• Impact AES-1**

While this impact describes construction activities, it does not describe the visual and scenic resources being affected, and how views of the Project site would be altered. Further, there are many views of the project site where construction, including construction lighting, would be visible to nearby public vantage points, recreational areas, and residential and business areas. While this impact is identified as being significant and unavoidable, the full extent of the impact is not adequately described and potential methods to mitigate the impact, including phasing of construction activities, limiting construction hours to reduce lighting, glare, and disturbance impacts, reducing the scale of construction to reduce the extent of the impacts, including limiting construction to 100 feet below ridgelines, are not discussed.

- **Impact AES-2**

Impact AES-2 fails to adequately characterize the effect of the project on scenic vistas. The impact analysis is cursory and must describe the specific scenic views and scenic resources being affected, how each of the viewer location and categories of the viewers described in the Environmental Setting are affected, and how the “substantial number of built features associated with a large-scale mixed use planned community where none presently exist (Draft EIR p. 3.1-19)” that are being constructed and improved during development change the views of the project site. Further, the lack of detail in the Project Description does not allow the public reading the Draft EIR to understand the scale of buildings and the potential of those buildings to obscure significant features on the project site, including ridgelines, open space, oak woodlands, the lake, and riparian features. While a portion of the offsite improvements are discussed under Impacts AES-6 and AE-7, Impact AES-2 must focus on the full impact of the Project on scenic vistas and not break up the impact between different phases or components of the Project.

Figure 3.1-3 does not reflect the extent to which the Project, including on-site and off-site improvements, are visible from US 50. There are high-quality and extensive views of Marble Valley, including the lake, ridgelines, oak woodlands, other trees and vegetation, and open space.

Figure 3.1-4 does not reflect the actual views of the project site from US 50, or from other public vantage points of Marble Valley. As previously described, Marble Valley, the lake, ridgelines, oak woodlands, other trees and vegetation, and the extensive open space are all visible. The Draft EIR provides only one visual simulation of how views would be affected and it is based on a photo with limited views of the site and does not reflect the scenic resources represented by the site or how the project would affect those resources. The visual simulation must be provided for all significant scenic resources affected by the project site in order to characterize the views and scenic resources affected and to develop mitigation that would reduce the impact. The viewshed analysis must be comprehensive and identify which areas along US 50 (including areas farther from the site if site is visible from those areas) have views of the site.

General Plan Objective 2.3.2 requires that the visual integrity of hillsides and ridgelines be maintained. General Plan Policy 2.6.1.3 requires that discretionary projects that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established. The impact analysis must address compliance with General Plan Policy 2.6.1.3, which was adopted as a mitigation measure to reduce impacts on scenic resources.

The Draft EIR does not identify ridgelines, does not identify public views of ridgelines, and does not include analysis of methods to avoid visual breaks to the skyline.

The mitigation provided for Impact AES-2 fails to address the extent of the impact to alter or obstruct views of the scenic resources on the project site, including scenic views of Marble Valley, the lake, ridgelines, other trees and vegetation, and open space. Mitigation must be considered that would reduce the impact of the project on all scenic resources.

- **Impact AES-4**

Impact AES-4 fails to address the full extent of the impact of the Project on the existing visual character and quality of public views of the site and its surroundings. The visual simulation



included in the Draft EIR is significantly misleading, reflects a single photo with limited views of the Project site, and does not represent an accurate depiction of the visual impacts that would result from the Project. First, the single viewpoint selected for the simulation does not represent the most prominent views of the project site from public viewing areas in the vicinity of the Project site, including multiple vantage points along eastbound and westbound US 50 with foreground, midground, and background views of the site. The visual simulation does not reflect the full extent of change that will occur with the project as it only examines a single view. The visual simulation must be representative of the full extent of the impact of the Project on the existing visual character of the site and the quality of public views of the site and its surroundings.

This analysis must also address the full effects of the project on visual resources, so while Impact AES-1 focuses on scenic resources, the visual analysis for Impact AES-4 must also address other public views (public roads, including roads near the northeast entry of the site, public trails, parks, schools, and any publicly owned lands) in order to reflect the potential for the project to substantially degrade the existing visual character or quality of public views of the site and its surroundings (see Thresholds of Significance on Draft EIR p. 3.1-17). The impacts must be considered in the context of not only the Project site but how the visual quality of the site and its surroundings will be changed by the Project. The analysis also must address the visual impact of full extent of the Project, including offsite improvements, including but not limited to the roadway, water, and wastewater improvements described in the Project Description.

As previously described, the Project is not consistent with the El Dorado County General Plan, including Objective 2.3.2, which requires that the visual integrity of hillsides and ridgelines be maintained. General Plan Policy 2.6.1.3 requires that discretionary projects that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established. The impact analysis must address compliance with General Plan Policy 2.6.1.3, which was adopted as a mitigation measure to reduce impacts on scenic resources. General Plan Policy 2.6.1.5 requires assessment of visual impacts on ridgelines and addressing methods to avoid visual breaks to the skyline. These policies must be applied to scenic resources addressed under Impact AES-2 and to the impact of the proposed project on the existing visual character and quality of public views of the site and its surroundings. To not comply with these policies and measures is a clear violation of General Plan Policy 2.6.1.3, which was adopted to avoid or lessen an environmental impact subject to CEQA (visual and aesthetic impacts).

The analysis does not demonstrate consistency with General Plan Policy 2.5.1.1. This policy requires physical and visual separation of new development from adjacent residential communities. The DEIR acknowledges that separators are not provided along the project's eastern boundary and along portions of the project's northern boundary. This is a clear violation of General Plan Policy 2.5.1.1, which was adopted to avoid or lessen an environmental impact subject to CEQA (visual and aesthetic impacts).

The Draft EIR must fully analyze the potential impact on the existing visual character and quality of public views of the site and its surroundings and consider and analyze potential mitigation to reduce or lessen the impact.

- **Impact AES-5**

Impact AES-5 fails to address the full extent of the impact of the project, including off-site impacts, as a new source of substantial light and glare. While there is a brief discussion that permanent sources of light would be introduced, there is no analysis of the level of illumination that will emanate from the project site nor the extent to which such increase in lighting and glare would affect those in the vicinity of the project site. There is no discussion of components of the project, such as commercial uses, sports fields, and school uses, that may require night-time lighting and the potential effect of lighting from these uses.

The analysis references VMVSP Policies 3.4, 5.7, 6.20, 7.16, 7.17, 9.20, and 9.21, indicating that these policies establish use of shielding for lights to aid in reducing light pollution and protecting dark-sky conditions. However, upon review of the referenced VMVSP policies, these policies include permissive language, such as “shall consider” and do not establish any actual requirements that ensure lighting and glare impacts will be reduced to the extent feasible. The Draft EIR has not demonstrated how these policies would reduce impacts.

The mitigation measures referenced, AES-2 and BIO-1e, do not address lighting and glare issues; there is no requirement that buildings be sites to ensure that the retained oak woodland canopy minimizes light and glare. Mitigation measures that require 1) all exterior lighting to be directed downward, 2) all exterior lighting to be fully shielded, and 3) require each phase of the Project to prepare a lighting plan that meets illumination limits based on the illumination needed for the specific aspects of the phase and demonstrates that the phase will not increase off-site illumination more than a specified amount (e.g., no more than 0.5 foot-candle increase within 50 feet of the phase/parcel and no increase in illumination beyond 100 feet of the phase/parcel); such measures to reduce lighting and glare impacts must be analyzed and considered. The EIR must consider and analyze potential mitigation to reduce or lessen the significant impact related to lighting and glare.

#### **4. Air Quality**

##### **A. Regulatory Setting**

The Regulatory Setting on Draft EIR pages 3.2-1 through pages 3.2-6 does not describe the applicable federal, state, and local plans, including plan population, housing, and non-residential growth assumptions and applicable policies, standards, or requirements to achieve attainment status for the criteria pollutants designated to be in nonattainment status, including federal nonattainment designations for ozone and PM 2.5 and state nonattainment designations for ozone and PM10 as shown in Draft EIR Table 3.2-3. Identification of applicable plans to achieve attainment and the relevant measures is crucial in determining whether the Project is consistent with such plans and developing mitigation measures to reduce or lessen significant impacts.

##### **B. Existing Air Quality Conditions**

On page 3.2-5, the Draft EIR identifies that the California Air Resources Board has identified diesel particulate matter as a toxic air contaminant (TAC) and has identified 21 TACs and adopted the US Environmental Protection Agency’s list of hazardous air pollutants (HAPs) as TACs. However, the Draft EIR does not identify these TACs and HAPs and does not existing air quality conditions related to these TACs and HAPs, with the exception of diesel particulate matter (DPM), asbestos, and radon. Without an accurate description of the existing conditions,

the Draft EIR fails to identify the existing environment and establish a setting against which impacts will be evaluated.

**C. Environmental Impacts**

• **Impact AQ-1**

Impact AQ-1 does not address all applicable air quality plans. As identified in Table 3.2-3, the Project area is in nonattainment for O<sub>3</sub> (federal and State nonattainment), PM<sub>10</sub> (State nonattainment), and PM<sub>2.5</sub> (federal nonattainment). Impact AQ-1 does not address the potential for the Project to conflict with or obstruct implementation of the applicable air quality plan(s) to address PM<sub>10</sub>. The Draft EIR must identify all applicable air quality plans, including those adopted to address PM<sub>10</sub>, and address consistency with the plans, including all applicable measures and requirements in each plan.

In relation to the 2015 Ozone Plan, the Draft EIR describes the Air District's thresholds for consistency with the applicable plan, but does not evaluate whether the Project is implementing all applicable ozone plan emissions-reduction measures and whether the Project is complying with all applicable air district rules and regulations. While the Draft EIR provides a general description of Air District measures to reduce ozone emissions, the Draft EIR fails to identify the specific measures and evaluate the Project's consistency with each of the adopted measures. Further, the Draft EIR fails to describe whether the VMVSP policies identified on pages 3.2-24 and 3.2-25 to reduce vehicle miles traveled (VMT) and emissions are requirements, recommendations, or other measures that lack of certainty regarding if, how, and when the policy will be applied; as described, the identified policies do not demonstrate any effectiveness in reducing emissions. The analysis must address consistency with each applicable measure and requirement.

Further, this impact only addresses compliance with Air District Rules 223 and 223-1. On page 3.2-24, the Draft EIR identifies that compliance with applicable Air District rules and regulations is one of the four criteria used by the Air District to determine consistency with the applicable air quality plan. The Draft EIR must address consistency with all applicable Air District rules and regulations – the Air District has adopted over 70 rules, including Regulation 2 (Prohibition) – Rules 201 through 245, Regulation 3 (Open Burning) – Rule 300, Regulation 5 (Permit to Operate) – Rules 501 through 527, Regulation 6 (Fees) – Rules 601 through 610, and the Draft EIR must examine consistency with all applicable rules and regulations.

• **Impacts AQ-2 and AQ-3**

As previously described, the Draft EIR Project Description is incomplete and does not address the full extent of the project. Further, the construction project phasing described in Appendix C-2 does not address all phases and off-site improvements associated with the project. In order for the Project to address its net increase to criteria pollutant, the modeling must address the full extent of the project, including all phases of on-site and off-site construction.

The mitigation measures identified are not adequate to ensure implementation and reduction of impacts. The measures do not include reporting requirements to ensure compliance with each measure and do not identify adequate timing or details to ensure that mitigation is carried out for each phase of construction and by the multiple developers and contractors that will be working on the project. The mitigation measures must also include adequate detail and requirements to ensure

that the measures are applied to all offsite improvements. Mitigation Measure AQ-2a must ensure that the project applicant requires the use of low-VOC coatings prior to each phase of construction, as it is likely that there will be multiple construction contractors over the 19-year construction period. Further, this measure must include a method of confirming that the construction contractors have used low-VOC coatings, such as the contractor demonstrating which coatings were purchased and applied.

Mitigation Measure AQ-2b should be revised to provide a plan for each phase of construction and, if multiple developers are used for various phases of the project, a report for each developer/project phase, and a final report submitted at the completion of each phase (the phasing should be based on each of the large lot parcels summarized in Table 2-3 as that would provide an orderly method of tracking compliance). Mitigation Measure AQ-2c should include reporting requirements to ensure that the advanced off-road engines and newer on-road trucks are actually being used for each phase of construction and by each contractor/developer. Mitigation Measure AQ-2d should require dust control, including pre-watering, for all ground-disturbing activities, including grading, trenching, and installation of landscaping.

Impact AQ-2c concludes that there is no feasible mitigation to reduce ROG and NO<sub>x</sub> emissions below Air District thresholds beyond the mitigation measures identified in the Draft EIR and the VMVSP policies. However, as previously described, VMVSP policies that are being relied upon to reduce emissions are not described in detail and the Draft EIR does not demonstrate any certainty of how, when, and if any VMVSP policies will be implemented or the actual reduction in emissions related to any of the VMVSP measures. Further, there are additional measures that could be implemented to reduce emissions that the Draft EIR has not considered. One measure would be to require construction to be phased over a longer period (25-year, 30-year, and 35-year period), which would reduce both the combined construction and operation emissions identified in Draft EIR Tables 3.2-7 and 3.2-8, another measure would be to reduce development footprints through limiting the size of residential units below those assumed for the Draft EIR modeling, and another measure would be to cluster development to reduce the extent of land disturbed with each phase of development.

- **Impacts AQ-3a, AQ-3b, and AQ-3c**

On page 3.2-5, the Draft EIR identifies that the California Air Resources Board has identified diesel particulate matter as a toxic air contaminant (TAC) and has identified 21 TACs and adopted the US Environmental Protection Agency's list of hazardous air pollutants (HAPs) as TACs. On page 3.2-12, the Draft EIR identifies that many pollutants are identified as TACs because of their potential to increase the risk of developing cancer or because of their acute or chronic health risks. For TACs that are known or suspected carcinogens, CARB has consistently found that there are no levels or thresholds below which exposure is risk-free.

While the Draft EIR briefly acknowledges the risks associated with diesel particulate matter and toxic air contaminants, it fails to provide a health risk assessment to address impacts related to these emissions. The Draft EIR states that: "Accurately quantifying DPM concentrations and predicting associated health risks requires detailed, site-specific information about these and other parameters that are currently unavailable, given the preliminary level of design at this time." However, as a project-level Draft EIR, it is necessary that the Draft EIR disclose the impacts of the project, including developing a detailed project construction phasing schedule that provides adequate information regarding anticipated development during each year and phase to provide

information regarding diesel particulate matter and toxic air contaminant emissions. Health risk assessment (HRA) models, including the U.S. Environmental Protection Agency's AERMOD dispersion model and CARB's Hotspots Analysis and Reporting Program, are available to model air dispersion of toxic air contaminants and to calculate risk scenarios for residential and workplace cancer rates, as well as acute and chronic incidences. As previously described, the Project Description must be expanded to fully disclose all aspects and phases of the Project. The construction phasing information provided in Appendix C2 can be expanded upon to develop appropriate assumptions to model health risks. Further, health risks are cumulative, so the analysis should address the cumulative exposure during construction and operation of the project and not segment the analysis to address exposure associated with construction (Impact AQ-3a, operation (Impact AQ-3b), and some aspects of both construction and operation (Impact AQ-3c).

Additionally, the determination of health effects associated with TAC exposure is based on long-term exposure, meaning that the analysis of TAC exposure must take into account future (cumulative) freeway segment volumes, which will undoubtedly be significantly higher than the 2023 volumes used in the EIR assumptions for the project's share of average daily trips that may contribute to diesel particulate matter emissions. As noted in the California Air Resources Board 2005 Air Quality and Land Use Handbook, new sensitive land uses should not be sited within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. The EIR acknowledges the risks associated with placing residences within 500 feet of the freeway segment, but completely fails to disclose or analyze what the projected cumulative freeway volumes would be under cumulative conditions, and how these future freeway volumes would expose sensitive receptors to TACs.

The EIR not only acknowledges the risks associated with diesel particulate matter and toxic air contaminant exposure, including existing levels (p. 3.2-13 identifies an existing cancer risk of 32 per million 330 feet south of US 50, the EIR acknowledges that some phases of construction may result in diesel particulate matter emissions that could result in cancer or noncancer health risks that exceed the Air District's thresholds, resulting in a potentially significant impact. The Draft EIR does not identify which phases or which residences would be affected. The Draft EIR references various measures that reduce NOx emissions but does not address the extent to which these measures would reduce diesel particulate matter. The Draft EIR does not provide any mitigation to reduce impacts specific to diesel particulate matter and toxic air contaminants and concludes that health impacts from toxic air contaminant exposure during construction are significant and unavoidable. The Draft EIR does not ensure that future phases analyze specific TAC risks associated with future phases (which are acknowledged to result in significant and unavoidable impacts) and does not require mitigation to reduce health impacts to the maximum extent feasible. The toxic air contaminant analysis and mitigation approach is deficient and must be corrected, analyzed, and disclosed.

The EIR fails to identify what cumulative traffic volumes on Highway 50 would be, and how these traffic volumes would affect nearby sensitive receptors, including residences on the north and south sides of Highway 50, users of parks on both sides of Highway 50, and users and employees of businesses along Highway 50.

To adequately inform the decision-makers and the public of the health effects of the project and to address mitigation to reduce or eliminate the impact, the Draft EIR must be corrected.

While the Draft EIR identifies VMVSP Policy 9.5.9, which requires MERV-6 air filters in residential air conditioning/heating systems and MERV-8 in non-residential systems, these levels of filtration are far below the standard to reduce TAC exposure, which typically is MERV-13 or higher. (U.S. Environmental Protection Agency, *Residential Air Cleaners*, 2018, p. 10) Further, this policy applies to the future residential uses and does not provide protection for residences, the two existing parks, and the two existing schools (Blue Oak Elementary School and Camerado Springs Middle School) in the vicinity of the Project and US 50 that would be exposed to the significant and unavoidable direct and indirect TAC emissions associated with the Project.

The Draft EIR must identify all residences and sensitive receptors that would be affected by TACs associated with construction (residences in the vicinity of each phase of construction) and associated with project operation (residences, parks, and other sensitive receptors near the freeway and near potential stationary sources associated with the project).

The Draft EIR must provide a complete analysis of the health risks of the project, based on the construction phasing and operation details that address the full extent of the project, including off-site improvements and consider mitigation measures that would reduce or eliminate exposure of existing residences and sensitive receptors to TACs.

- **Impact AQ-4**

The analysis of potential exposure to health impacts related to disturbance of asbestos-containing materials analysis is based on the potential for asbestos from sampling conducted by Youngdahl Consulting Group. The Draft EIR does not identify the location of the sampling, particularly whether the sampling corresponds to areas with known or potential ACMs within the Specific Plan boundaries, including areas identified for development, or location of offsite improvements. The analysis should be revised to identify the location of sampling pits, as the pits relate to the locations identified for development and infrastructure improvements on the project site and the areas identified for offsite improvements. The analysis does not address the potential for asbestos emissions from off-site improvements. Additional figures should be provided that identify known or potential asbestos-containing materials, similar to Figure 3.2-1 for the VMVSP area, for all areas identified for offsite improvements and the figures should identify the location of areas tested for asbestos-containing materials.

## **5. Biological Resources**

The Draft EIR relies on multiple outdated surveys conducted from 2005 through 2013 that do not reflect existing conditions and are not adequate to determine the baseline for presence of special-status species. While several surveys were conducted in 2018 and 2019, these most recent surveys were not comprehensive and only addressed a limited number of biological issues: oak woodlands, oak trees, foothills yellow-legged frog, and Brandegees's Clarkia. Further, none of the surveys identified in Table 3.3-1 represent a comprehensive Biological Resources Assessment to study whether the project site hosts or provides nesting, foraging, and migration habitat for species potentially occurring in the project vicinity – each survey has a limited scope and none of the surveys address the potential for special-status mammals, birds, and insects with potential to occur in the project area.

The project site is in an area with little development and very few surveys from the project site and region surrounding the site are available to inform the California Natural Diversity Database (CNDDDB) of on-the-ground conditions. The Draft EIR does indicate that a CNDDDB search was completed for the project

in 2024, but does not identify which quadrangles were searched. The California Department of Fish and Wildlife recommends a nine-quadrangle search; for a project the size of VMVSP, a nine-quad search is warranted, particularly given the spotty data and surveys prepared for the Project.

Without an accurate description of the existing conditions, the Draft EIR fails to identify the existing environment and establish a setting against which impacts will be evaluated.

Further, while the study area for biological resources described on page 3.3-10 identifies off-site improvements, many of these improvements have not been included in the analysis for presence of special-status species, sensitive habitats, and wildlife migration corridors. Figures 3.3-1 and 3.3-2 only depict a limited number of off-site improvements; none of the water, wastewater, and dry utilities improvements are shown and the transportation improvements do not reflect the full list of offsite transportation improvements. The discussion on pages 3.3-14 and 3.3-15 indicates that details of off-site improvements are provided in Draft EIR Section 2.3, Project Overview, and indicates that the alignments were not included in the vegetation community surveys or the protocol-level wildlife species and blooming-period special-status plant surveys conducted for the project.

For the public to comment on impacts associated with biological resources, a full assessment of existing conditions must be provided and the EIR recirculated in order to serve its purpose as an informational document that enables an opportunity for meaningful public comment. In order to fully disclose the potential of the project to have impacts on biological resources, the existing conditions must be described, including existing conditions related to all aspects of the project including areas identified for off-site improvements. The analysis of potential impacts must be considered, and the Draft EIR must analyze the full range of species and sensitive habitat potentially present in the Project area and fully address the project and off-site improvements. The Draft EIR erroneously concludes that "Because large areas of oak woodland and riparian habitat would remain intact after project construction and because the proposed project is not part of or adjacent to any designated important biological corridors or ecological preserves, no significant impact on wildlife use and migratory corridors for large-ranging wildlife species is anticipated as a result of project development." However, as previously described, the Draft EIR has not examined the full range of species with potential to occur in the project area. The lack of designated biological corridors or ecological preserves in an area with limited study does not mean that biological resources are not present in the area. The area must be fully studied with the full range of species and habitat types documented to demonstrate whether biological corridors or sensitive habitats are present on the project site. Further, the Draft EIR provides no evidence that the areas preserved for open space protect all critical wildlife areas as these are not fully described or mapped nor addresses whether the open space is in the proper location and of sufficient size to protect wildlife movement corridors. The Draft EIR refers to the percentage of oak woodlands protected on page 3.3-66 without demonstrating that the location and extent is appropriate. The Draft EIR improperly defers analysis and mitigation of these known off-site improvements.

## **6. Greenhouse Gas Emissions**

Due to the lack of a complete Project Description and construction phasing schedule, the analysis of greenhouse gas emissions does not address all aspects of the Project. The greenhouse gas modeling must be updated to address all aspects of the Project in order to provide adequate disclosure of GGH impacts for Project construction (Table 3.6-4) and Project operation (Table 3.6-5). Operational impacts must address operation and maintenance of off-site improvements associated with the project in addition to

onsite improvements in order to address the full extent of the project (this holds true for all operational impacts including air quality, noise, and traffic).

The mitigation provided for greenhouse gas emissions neglects to consider areas where the Project is inconsistent with the 2022 Scoping Plan as discussed on Table 3.6-7. Further, Mitigation Measures GHG-1 and GHG-2 do not establish performance-based standards and implementation components to ensure the measures are fully carried out. The measure should also require review and approval by the Air District and County of any updated emissions analysis to ensure that the updated analysis considered under GHG-2 is accurate and reflects the full extent of the Project, including all on-site and off-site project components.

## **7. Hazards – Wildfire**

### **A. Environmental Setting**

The discussion of existing fire-related hazards does not define fire hazard severity zones, does not describe the types present on the Project site, does not address the extent and location of the different fire hazard severity zones present on the site; the Draft EIR just indicates that CAL FIRE has designated the project site as being within either a very high fire hazard severity zone or high fire hazard severity zone (p. 3.7-11), identifies that wildland urban interface fires require immediate protective measures and a rapid response but does not define or identify wildland urban interfaces in the vicinity of the Project, address the extent of the different fire hazard severity zones present on the site of the Project.

### **B. Environmental Impacts**

#### **• Impact HAZ-7**

Impact HAZ-7 does not address specific adopted emergency response and evacuation plans adopted by the County and does not analyze whether the project would impair implementation of the plans. The Project's potential to impair or conflict with emergency response and evacuation plans, including, but not limited to, the El Dorado County Emergency Operations Plan, El Dorado County Local Hazard Mitigation Plan, El Dorado Irrigation District Local Hazard Mitigation Plan, and General Plan Safety Element, must be analyzed.

#### **• Impact HAZ-8**

The Draft EIR does not present an analysis of impacts based on known fire hazard characteristics of the site and region. As previously described, the Environmental Setting for the Hazards section is deficient and lacks information regarding fire hazard severity zones and wildland urban interfaces. Without this information, the Draft EIR analysis does not provide the public with an understanding of current conditions and fire hazards associated with the site nor how the Project may result in the potential for increased fire hazards.

The Draft EIR does not address nor mitigate risks associated with construction of the Project. Construction activities, such as operation of equipment that may cause sparks, which could increase wildfire risks must be disclosed and, where necessary, mitigation must be addressed.

The analysis does not address wildland urban interface areas that would be created or modified by the Project, despite identifying that wildland urban interface fire incidents require immediate



protective measures and a rapid response by local fire agencies and CAL FIRE to minimize the risk to lives and properties in the project area (p. 3.7-10).

The analysis identifies 11 risk reduction measures (a bulleted summary list on pages 3.7-21 and 3.7-22) included in the VMVSP. However, the risk reduction measures are not identified in the VMVSP and are not demonstrated to be a part of the Project. The finding that Impact HAZ-8 would be less than significant with mitigation relies on VMVSP measures that cannot be confirmed and adequate detail regarding the specific requirements and implementation timing is not available. A search of the VMVSP for terms related to the measures, including risk reduction, buffer zones (referenced in fifth bullet point), interface, and yielded no results related to policies or other measures that would be required of the Project. The analysis does not demonstrate that measures would be implemented that would reduce wildfire risks associated with development and operation of the project to surrounding residents, uses, and lands.

Impact HAZ-8 identifies that there are five emergency vehicle access (EVAs) points on p. 3.7-23 but does not identify where these five EVAs are or which roadways they will connect to. It appears that some of these EVAs, such as Deer Creek Road, do not access public rights-of-way but generally abut private property. The Draft EIR fails to address how the EVAs will function, whether they are adequate in both design and capacity to provide access to and from the Project site in the event of an emergency, and whether any private entities that control the roadways affected by the EVAs have provided the project applicant with the right to access private land. The Draft EIR also fails to address the impact that use of the EVAs will have on existing residents and users of the EVA routes. The Project creates the need to use existing roads, such as private road Deer Creek for emergency exits, while giving no benefit to existing Cameron Estates residents, and creates dangerous evacuations in emergency situations. In this case, many cars unfamiliar with Cameron Estates would flood the roadways, impacting Cameron Estates residents exiting in evacuation efforts. The Project must be revised to identify feasible EVAs, describe the access point and route of each EVA, discuss the capacity of each EVA, and to analyze the impact to the existing environment related to the EVAs.

The only mitigation identified for the project is the preparation of a wildfire safety plan, with several general requirements identified. The mitigation does not establish any standards to ensure wildfire risks are decreased to an less than significant level, including addressing extent of fuel management, timing of fuel management, that adequate water sources and adequate water pressure are available to serve the Project AND existing users in the event of a wildfire, and how the plan will be implemented.

At a minimum, the Draft EIR must address the environmental impacts of construction and operation of the Project, including establishment of buffer zones, maintenance of wildland areas to reduce wildfire risks, evacuation, feasible EVAs, and identify and consider mitigation that would a manner that allows for review of the language of the actual measures in the VMVSP.

- **Impact HAZ-9**

Impact HAZ-9 only addresses limited off-site infrastructure and improvements and neither the impact nor the Environmental Setting section addresses the existing conditions related to the full extent of off-site infrastructure and improvements in terms of identifying existing hazardous conditions, fire hazard severity zones, wildland urban interface conditions, location of known asbestos-containing materials as related to the location of the off-site improvements. The analysis

of the environmental impact that the construction and operation of the off-site improvements is conclusory without describing the effect that the improvements would have on existing conditions (as previously stated existing conditions related to the off-site improvements are not clearly identified in the environmental setting). As previously described, the off-site improvements are part of the Project and must be analyzed as part of the Project and not addressed separately in a manner that downplays the potential for impact through conclusory statements unsupported by evidence. The analysis provided for the off-site impacts is cursory and does not examine the potential for the offsite improvement to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, particularly where off-site improvements may disrupt use of local roads used as potential evacuation routes, nor are wildfire risks, including the potential for the improvements to people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires; due to slope, prevailing winds, and other factors, exacerbate wildfire risks; require the installation or maintenance of associated infrastructure that may exacerbate fire risk; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes, actually analyzed.

## **8. Hydrology**

### **A. Environmental Impacts**

#### **• Impact WQ-2**

While the EIR admits that components of the Project such as roads and houses would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge, it does not identify the extent to which new impervious surfaces could be developed as part of the Project and the extent of the potential impact. The Draft EIR states that the project area is underlain by bedrock and that the net change in groundwater recharge potential would be limited. The Draft EIR also indicates that the Marble and Deer Creek floodplain are likely to have the greatest potential for recharge of the groundwater aquifer, and this area would remain designated open space under the VMVSP, citing the VMVSP document “Marble Valley Company, LLC, 2023” – however, the VMVSP document does not address recharge and does not support this claim. While the Draft EIR also references a study by Youngdahl Consulting Group in 2012, the Draft EIR does not: include the study as an appendix, summarize the details of the study, identify areas on the site tested for recharge capacity, nor provide a detailed description of the ground and soil characteristics of the project area (including on-site and off-site improvements) as related to groundwater recharge. The impact analysis is not based on actual evidence but rather cursory analysis leading to a conclusory claim of a less than significant impact. The Draft EIR must be revised and recirculated to actually analyze the effects of developing the project site with the amount of impervious surface [the Draft EIR does not identify the actual acreage of impervious surface that would occur with the Project. The Draft EIR does not identify any comparison of groundwater recharge rates that occur in the varied areas of the VMVSP site, both with and without the Project.

## 9. Transportation and Circulation

### A. Existing Setting

The Existing Setting fails to describe the existing roadway system that will serve the Project site, including but not limited to, Highway 50, Bass Lake Road, Cambridge Road, Deer Creek Road, and Flying C Road, Highway 50/Bass Lake Road interchange, Highway 50/Cambridge Road interchange, Marble Valley Road/Bass Lake Road intersection, and Cambridge Road/Flying C Road intersection. In order to address the potential for the Project to have impacts on the transportation system, including safety impacts, the existing roadway system must be identified. The Draft EIR must be revised to establish the existing conditions related to roadways, including roadways serving automobiles, trucks, and other vehicles.

### B. Environmental Impacts

#### • Impact TRA-1

This impact addresses the potential for the Project to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. However, no analysis is given to the Project's consistency with programs, plans, ordinances, or policies addressing the roadway system, except to state the following "The proposed project would comply with the TIF Program to help to fund roadway improvement projects and therefore would not conflict with the General Plan policies addressing vehicle circulation. The project will comply with General Plan Goal TC-X and its implementing Policies TC-Xf and TC-Xh." There is no discussion of the requirements of the TIF Program and General Plan policies nor is any analysis or evidence provided demonstrating how the Project will comply with programs, plans, ordinances, and policies addressing the roadway circulation system. **The conclusory statements regarding compliance with the General Plan are not based on any analysis.**

In fact, the Draft EIR Project Description does not commit to providing General Plan Policy TC-Xf improvements; rather it lists improvements that 'could' be required on p. 2.-12 of the Draft EIR. **The potential to require improvements is not the same as demonstrating that the Project will comply with applicable General Plan policies.** Further, the TC-XF improvements are not identified in the VMVSP document and are not demonstrated to actually be a part of the Project.

Apart from conclusory statements made regarding consistency with the TIF Program and General Plan Policy TC-XF, Impact TRA-1 fails to address other applicable programs, policies, and ordinances. For example, General Plan Policy TC-1 establishes minimum spacing requirements for intersections and level of access from adjacent properties in order to provide safe, efficient roads. Policy TC-1w requires that new streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety. **The Draft EIR fails to address whether the Project would result in unsafe conditions for affected roadways and intersections. The Draft EIR does not even establish which roadways and intersections exist in the vicinity of the Project, as described in Section 10.A. above.**

For example, the majority of VMVSP traffic accessing the Project site through the eastern Marble Valley Parkway entrance will use the existing Cambridge Road/Flying C Road intersection. However, the Project does not identify an extension of the proposed Marble Valley Parkway to the Cambridge Road/Flying C Road intersection – rather the proposed Marble Valley Parkway is shown to end at the border of the Project site (Figure 2-7) with no **identification of how it will connect to Cambridge Road/Flying C Road or what type of improvements will be made to the intersection to ensure safe operations for existing and future users of the intersection.**

- **Impact TRA-3**

Impact TRA-3 addresses the potential for the Project to substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). However, the impact analysis only relates to roadway features located within the Project site. The impact analysis must address the design of the Project, including the Project's intersections with existing roads, such as the Cambridge Road/Flying C Road intersection, and whether the proposed roads, intersections, and emergency vehicle access roads, including improvements on-site and offsite, could result in a substantial increase in hazards. The Draft EIR must be revised to analyze this issue and identify mitigation measures, where necessary.

## **10. Schools**

The Draft EIR fails to address indirect impacts associated with school overcrowding. While the Draft EIR provides data that indicates the El Dorado Union High School District has excess capacity, it does not address that the high school serving the Project site would exceed capacity with addition of Project students. Table 3.12-9 indicates Union Mine High School has a current capacity of 1,485 students, which is 419 students over the 2022/23 enrollment of 1,066; the Project would add 573 students. Students residing at the Project site may be diverted to Ponderosa High School or El Dorado High School.

The EIR fails to discuss, disclose or analyze the traffic, air quality, noise, or GHG impacts that would result from the transport of students to schools located six or more miles from the Project's residential uses or the environmental impacts that would result from the construction of an additional school nearer the Project site. The additional trips generated by the twice-daily school trips to transport students (not including extracurricular activities or multiple children per household), including the additional VMT, was not accounted for in the project's traffic study, noise study, or air quality study. This represents a flaw in the analysis, and recirculation is required. The Recirculated Draft EIR should include a quantification of the number of students that would be transported to schools that will serve the Project, a breakdown of the percentage that would utilize single-passenger vehicles for these twice-daily trips, the total VMT that would be added to the Project's traffic generation, and the corresponding increases in air pollutants, roadway noise, and GHG emissions. Particularly, the analysis of trip distribution, segment volumes, and intersection volumes in all plus-project traffic analysis scenarios must be revised.

## **11. Alternatives**

**The Draft EIR does not include a range of reasonable alternatives, as required by Section 15126.6 of the CEQA Guidelines.** Alternatives presented in the Draft EIR provide minimal reduction to significant and unavoidable impacts. The Draft EIR must identify methods to reduce significant and unavoidable impacts to less than significant, where feasible, either through mitigation or through reasonable alternatives to the Project. As the Draft EIR does not address the full extent of the Project and

is deficient in terms of establishing the Project Description, Existing Setting, Environmental Impacts, and Mitigation Measures, as previously described, all alternatives must be re-analyzed and revised to address changes to the Draft EIR.

The alternatives analysis in the Draft EIR should provide sufficient detail to allow the Planning Commission and Board of Supervisors to select and approve one of the project alternatives without the need for additional or subsequent CEQA review. The following alternatives would reduce impacts of the Project and would be feasible:

A rural transition alternative that transitions from the Project's suburban development characteristics to rural residential uses along the portions of the Project site that border existing rural areas and rural residential uses and provides a meaningful reduction in units.

An alternative that reduces the Project's impacts to scenic resources, including ridgelines and scenic views of the Project site, impacts to the visual character of the Project site and its surroundings, and impacts to light and glare, biological resources, and hazards, including wildfire risks.

## **12. Summary- Concerns with the project and the Draft EIR**

The Draft EIR prepared for the Village of Marble Valley Specific Plan Draft EIR is inadequate. The Draft EIR does not provide adequate information regarding the environmental setting, the project components, and the impacts anticipated to occur with development of the project.

- The project conflicts with the adopted El Dorado County General Plan.
- The project is inconsistent with the urban/suburban boundaries of the adopted El Dorado County General Plan, including limiting urban/suburban development to the established Community Regions.
- The Project Description is missing details of when and how the project will be implemented, where the emergency vehicle access (EVA) points and routes will be located, and the lack of certainty regarding the project that will be implemented versus what is described in the Draft EIR due to the provision to allow transfer of development rights throughout the non-residential and residential areas of the site, which could exacerbate environmental impacts beyond what is disclosed in the Draft EIR.
- The Project Description does not identify where and how the access points between the project site and roads serving the project will be designed, including design of intersections with existing roads that will provide access to the project site, including the project access point at Bass Lake Road and project access point at Cambridge Road/Flying C Road;
- The Project Description lacks details regarding EVAs, including the location and proposed routes of the five specific emergency vehicle access points identified on page 3.7-23 and provides conflicting information regarding the number of EVAs. The Draft EIR lacks analysis of the EVAs, including any improvements for the EVAs and routes.
- The Project creates the need to use existing roads, such as private road Deer Creek, for emergency exits, while giving no benefit to existing Cameron Estates residents, and creates dangerous evacuations in emergency situations. In this case, many cars unfamiliar with Cameron

Estates would flood the roadways, impacting Cameron Estates residents exiting in evacuation efforts.

- The Draft EIR presents an inaccurate depiction of views of the project site, including views from US 50, Country Club Drive, and nearby uses.
- The Draft EIR does not fully evaluate impacts to scenic resources and the visual quality and character of the site and its surroundings, including changes to public views of the project site.
- The Draft EIR does not address how mitigation measures will reduce impacts and does not provide adequate detail to ensure that mitigation measures are implemented for all phases of the project.
- The Draft EIR lacks analysis of impacts related to increases in nighttime lighting, including the extent to which nighttime lighting will have an effect on surrounding lands and the region, and lacks analysis of how VMVSP policies and mitigation measures will result in a meaningful reduction in the impact.
- The Draft EIR only addresses a limited amount of the special-status birds, wildlife, and other species that are known to occur in the region that may use the project site, lacks identification and analysis of potential wildlife migration corridors on the site, does not address the full extent of protected species that use the site and how impacts will be reduced to raptors, owls, egrets, and wildlife species that likely use the site and are known to occur in broader region, including identification of the wildlife migration corridors present on the project site and how those would be affected.
- The Draft EIR does not identify the full range of toxic air contaminants that may be associated with the project, does not evaluate the health effects of potential exposure to toxic air contaminants, and lacks mitigation to address hazards to the public including exposure to toxic air contaminants and asbestos.
- The Draft EIR does not address the existing wildfire conditions, including location and extent of CalFire-designated fire hazards severity zones, location and extent of wildland urban interfaces, and does not address increased wildfire risks that may occur from construction, operation of residential and nonresidential uses, does not address where EVAs are located and whether they are adequate in the event of a wildfire, and does not address how the project would adversely impact evacuation routes, including increased delays or lack of access to routes due to project traffic, of existing residents in the event of an emergency, including wildfire.
- Unstable ground in the area of the limestone mine (which is now the lake) that was approximately 3 miles long according to a land report from 1950 and 1200 feet deep, and a sink hole located between the mine office and employee living quarters that was 60-80 feet in diameter and about 12 feet deep. These facts came from Cameron Estate resident, Jesse Campbell, at Campbell's Tractor Service, who was hired to clean up the property during the 1970's and 1980's.

We hope that you will consider all of the above issues in your review of the Marble Valley DEIR. Cameron Estates CSD is not against development of the Marble Valley (and Lime Rock) property, but is against the change in the general plan of the area. Our roadways cannot handle the increase of traffic to this extent. Our water resources are extremely limited, and no expansions have been made to the reservoirs to accommodate the large proposed increase of population in the area. There is also an extreme danger of gridlock in the event of fire evacuations. We don't need to become the next Paradise in the

history books. Keeping the Marble Valley (and Lime Rock) projects in the existing residential rural classification of no smaller than 5 acre lot size would be a better fit for the surrounding communities.

Sincerely,

Cameron Estates CSD Board of Directors