TOWN AND COUNTRY VILLAGE EL DORADO PROJECT

Findings of Fact and Statement of Overriding Considerations

August 2025

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1 INTRODUCTION

The County of El Dorado (the "County"), as Lead Agency, has prepared an Environmental Impact Report ("EIR") pursuant to the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code (PRC) Section 21000 *et seq*., for The Town and Country Village El Dorado Project (the "proposed project") (State Clearinghouse No. 2023070297). The EIR consists of the Draft EIR ("Draft EIR" or "DEIR") and the Final EIR ("FEIR" or "Final EIR"). Pursuant to Section 15161 of the CEQA Guidelines, the EIR evaluates the Project Development Area at a project level, and pursuant to Section 15168, buildout of the Program Study Area is evaluated at a program level.

The Town and Country Village El Dorado Project has been considered by the El Dorado County Board of Supervisors, as the decision-making body of the County. The EIR for the project provides a thorough evaluation of significant and potentially significant effects on the environment that would occur as a result of project development.

PRC Section 21081 states the following regarding approval of a project:

> *No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:*
>
> *(a) The public agency makes one or more of the following findings with respect to each significant effect:*
>
> *(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
>
> *(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*
>
> *(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
>
> *(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.*

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Further, the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 also provides that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles established by PRC Section 21002 are implemented, in part, through the requirement of PRC Section 21081 that agencies must adopt findings before approving projects for which an EIR is required. For each significant environmental effect identified in an EIR for a project, the approving agency must make a written finding reaching one or more of three conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The second permissible finding is that such changes or alterations are within

the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (PRC Section 21081[a][1]-[3]; CEQA Guidelines Section 15091[a]). As defined by CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (PRC Section 21061.1; see also CEQA Guidelines Section 15126.6[f][1] [determining the feasibility of alternatives]). The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* [1993] 23 Cal.App.4th 704, 715.) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 410, 417 [*City of Del Mar*]; see also *California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 1001-1002 [*City of Santa Cruz*]).

CEQA requires that the lead agency adopt feasible mitigation measures or feasible alternatives to substantially lessen or avoid significant environmental impacts that would otherwise occur.

With respect to a project for which significant impacts are infeasible to avoid or substantially lessen, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project's benefits outweigh its significant unavoidable adverse environmental effects (PRC Sections 21001, 21002.1[c], 21081[b]).

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR and adopted by the Board of Supervisors, and state the Board of Supervisors' findings on the significance of each impact after imposition of the adopted mitigation measures, accompanied by a brief explanation. Full explanations of these environmental findings and conclusions can be found in the EIR. These findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board of Supervisors ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures.

2 DESCRIPTION OF THE PROJECT

The project site is located in El Dorado County, California, approximately 500 feet north of U.S. Highway 50 (US 50), east of Bass Lake Road. The approximately 60.5-acre site is identified by Assessor's Parcel Numbers (APNs) 119-080-027, -021 and -025.[1] The project site is located in the southern central portion of the Bass Lake Hills Specific Plan (BLHSP); the northern portion of the project site is located within the Community Region of the El Dorado County General Plan, and the southern portion of the site is located within the Rural Region. Surrounding land uses include undeveloped land and rural residences within the BLHSP to the north; rural residences to the west; the El Dorado Hills Fire Department Station 86 to the northwest; undeveloped land and rural residences to the south, across US 50; and undeveloped land to the east, with the Holy Trinity Parish and School located farther east. It should be noted that in recent years, multiple Tentative Subdivision Maps have been approved for properties within the BLHSP, north of the project site, which are undergoing development.

[1] These APNs are the most current and were updated following improvements to Country Club Drive. The Final EIR includes revisions to the text of the Draft EIR to reflect these current APNs. The study area for the EIR remains the same and these updates do not affect the EIR. In addition, the three APNs comprise approximately 57 acres; the rest of the site acreage is comprised of Country Club Drive right-of-way.

The BLHSP designates the project site as Low Density Residential Planned Development with a maximum allowable density of 0.2 dwelling units per acre (du/ac) (L.2-PD) south of Country Club Drive and Low Density Residential Planned Development with a maximum allowable density of 0.7 du/ac (L.7-PD) north of Country Club Drive. The project site is zoned Residential Estate-10 acres (RE-10).

The project site consists of two areas: the Project Development Area consists of the northernmost and southernmost 30.3 acres of the project site, and would be developed with two hotels, retail services, two restaurants, a museum, an event center, associated parking, 56 residential cottages for employee housing, and an additional 56 residential cottages that may be rented on a daily or extended stay basis, which would require a Conditional Use Permit (CUP). The Program Study Area consists of the central and easternmost 30.2 acres of the project site and may include future development of additional hotels, medical facilities, senior housing, townhomes and cottages, and other uses allowed by the proposed zoning districts. For environmental analysis purposes, the buildout of the Project Development Area of the project site is evaluated at a project level. Buildout of the Program Study Area is evaluated at a program level based on the potential allowable uses, building areas, and required parking described in the BLHSP Amendment document. The proposed project would require approval of several discretionary entitlements, listed below.

Project Objectives

The following project objectives have been developed by the project applicant:

1. Create a high-quality mixed-use development that combines commercial and residential facilities in a single project that is consistent with and fulfills many of the goals, objectives, and policies of the El Dorado County General Plan.
2. Emphasize the preservation of open space, existing oak woodland resources, natural topography, intermittent streams, and drainages consistent with the policies of the Bass Lake Hills Specific Plan.
3. Provide on-site public hiking, biking, and equestrian trails complimentary to and connecting the existing and future trail systems within the Bass Lake Hills Specific Plan area.
4. Preserve and protect the remnants and alignment of the historic Lincoln Highway and acknowledge and promote the history of the 1800's Old Wagon trail "The Clarksville Toll Road" as a Class 1 bike path and modern roadway.
5. Provide the opportunity for the development of a range of housing types and densities in proximity to US 50 and other transportation corridors in the area.
6. Develop a mixed-use project that reduces traffic impacts and vehicles miles traveled through the provision of on-site workforce housing for those employed in the proposed project.
7. Provide four and five-star rated lodging and reception facilities, together with related commercial retail uses and restaurants to serve the existing community neighborhoods and the touring public, thereby creating a distinctive destination resort.

Required County Approvals

The proposed project will be considered by the El Dorado County Planning Commission, which will make a recommendation to the Board of Supervisors regarding the Town and Country Village El Dorado Project. If approved, the following actions will be required:

1. A General Plan Amendment (GPA) to modify the existing Community Region Boundary;
2. Revision to the Bass Lake Hills Specific Plan (BLHSP) (SP-R) to establish:
   a. Three (3) new land use designations, including Commercial (C), Multi-Family Residential (MFR), and Open Space (OS);
   b. A Revision to the BLHSP Public Facilities Financing Plan (PFFP);
3. Rezone (Z) from Residential Estate-10 acres (RE-10) to:

   a. Community Commercial (CC), Multi-Unit Residential (RM), and Open Space (OS); and
   b. Add Planned Development (-PD) overlay to the requested rezoned areas;
4. A Planned Development (PD) Permit to:
   a. Establish the proposed uses for the Project Development Area;
   b. Allow the maximum building height increase from 50 feet to 64 feet for the two proposed hotels and event center/museum within the Project Development Area;
5. A Tentative Subdivision Map (TM) to subdivide the project consisting of three (3) existing parcels into 16 lots: Parcels 1 through 5, would be designated for residential development; Parcels 12 through 14, would be developed with commercial uses; the remaining parcels are within the Program Study Area and are not proposed for development at this time; and
6. A Conditional Use Permit (CUP) for authorizing 56 residential units to be used as lodging facilities.

3 PROCEDURAL HISTORY

A Notice of Preparation (NOP) to prepare an EIR for the proposed project was circulated to agencies and the public from July 18, 2023 to August 17, 2023. In addition, pursuant to CEQA Guidelines Section 15082, El Dorado County held two NOP scoping meetings during the 30-day review period; an in-person scoping meeting was held on August 8, 2023 and a virtual scoping meeting was held on August 9, 2023, for the purpose of receiving comments on the scope of the environmental analysis to be prepared for the proposed project.

The County prepared a Draft EIR and released it for public comment on July 26, 2024. Public comments on the Draft EIR were received through a 45-day public review period. Reponses were prepared to all environmental issues raised in public comments. The County published and released the Final EIR along with an associated Notice of Availability (NOA) in August 2025.

The County gave due notice of the public hearing to be held by the Planning Commission to consider and recommend upon the Final EIR for the project, and a public hearing was held before the Planning Commission.

The County gave due notice of the public hearing to be held by the Board of Supervisors to consider and act upon the Final EIR for the project, and a public hearing was held before the Board of Supervisors.

After closing the hearing to public comment, the Board of Supervisors, having considered the Final EIR as prepared for the project (which includes the Draft EIR, dated July 2024, and the Final EIR, dated August 2025), the comments of the public, both oral and written, the Planning Commission's recommendation, and all written materials in the record connected with the Draft and Final EIR, and the project, makes the following findings:

1. The Final EIR has been prepared in accordance with all requirements of State CEQA Guidelines.

2. The Final EIR was presented to and reviewed by the Board of Supervisors. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County. The Board of Supervisors has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.

3. The County finds that the Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice. Thus, the alternatives analysis in the Draft EIR is sufficient to carry out the purposes of such analysis under State CEQA Guidelines.

4. The Board of Supervisors hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA, and as providing an adequate basis for considering and acting upon the project approval and makes the following specific findings with respect thereto.

5. The Board of Supervisors agrees with the characterization of the Draft EIR and Final EIR with respect to those impacts identified as "less-than-significant" and finds that those impacts have been described accurately and are less-than-significant as so described in the Draft EIR and Final EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced by mitigation measures to a level characterized in the Draft EIR and Final EIR as less-than-significant. Each of those impacts, and the mitigation measures adopted to reduce them, are addressed specifically by the findings below.

6. All mitigation measures proposed in the Draft EIR and Final EIR are adopted and incorporated into the project.

7. The Mitigation Monitoring and Reporting Program (MMRP) will apply to all mitigation measures adopted with respect to the project pursuant to all of the project approvals, and will be implemented.

8. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Draft EIR and Final EIR for a more complete description.

9. The Planning & Building Department is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with PRC Section 21152(a) and CEQA Guidelines Section 15094.

4 GENERAL FINDINGS AND DESIGNATION OF RECORD

The County has reviewed the Final EIR, consisting of the Draft EIR, Responses to Comments on the Draft EIR, Revisions to the Draft EIR Text, and the MMRP. The County has also considered the public record on the project, including all oral and written comments received. In addition to this Statement of Findings, the public record for the project additionally includes the following elements, as well as the mandatory elements of a record set forth in PRC Section 21167.7, subdivision (e):

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104. Youngdahl Consulting Group, Inc. *Phase I Environmental Site Assessment, The Town And Country Village El Dorado County APNs 119-080-012, -021, & -023 El Dorado Hills, California.* August 2022.
105. Youngdahl Consulting Group, Inc. *Preliminary Geotechnical Engineering Study for the Town and Country Village.* February 9, 2023.
106. Youngdahl Consulting Group, Inc. *Town and Country Village, El Dorado, Preliminary Onsite Wastewater Treatment Feasibility Study.* December 30, 2021.
107. Youngdahl Consulting Group, Inc. *Town and Country Village, El Dorado, Preliminary Onsite Wastewater Percolation and Mantle Testing.* June 30, 2022.
108. Zanjero. *SB 610 Water Supply Assessment for Town and Country Village El Dorado.* Adopted October 10, 2023.

The Board of Supervisors has relied on all of the documents listed above in reaching its decision on the project, even if not every document was formally presented to the Board of Supervisors or County staff as part of the County files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. A number of them reflect prior planning or legislative decisions with which the Board of Supervisors was aware when it approved the proposed project. (See *City of Santa Cruz v. Local Agency Formation Commission* [1978] 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel*

Administration [1988] 205 Cal.App.3d 729, 738, fn. 6.). The remainder of the documents influenced the expert advice provided to County staff or consultants, including the EIR preparer, who then provided advice to the Board of Supervisors. For that reason, such documents form part of the underlying factual basis for the Board of Supervisors' decisions relating to the approval of the project. (See PRC Section 21167.6, subdivision [e][10]; *Browning-Ferris Industries v. City Council of City of San Jose* [1986] 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* [1995] 33 Cal.App.4th 144, 153, 155.)

After reviewing the public record, the County hereby makes the following findings regarding the significant effects of the project, pursuant to PRC Section 21081 and Section 15091 of the State CEQA Guidelines.

A. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

The County agrees with the characterization in the EIR with respect to all environmental effects initially identified to have a "less-than-significant" impact or "no impact" and finds that those have been described accurately in the EIR.

The finding of a "no impact," "less than significant," or "less than cumulatively considerable" impact applies to the following in the EIR:

4.1-1 Have a substantial adverse effect on a scenic vista.

4.1-2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

4.1-4 Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.1-6 Creation of new sources of light or glare associated with development of the proposed project in combination with future development of the El Dorado County General Plan.

4.2-1 Conflict with or obstruct implementation of the applicable air quality plan during project construction.

4.2-2 Conflict with or obstruct implementation of the applicable air quality plan during project operation. (Project Development Area Only)

4.2-4 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

4.2-5 Result in the inefficient or wasteful use of energy, or conflict with a State or local plan for renewable energy or energy efficiency.

4.2-6 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). (Project Development Area Only)

4.2-8 Result in a cumulatively considerable inefficient or wasteful use of energy or conflict with a State or local plan for renewable energy or energy efficiency.

4.3-3 Impacts to vernal pool fairy shrimp either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications. (Program Study Area Only)

4.3-9 Impacts to Northern California ringtail either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications. (Program Study Area Only)

4.3-12 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

4.3-13 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Program Study Area Only)

4.4-5 Cause a cumulative loss of cultural resources.

4.5-1 Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction, and landslides.

4.5-4 Have soils incapable of supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

4.5-5 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

4.5-6 Cumulative increase in the potential for geological related impacts and hazards.

4.6-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

4.6-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

4.6-4 Cumulative exposure to potential hazards and increases in the transport, storage, and use of hazardous materials.

4.7-3 Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.7-5 Cumulative impacts related to the violation of water quality standards or waste discharge requirements, and impacts resulting from the alteration of existing drainage patterns.

4.8-1 Physically divide an established community.

4.8-2 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.

4.8-3 Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure).

4.8-4 Cause a significant cumulative 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.

4.8-5 Cumulative unplanned population growth.

4.9-1 Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

4.9-4 Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

4.9-5 Generation of a substantial permanent increase in ambient noise levels associated with cumulative development of the proposed project in combination with future buildout within El Dorado County.

4.10-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.

4.10-2 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for sheriff protection services.

4.10-3 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or performance objectives for schools.

4.10-4 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or performance objectives for parks; increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would

occur or be accelerated, or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.10-5 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or performance objectives for other public facilities.

4.10-6 Cumulative impacts to public services.

4.11-2 Conflict with a program, plan, ordinance, or policy, except LOS, addressing the circulation system, including transit, roadway bicycle, and pedestrian facilities, during operations.

4.11-3 Conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Project Development Area Only)

4.11-4 Substantially increase hazards to vehicle safety due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

4.11-5 Result in inadequate emergency access.

4.11-6 Cumulatively conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Project Development Area Only)

4.12-2 Cause a cumulative loss of tribal cultural resources.

4.13-1 Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

4.13-2 Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single dry, and multiple dry years.

4.13-3 Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

4.13-4 Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, or conflict with federal, State, and local management and reduction statutes and regulations related to solid waste.

4.13-5 Increase in demand for utilities and service systems associated with the proposed project, in combination with future buildout of the El Dorado County General Plan.

4.14-1 Substantially impair an adopted emergency response plan or emergency evacuation plan.

4.14-3 Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

4.14-4 Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

4.14-5 Increase in wildfire risk attributable to the proposed project, in combination with cumulative development.

B. POTENTIALLY SIGNIFICANT IMPACTS REDUCED TO LESS THAN SIGNIFICANT THROUGH MITIGATION MEASURES

The EIR identifies the potentially significant impacts associated with the proposed project that can be reduced to a less-than-significant level by mitigation measures identified in the EIR. The County's conclusions with respect to each of the proposed project's potentially significant and potentially cumulatively considerable impacts and applicable mitigation measures are set forth in the EIR, which analysis is incorporated herein by this reference and summarized below.

4.1 AIR QUALITY, GREENHOUSE GAS EMISSIONS, AND ENERGY

SIGNIFICANT EFFECT: EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS. (IMPACT 4.2-3)

Finding

Although project buildout would lead to an increase in production of carbon monoxide (CO) and Toxic Air Contaminants (TACs). The proposed project is not anticipated to expose sensitive receptors to substantial concentrations of CO. However, Naturally Occurring Asbestos (NOA) has the potential to be present on-site, and construction activities could result in the exposure of construction workers to substantial concentrations of NOA. Thus, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to exposure of sensitive receptors to substantial pollutant concentrations.

Project Development Area and Project Buildout

4.2-3 *Prior to the approval of improvement plans, a qualified geologist or geotechnical engineer shall be retained to conduct additional geologic evaluations of the portion of the site located within an El Dorado County review area for NOA to determine the presence or absence of naturally occurring asbestos. In the event that naturally occurring asbestos is located on-site, an Asbestos Dust Mitigation Plan shall be prepared and submitted to the EDCAQMD and the El Dorado County Planning and Building Department for review and approval. The Asbestos Dust Mitigation Plan shall comply with the El Dorado County Code Section 8.44.030(B), which provides performance standards for ensuring that adverse impacts do not result from asbestos dust during construction. The plan shall address compliance with EDCAQMD Rule 223-2, Fugitive Dust – Asbestos Hazard Mitigation, and the CARB's Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations*

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.2-3 (Expose sensitive receptors to substantial pollutant concentrations) to a *less-than-significant* level by requiring a geologic evaluation of the portion of the site located in the NOA review zone to determine the presence or absence of NOA, and to comply with all applicable regulations if NOA is found on-site. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.2 BIOLOGICAL RESOURCES

SIGNIFICANT EFFECT: IMPACTS TO SPECIAL-STATUS PLANT SPECIES EITHER DIRECTLY (E.G., THREATEN TO ELIMINATE A PLANT COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS. (IMPACT 4.3-1)

Finding

The project site contains suitable habitat for special-status plant species including big-scale balsamroot, spicate rosinweed, Red Hills soaproot, dwarf downingia, Tuolumne button-celery, and Sanford's arrowhead. Thus, without additional field surveys, the proposed project could have substantial adverse effect, either directly or through habitat

modifications, on a plant species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS), and, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to special-status plant species.

Project Development Area and Project Buildout

4.3-1 *If construction has not commenced prior to the first day of spring 2026, a new round of special-status plant surveys shall be conducted in on- and off-site areas proposed for disturbance, prior to the commencement of construction according to the following requirements:*

Before implementation of project construction activities and during the blooming period for the special-status plant species with potential to occur on the project site, a qualified botanist shall conduct protocol-level surveys for special-status plants in the off-site improvement areas and shall resurvey the main project site following survey methods from CDFW's Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities (CDFW 2018 or most recent version). The qualified botanist shall (1) be knowledgeable about plant taxonomy; (2) be familiar with plants of the El Dorado County foothills region, including special-status plants and sensitive natural communities; (3) have experience conducting floristic botanical field surveys as described in CDFW's protocol document; (4) be familiar with the California Manual of Vegetation (Sawyer et al. 2009 or current version, including updated natural communities data at http://vegetation.cnps.org/); and (5) be familiar with federal and State statutes and regulations related to plants and plant collecting.

The surveys shall be conducted in accordance with the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants, the CNPS Botanical Survey Guidelines of the California Native Plant Society, and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The survey results shall be submitted to the El Dorado County Planning and Building Department prior to the commencement of construction activities. If special-status plant species are not found, further mitigation shall not be required.

If special-status plants are found during special-status plant surveys and cannot be avoided, the applicant and a qualified botanist shall, in coordination/consultation with CDFW or USFWS, as appropriate depending on species status, develop and implement a site-specific mitigation strategy to compensate for loss of occupied habitat or individuals according to CDFW and USFWS guidelines.

Mitigation measures shall include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to offset loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within or outside the project site. Habitat and individual plants lost shall be mitigated at a minimum 1:1 ratio, considering acreage as well as function and value. The following success criteria shall be used for preserved and compensatory populations:

- *The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than that in the affected occupied habitat.*
- *Compensatory and preserved populations shall be self-producing. Populations would be considered self-producing when:*
  - *plants reestablish annually for a minimum of 5 years with no human intervention, such as supplemental seeding; and*
  - *reestablished and preserved habitats contain an occupied area and flower density comparable to those in the existing occupied habitat areas in similar habitat types in the project vicinity.*

- *If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including designating responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria, including at a minimum, those listed above and other details, as determined appropriate by a qualified biologist to target the preservation of long-term viable populations.*

Documentation of the completion of the mitigation strategy and coordination/consultation process with CDFW or USFWS shall be provided to El Dorado County before commencement of any project construction activities.

If plants listed under the Federal Endangered Species Act or the California Endangered Species Act are located within the project impact area and those plants cannot be avoided, the project proponent shall coordinate with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) (as appropriate) for issuance of an Incidental Take Permit (ITP) and shall implement similar mitigation measures as outline above and ultimately approved by the appropriate agency.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-1 (Impacts to special-status plant species either directly or through substantial habitat modifications) to a *less-than-significant* level by requiring a survey for special-status plant species and appropriate measures for the protection of special-status plant species if they are found on-site. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: IMPACTS TO CROTCH'S BUMBLE BEE EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS. (IMPACT 4.3-2)

Finding

The annual brome grasslands within the study area represents suitable habitat for Crotch's bumble bee. Development of the proposed project would result in the permanent removal of annual brome grasslands, and although the habitat available on-site is only marginally suitable, the Biological Resources Assessment (BRA) prepared for the proposed project concluded that removal of such habitat could result in a substantial adverse effect to Crotch's bumble bee. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on a wildlife species (Crotch's bumble bee) identified as a candidate, sensitive, or

special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Thus, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to Crotch's bumble bee.

Project Development Area and Project Buildout

4.3-2 *If, at the time of project implementation, Crotch's bumble bee is not designated as a California Endangered Species Act (CESA) candidate or CESA listed, mitigation is not required. However, if the species is a CESA candidate or CESA listed or is otherwise considered to be a special-status species, the following mitigation shall be required.*

If feasible, initial ground-disturbing activities associated with development of the project site (e.g., grading, vegetation removal, staging) shall take place between September 1 and March 31 (i.e., outside the colony active period) to avoid potential impacts on Crotch bumble bee. Regardless of the feasibility of the above limited operating period, a qualified biologist familiar with bumble bees of California and experienced using survey methods for bumble bees (qualified biologist) shall conduct a habitat assessment and focused survey for Crotch's bumble bee prior to the commencement of any ground-disturbing activities. Surveys shall be performed when Crotch's bumble bee is most likely to be identified, typically from April through August (i.e., the colony active period) when floral resources and ideal weather conditions are present, and shall follow the methods in Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). Surveys shall be conducted during the colony active period closest to the start of planned construction activities. Survey results shall be submitted to the applicant and El Dorado County Planning and Building Department a minimum of seven days before construction begins.

The survey shall occur during the period from one hour after sunrise to two hours before sunset, with temperatures between 65 degrees Fahrenheit and 90 degrees Fahrenheit, with low wind and zero rain. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying qualified biologist shall select the most appropriate days based on the National Weather Service seven-day forecast and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present within the area proposed for impact, and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources.

Suitable floral resources for Crotch bumble bee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae.

At a minimum, preconstruction survey methods shall include the following:

- *Search areas with floral resources for foraging bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumble bees are present;*

- *If bumble bees are observed, watch any bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest;*
- *Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat;*
- *If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of a minimum of four inches to assist with locating the nest;*
- *Look for concentrated bumble bee activity;*
- *Listen for the humming of a nest colony; and*
- *If bumble bees are observed, attempt to photograph the individual and identify it to species.*

The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed bumble bee activity, a list of bumble bee species observed, a description of any vegetation removed to facilitate the survey, and their determination of if survey observations suggest a Crotch's bumble bee nest(s) may be present or if construction activities could result in take of Crotch bumble bees. The survey report shall be submitted to the El Dorado County Planning and Building Department prior to the commencement of construction activities.

The applicant shall submit a survey report to CDFW within 1 month of survey completion and shall notify CDFW and El Dorado County within 24 hours if Crotch's bumble bees are detected.

If bumble bees are not located during the preconstruction survey or the bumble bees located are definitively identified as a common species (i.e., not special-status species), then further mitigation or coordination with the California Department of Fish and Wildlife (CDFW) is not required.

If Crotch's bumble bees are detected during the focused survey, appropriate avoidance measures shall be implemented. Avoidance measures shall include, but not be limited to, the following:

- *Protective buffers shall be implemented around active nesting colonies or overwintering queens until the identified sites are no longer active. A qualified biologist, in coordination with CDFW, shall determine the appropriate buffer size to protect nesting colonies or overwintering queens; however, the buffer shall be a minimum of 50 feet.*

If any sign(s) of a bumble bee nest is observed, and if the species present cannot be established as a common bumble bee, then construction shall not commence until either (1) the bumble bees present are positively identified as common (i.e., not a special-status species), or (2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include, but not be limited to, waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit (ITP) from CDFW.

If Crotch's bumble bees are located, and after coordination with CDFW take of Crotch's bumble bees cannot be avoided, the project applicant shall obtain an ITP from CDFW, and the applicant shall implement all conditions identified in the ITP. Mitigation required by

the ITP may include, but not be limited to, the project applicant translocating nesting substrate in accordance with the latest scientific research to another suitable location (i.e., a location that supports similar or better floral resources as the impact area), enhancing floral resources on areas of the project site that will remain appropriate habitat, worker awareness training, and/or other measures specified by CDFW.

Documentation of compliance with the foregoing measures and any required coordination with CDFW or acquisition of an ITP shall be provided to the El Dorado County Planning and Building Department prior to commencement of any project construction activities.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-2 (Impacts to Crotch's bumble bee either directly [e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community] or through substantial habitat modifications) to a *less-than-significant* level by requiring surveys for Crotch's bumble bee and appropriate mitigation measures for the protection of Crotch's bumble bee if they are found on-site. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: IMPACTS TO VERNAL POOL FAIRY SHRIMP EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS. (IMPACT 4.3-3) (PROJECT DEVELOPMENT AREA AND SEWER ALTERNATIVE 2)

Finding

The Project Development Area portion of the project site and Sewer Alternative 2 contain one depressional seasonal wetland comprising approximately between 0.006 and 0.013-acre of suitable habitat for vernal pool fairy shrimp that would be permanently impacted by the proposed project. Therefore, the proposed project could have a substantial adverse effect on vernal pool fairy shrimp, resulting in a ***significant*** impact.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to vernal pool fairy shrimp.

Project Development Area (and Sewer Alternative 2)

4.3-3 *If potential habitat for vernal pool fairy shrimp is identified within areas proposed for improvements, the project applicant shall redesign or modify project components to avoid the identified habitat to the maximum extent feasible. If avoidance of the identified habitat is not feasible, the project applicant shall either retain a USFWS-permitted biologist to conduct protocol-level branchiopod surveys to determine presence/absence of vernal pool fairy shrimp or the project applicant shall assume presence of the species. If the project applicant chooses to conduct the protocol level surveys, the project applicant shall employ a qualified biologist who is authorized by USFWS to conduct vernal pool branchiopod surveys (qualified biologist) to conduct surveys for vernal pool fairy shrimp prior to initiation of any ground disturbance activities within the Project Development Area and/or Sewer Alternative 2. Any such surveys shall be conducted in accordance with the Survey Guidelines for the Listed Large Branchiopods (USFWS 2017). Survey results shall be*

provided to the El Dorado County Planning and Building Department within 90 days of completion of all surveys.

If the presence of vernal pool fairy shrimp is confirmed or inferred for the proposed project, and the habitat they inhabit will be impacted by the project, Endangered Species Act (ESA) consultation with USFWS shall be required to address impacts on the species before any ground-disturbing activities occurs within the occupied habitat. Documentation of the completion of ESA consultation shall be provided to the El Dorado County Planning and Building Department prior to the issuance of the grading permit.

In addition, if the presence of vernal pool fairy shrimp is confirmed or inferred for the proposed project, the project applicant shall compensate for direct and indirect effects on occupied or presumed occupied habitat for vernal pool fairy shrimp by purchasing the appropriate mitigation credits from a USFWS-approved conservation property/mitigation bank. Minimum mitigation ratios shall be 2:1 preservation, for direct effects, and 1:1 preservation for indirect effects (within 250 feet of ground disturbance) or as determined by USFWS during ESA consultation.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-3 (Impacts to vernal pool fairy shrimp either directly [e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community] or through substantial habitat modifications or substantial reduction in the number or range of the species) to a *less-than-significant* level by requiring surveys for vernal pool fairy shrimp and appropriate mitigation measures for vernal pool fairy shrimp if they are found on-site. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: IMPACTS TO MONARCH BUTTERFLY EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS. (IMPACT 4.3-4)

Finding

The project site consists of annual brome grassland which is home to milkweed plants that offer suitable habitat to monarch butterfly. The BRA concluded that removal of the on-site milkweed could result in substantial adverse effects to monarch butterfly. It is noted that although a federal determination dated December 17, 2020 determined that monarch butterfly warranted listing as an endangered or threatened species under the FESA, the listing was precluded by higher priority listing actions. Although a decision on the listing has not yet been published, a decision could be published by the time that construction begins on the proposed project, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to monarch butterfly.

Project Development Area and Project Buildout

4.3-4 *If, at the time of project implementation, monarch butterfly is not designated as a federal Endangered Species Act (FESA) candidate or FESA listed, mitigation is not required.*

However, if the species is a FESA candidate or FESA listed or is otherwise considered to be a special-status species, the following mitigation shall be required.

If ground disturbance occurs within annual brome grassland in on- and off-site improvement areas during the time when milkweed plants may host monarch eggs or caterpillars (approximately mid-March through late September), a pre-construction survey shall be conducted by a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site (qualified biologist) no earlier than 15 days prior to construction within the proposed impact area and a 50-foot buffer in accessible areas. The biologist shall comprehensively search the survey area for milkweed plants, and all milkweed plants found shall be surveyed for monarch eggs, larvae (i.e., caterpillars), and chrysalises. Additionally, other plants immediately adjacent to milkweed plants shall also be searched for chrysalises. If eggs, caterpillars, or chrysalises are not detected, additional mitigation measures are not necessary. Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys.

If eggs, caterpillars or chrysalises are found, the plants shall be avoided with a 50-foot buffer until metamorphosis is completed and adult butterflies emerge and voluntarily leave the host plant.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-4 (Impacts to monarch butterfly either directly [e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community] or through substantial habitat modifications) to a *less-than-significant* level by requiring that if during project implementation monarch butterfly is designated as a FESA candidate or FESA listed, a preconstruction survey shall be conducted to find and assess all milkweed plants within a 50-foot buffer for chrysalises. If eggs, caterpillars, or chrysalises are found the plants shall be avoided with a 50-foot buffer until metamorphosis is completed and adult butterflies emerge and voluntarily leave. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: IMPACTS TO FOOTHILL YELLOW-LEGGED FROG EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS. (IMPACT 4.3-5) (OFF-SITE SEWER PIPE ALIGNMENTS ONLY)

Finding

Although the majority of the Project Development Area does not contain suitable habitat for FYLF, the BRA determined that Carson Creek in the western portion of the off-site sewer alternative represents suitable habitat for the species. The proposed project would not disturb the creek itself. However, individual frogs could be killed if they are present in the construction area adjacent to Carson Creek. Therefore, the proposed project could substantially adversely affect FYLF if the off-site sewer alternative is implemented, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to foothill yellow-legged frog.

Off-Site Sewer Pipe Alignments Only

4.3-5 Prior to initiation of ground disturbance activities within 100 feet of Carson Creek, associated with the off-site sewer pipe, the following measures shall be taken to mitigate potential impacts to foothill yellow-legged frog (FYLF):

- *As part of the Clean Water Act (CWA) Section 404 USACE permitting for the project, the USACE will conduct formal Endangered Species Act consultation with the USFWS on potential impacts to federally-listed species or species that are proposed for listing; this may include FYLF.*[2] *If the USACE consults with USFWS on FYLF, the project applicant shall prepare a Biological Assessment, which will include details on potential impacts and mitigation for FYLF, to be submitted to the USACE and the USFWS.*
- *If take of FYLF is determined to be likely, the project applicant shall submit an application for an CDFW Code Section 2081 Incidental Take Permit.*
- *To determine the presence or absence of FYLF within Carson Creek, protocol FYLF surveys shall be conducted by a qualified biologist. To increase the likelihood of detection, surveys shall include at least one visual encounter survey (VES) during the breeding and/or oviposition period (generally April through June), a tadpole survey four to eight weeks after the breeding survey(s), and a subadult survey in late summer/early fall (generally late August through early October). The survey shall be conducted in accordance with the Peek et al (2017) Visual encounter survey protocol for Rana boylii in lotic environments and CDFW's Considerations for Conserving the Foothill Yellow-Legged Frog.*
- *Regardless of whether FYLF are detected during the bioassessment surveys, the project applicant shall develop a Pre-Construction Survey Plan for FYLF and submit it to the USFWS and CDFW for review at least 30 calendar days prior to commencing ground-disturbing or in-water work activities within 500 feet upstream and downstream of the construction area (if permitted by adjacent land owners). The Pre-Construction Survey Plan shall include what life-stage(s) shall be surveyed for, survey method(s), and timing of survey(s). The Pre-Construction Survey Plan shall also provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snow pack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions). For sites with suitable breeding habitat, egg mass/larval surveys shall be conducted to support a negative finding*
- *Within three to five days prior to entering or working within 100 feet of Carson Creek, a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site shall perform a pre-construction survey, as specified in the Pre-Construction Survey Plan, within the 500-foot upstream and downstream buffer zone to the construction area (if permitted by adjacent land owners). The survey shall include a description of any standing or flowing water. The project applicant shall provide Pre-Construction Survey results, notes, and observations to CDFW prior to commencing ground disturbing and in-water activities.*
- *If the qualified biologist encounters any life stages of FYLF during pre-construction surveys, ground-disturbing or in-water activities shall be suspended at the project site, and CDFW shall be notified within 24 hours. Work shall not re-*

[2] The USACE may choose not to consult with USFWS on FYLF as direct impacts to USACE jurisdictional FYLF habitat are not proposed; impacts would only be indirect.

initiate in the project site until the project applicant demonstrates compliance with CESA.

- *If it is determined that take of FYLF is likely to occur, the project applicant shall abide by mitigation measures developed during the course of the Endangered Species Act consultation with the USFWS and CDFW. These mitigation measures could include, but are not limited to, seasonal work restrictions for initial ground disturbance, pre-construction surveys by a qualified biologist, the installation of wildlife exclusion fencing, biological monitoring, and worker environmental awareness training. A qualified biologist is defined as a person who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site. If it is determined that take of FYLF is likely to occur, additional measures could include preservation, restoration, or enhancement of habitat on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to USFWS and CDFW.*

  The mitigation measures listed below may be implemented if take of FYLF is likely to occur. The mitigation measures listed below may differ from mitigation measures included in a USFWS Biological Opinion or a CDFW Incidental Take Permit. If that occurs, the measures in the USFWS Biological Opinion and CDFW Incidental Take Permit take precedence.

  - *The project proponent shall develop a Pre-Construction Survey Plan for FYLF and submit it to the USFWS and CDFW for approval prior to ground-disturbing activities with 100 feet of Carson Creek. The Plan shall include what life-stage(s) shall be surveyed for, survey method(s), and timing of survey(s). The Plan shall provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snow pack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions). For sites with suitable breeding habitat, two consecutive seasons of negative egg mass/larval surveys are recommended to support a negative finding.*
  - *Within 3-5 days prior to entering or working within a 100-feet of Carson Creek, a USFWS and CDFW-approved biologist shall perform a pre-construction survey, as specified in the Pre-Construction Survey Plan, within 500-foot buffer zone upstream and downstream of the construction area (if permitted by adjacent landowners). The survey shall include a description of any standing or flowing water. Permittee shall provide Pre-Construction Survey notes and observations to the USFWS and CDFW prior to commencing Covered Activities.*
  - *The project proponent shall develop a Relocation Plan for FYLF and submit it to the USFWS and CDFW for approval prior to ground-disturbing activities within 100 feet of Carson Creek. The Relocation Plan shall include what life stage(s) will be relocated (e.g., adults or egg masses) and specific protocols for each life stage. The Relocation Plan shall quantify the amount, location, and quality of suitable receiving habitat (e.g., breeding and dispersal habitat). The Relocation Plan shall include capture and handling methods specific to each life stage. Relocation shall not occur without first obtaining the proper permits from USFWS and CDFW, and all relocation shall be conducted by a qualified biologist*

- *The project proponent shall ensure that Covered Activities, involving construction and heavy equipment use (such as excavation, grading, and contouring), that are conducted in streams, ponds, and riparian areas are limited to the period from May 1 to October 15 of each year (Dry Season). Any work outside of the Dry Season shall be subject to approval of the USFWS and CDFW.*
- *Prior to the start of construction within 100 feet of Carson Creek, high visibility orange fencing shall be installed around approved work areas. The fencing shall remain in place while construction activities are ongoing and shall be regularly inspected and fully maintained at all times.*
- *The project proponent shall develop a Water Diversion Plan for FYLF and submit it to CDFW for approval prior to any in-stream activities. The Water Diversion Plan shall contain detailed descriptions of the water intake screening (e.g., screen material, size, cleaning method, etc.), the duration of the water diversion, how the project proponent will ensure that aquatic life will be maintained or relocated from the dewatered area, diversion materials (unacceptable materials that are deleterious to fish and wildlife include particle board, plastic sheeting, bentonite, pressure-treated lumber, creosote, concrete, or asphalt), and monitoring methods for the diversion.*

- *If it is determined that take of FLYF is unlikely to occur, the Applicant shall conduct a pre-construction Visual Encounter Survey (VES) survey for the species within 15 days prior to initiation of ground disturbance within 100 feet of Carson Creek. The survey shall be conducted in accordance with the Peek et al (2017) Visual encounter survey protocol for Rana boylii in lotic environments and CDFW's Considerations for Conserving the Foothill Yellow-Legged Frog, but only implement the life-stage survey(s) that are appropriate for the time of year of the survey (which will be based on when construction commences). If survey results are negative, then no further mitigation will be required. If FYLF are found during the survey, then take should be considered likely to occur, and consultation with USFWS and CDFW as outlined above shall occur. Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys.*

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-5 (Impacts to FYLF either directly [e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community] or through substantial habitat modifications) to a *less-than-significant* level by requiring preconstruction surveys to determine if FYLF is present on-site and requires appropriate actions should any FYLF be found during the surveys. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: IMPACTS TO NORTHWESTERN POND TURTLE EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS. (IMPACT 4.3-6) (OFF-SITE SEWER PIPE ALIGNMENTS ONLY)

Finding

The portion of the off-site sewer alternative footprint that contains Carson Creek, as well as the associated oak woodlands and arroyo riparian scrub, provide potential aquatic and movement habitat for northwestern pond turtles.

If the off-site sewer alternative is implemented, approximately 0.020-acre of suitable aquatic habitat would be temporarily disturbed. In addition, approximately 0.13-acre of movement habitat would be permanently impacted and approximately 0.15-acre would be temporarily disturbed. In the event that northwestern pond turtles or their nests are present in such areas during construction activities, individual turtles could be injured, killed, or nests could be destroyed. Thus, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to northwestern pond turtle.

Off-Site Sewer Pipe Alignments

4.3-6 *Prior to ground-disturbing activities near Carson Creek, a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site (qualified biologist) shall survey the project site where suitable habitat (including nest sites) occurs for northwestern pond turtle. Surveys shall be performed within 30 days prior to starting project activities and shall be conducted within a minimum of 500 feet upstream and downstream of the proposed activity where accessible. If detected during surveys, a site-specific avoidance, minimization, and/or relocation plan shall be prepared and implemented by a qualified biologist with proper handling permits. The plan shall include daily construction monitoring. The plan shall be submitted to CDFW.*

Another northwestern pond turtle survey shall be conducted no more than 48 hours prior to construction where construction activities overlap with suitable aquatic habitat (i.e., Carson Creek), and where construction will occur in arroyo willow riparian scrub or oak woodlands within 150 feet of these aquatic resources. If northwestern pond turtles or nests are not found, further mitigation is not required. Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys.

If a northwestern pond turtle is observed within the proposed impact area, work shall be suspended in a 100-foot radius of the animal until the animal leaves the project site on its own volition. If necessary, a qualified biologist shall notify CDFW to determine the appropriate procedures related to relocation, which shall include, but not be limited to, obtaining a valid and applicable CDFW Scientific Collecting Permit. Any worker who inadvertently injures or kills a northwestern pond turtle or who finds a northwestern pond turtle dead, injured, or entrapped must immediately report the incident to the applicant, who must then immediately notify CDFW. Entrapped northwestern pond turtles shall be relocated by a qualified biologist with a valid and applicable CDFW Scientific Collecting Permit if approved by CDFW If a northwestern pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings shall occur as stipulated above, if necessary.

If, as part of the CWA Section 404 USACE permitting for the project, the USACE determines that formal Endangered Species Act (ESA) consultation with the USFWS is needed, the project proponent shall abide by the mitigation measures developed during the course of the ESA consultation, which shall supersede these measures. These mitigation measures could include, but are not limited to, seasonal work restrictions for initial ground

disturbance, dewatering protocols, pre-construction surveys by a qualified biologist, the installation of wildlife exclusion fencing, turtle relocation, nest avoidance, biological monitoring, and worker environmental awareness training. Additional measures could include preservation, restoration, or enhancement of habitat on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to USFWS.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-6 (Impacts to northwestern pond turtle either directly [e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community] or through substantial habitat modifications) to a *less-than-significant* level by requiring a northwestern pond turtle survey be conducted no more than 48 hours prior to construction and implement all appropriate actions. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: IMPACTS TO NESTING BIRDS AND RAPTORS PROTECTED UNDER THE MBTA AND CFGC EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS. (IMPACT 4.3-7)

Finding

The BRA determined that the study area provides suitable nesting habitat to accommodate nesting songbirds and raptors protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC); such species include, but are not limited to, golden eagle, bald eagle, yellow-breasted chat, and loggerhead shrike. The BRA also found that the study area is on the edge of the elevational range for burrowing owls. If nesting songbirds and raptors protected under the MBTA and CFGC were nesting on-site and/or within the off-site improvement areas, removal of the nest could impact individuals of the species. Furthermore, birds nesting in avoided areas adjacent to construction could be disturbed by construction, which could result in nest abandonment. In addition, ground disturbance could impact burrowing owls. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on nesting birds or raptors identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to nesting birds and raptors.

Project Development Area and Project Buildout

4.3-7 *To minimize the potential for loss of special-status bird species, raptors, and other native birds, project activities (e.g., tree removal, vegetation clearing, ground disturbance, staging, construction of off-site improvements) shall be conducted during the non-breeding season (approximately September 1 through January 31, as determined by a qualified biologist who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources at the project site (qualified biologist).*

The project proponent shall implement the following:

- *If ground disturbance or other construction activities are proposed during the bird nesting season (February 1 – August 31), a focused survey for nesting raptors and migratory bird nests shall be conducted by a qualified biologist within 15 calendar days prior to the beginning of construction activities in order to identify active nests. This survey shall be conducted within the proposed construction area and all accessible areas within the following buffer areas:*
    - *0.5-mile for bald eagle and golden eagle;*
    - *0.25-mile for tree-nesting raptors; and*
    - *500 feet for all other species.*

- *If active raptor nests are found, construction activities shall not take place within 0.25-mile for golden eagle or within 500 feet of other raptor nest(s) until the young have fledged. If active songbird nests are found, a 100-foot no-disturbance buffer shall be established. Daily monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest as determined by the qualified biologist or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist. Documentation of compliance with the foregoing requirements and of any required coordination with CDFW shall be provided to El Dorado County Planning and Building Department prior to commencement of any project construction activities.*
- *The limit of work shall be indicated by bright orange temporary fencing or other similar highly-visible marker. Construction activities or personnel shall not cross the fencing, except with approval of a qualified biologist. If trees containing nests or burrows must be removed as a result of project implementation, removal shall be completed during the nonbreeding season (September 1 through January 31) if possible, or after a qualified biologist determines that the young have fledged (during the breeding season).*
- *If any special-status species are encountered during project activities and the individual may be harmed, or they do not leave the Project site independently within 2 hours, work will be suspended, CDFW notified, and conservation measures will be developed in agreement with CDFW according to CDFW protocols prior to re-initiating the activity. Conversely, if during project activities, any species listed pursuant to the CESA are encountered, work shall be suspended, and CDFW notified. Work may not re-initiate until the Project proponent has consulted with CDFW and can demonstrate compliance with CESA.*
- *If active nests are not found during the required pre-construction surveys, further mitigation shall not be required.*
- *Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys. Surveys shall be repeated if there is a break of construction of more than 14 days during the nesting season.*

Burrowing Owl

- *Burrowing owl pre-construction surveys of suitable habitat shall be conducted by a qualified biologist within 14 days prior to the beginning of any ground disturbing activities on and within 500 feet of the project site and off-site improvements using survey methods consistent with the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). Inaccessible areas (e.g., adjacent private property) shall not be surveyed directly, but the qualified biologist may use binoculars or a spotting scope to survey the inaccessible areas.*

If occupied burrows are not found, the qualified biologist shall submit a report documenting the survey methods and results to the project proponent and to the El Dorado County Planning and Building Department, and further mitigation shall not be required.

If an active burrow is found within 500 feet of pending construction activities, the project proponent shall establish and maintain a minimum buffer of 164 feet around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the CDFW Staff Report on Burrowing owl Mitigation, and may be as large as 1,640 feet (CDFW 2012). The protection buffer may be adjusted if, in coordination with CDFW, a qualified biologist determines that an alternative buffer would not disturb a burrowing owl from use of the burrow because of particular site features or other buffering measures. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, and the burrowing owl does not depart independently within a few days, a burrowing owl exclusion plan shall be developed as described in Appendix E of the CDFW Staff Report. Burrowing owls shall not be excluded from occupied burrows until the burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a compensatory habitat mitigation plan (see below).

If burrowing owls are evicted from burrows and the burrows are destroyed by project activities, the project proponent shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW Staff Report, which states that permanent impacts on nesting, occupied and satellite burrow, and burrowing owl habitat (i.e., grassland habitat with suitable burrows) shall be mitigated such that habitat acreage and the number of burrows are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards

- *Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat; disturbance levels; potential for conflicts with humans, pets, and other wildlife; density of burrowing owls; and relative importance of the habitat to the species throughout its range.*
- *If feasible, mitigation lands shall be provided adjacent or proximate to the project site so that displaced owls can relocate with reduced risk of injury or mortality. The feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient habitat to support displaced owls that may be preserved in perpetuity.*
- *If habitat suitable for burrowing owl is not available for conservation adjacent or proximate to the project site, mitigation lands can be secured off-site and shall aim to consolidate and enlarge conservation areas outside planned development areas and within foraging distance of other conservation lands. Mitigation may also be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if*

available. Alternative mitigation sites and acreages may also be determined in coordination with CDFW.

If burrowing owl habitat mitigation is completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and whether the numbers are maintained over time. Measures of success, as suggested in the CDFW Staff Report, shall include site tenacity, the number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.

- *Documentation of compliance with the foregoing requirements and the coordination process with CDFW shall be provided to El Dorado County before commencement of any project construction activities.*

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-7 (Have a substantial adverse effect, either directly [e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community] or through substantial habitat modifications or substantial reduction in the number or range of the species, on nesting birds and raptors) to a *less-than-significant* level by requiring pre-construction surveys and appropriate actions if species are found. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: IMPACTS TO ROOSTING BATS EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS (IMPACT 4.3-8)

Finding

Pursuant to the BRA, pallid bat, silver-haired bat, western red bat, and hoary bat all have high potential to occur within the study area, and Townsend's big-eared bat has low potential to occur. More specifically, the buildings and trees throughout the study area provide habitat for the foregoing special-status bats species. As such, if special-status bats were roosting in trees proposed for removal during project construction, or areas within the footprint of the off-site improvements, the bats could be impacted. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on a bat species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to roosting bats.

Project Development Area and Project Buildout

4.3-8 *A qualified biologist who is familiar with bats and bat ecology (qualified biologist) shall conduct a bat habitat assessment of all potential roosting trees within the proposed impact*

footprint. This habitat assessment shall identify all potentially suitable roosting habitat and may be conducted up to one (1) year prior to the start of construction.

If potential roosting habitat is identified within the areas proposed for impact, the qualified biologist shall survey the potential roosting habitat within 14 days prior to tree removal to determine presence of roosting bats in suitable habitat (e.g., large trees, crevices, cavities, exfoliating bark, foliage, buildings) on and adjacent to the project site. These surveys are recommended to be conducted utilizing methods that are considered acceptable by CDFW and bat experts. Methods may include evening emergence surveys, acoustic surveys, inspecting potential roosting habitat with fiberoptic cameras or a combination thereof. Survey results shall be provided to the El Dorado County Planning and Building Department within 15 days of completion of all surveys.

If pre-construction surveys indicate that roosts of special-status bats are not present, or that roosts are inactive or potential habitat is unoccupied, further mitigation is not required.

If evidence of bat maternity roosts or hibernacula is observed, the species and number of bats using the roost shall be determined by a qualified biologist using noninvasive methods. Bat detectors (i.e., acoustic monitoring) or evening emergence surveys shall be used if deemed necessary to supplement survey efforts by the qualified biologist.

A no-disturbance buffer of 250 feet shall be established around active pallid bat, Townsend's big-eared bat, or western red bat maternity roosts or hibernacula, as well as substantial maternity roosts or hibernacula of other bat species considered to be a wildlife nursery by the qualified biologist. Project activities shall not occur within this buffer until after the roosts are unoccupied as determined by a qualified biologist.

If roosts of pallid bat, Townsend's big-eared bat, or western red bat are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree is removed. A program addressing compensation, exclusion methods, and roost removal procedures shall be developed in coordination with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter) or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) resulting from the project shall be replaced in coordination with CDFW and may require construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. If determined necessary during coordination with CDFW, replacement roosts shall be implemented before bats are excluded from the original roost sites.

Prior to exclusion activity, the qualified biologist shall quantify the average number of bats present at the roost by species and season, compare the replacement habitat with the habitat to be removed to ensure the replacement habitat is of sufficient or equal size, and monitor the temperature of the existing roost with a temperature datalogger to compare to the replacement habitat.

Within one year of the installation of replacement habitat, post-construction monitoring of the replacement habitats shall begin. A qualified biologist shall monitor the replacement habitats on year one, three, and five. If the success criteria (as defined below) is met, the

monitoring may be reduced or discontinued as recommended by the qualified biologist in coordination with CDFW.

For day roost monitoring, conduct daytime inspections and evening exit counts to assess presence/absence of bats and the average number of bats, collect photo documentation to show use or lack of use by bats, record the location of bat use in the replacement habitat as well as the numbers and species of bats, as possible, in the replacement structure. Mitigation shall be considered successful when the target species has occupied the replacement habitat and when the estimated population of the replacement habitat has reached the goals set forth in the bat mitigation plan. If success criteria have not been met during the monitoring period, the qualified biologist shall provide recommendations for habitat modifications and additional monitoring.

After the replacement roosts are constructed and bats are confirmed to be absent from the original roost site by a qualified biologist, the roost tree or building may be removed. For roost trees, a two-step tree removal process supervised by a qualified biologist shall be implemented, including removal of all branches that do not provide roosting habitat on the first day, and removal of the remaining portion of the tree on the following day.

Documentation of compliance with the foregoing requirements shall be provided to El Dorado County Planning and Building Department prior to commencement of any project construction activities.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-8 (Impacts to roosting bats either directly [e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community] or through substantial habitat modifications) to a *less-than-significant* level by requiring a bat habitat assessment of all potential roosting habitat features and requires appropriate actions should any bat species be found during the assessment. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: IMPACTS TO NORTHERN CALIFORNIA RINGTAIL EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS. (IMPACT 4.3-9) (PROJECT DEVELOPMENT AREA & OFF-SITE SEWER PIPE ALIGNMENTS)

Finding

The proposed development footprint of the off-site sewer alternative, specifically south of Carson Creek, contains arroyo willow riparian scrub and dense oak woodland that is suitable habitat for Northern California ringtail. Removal of trees, downed logs, or snags within the arroyo willow riparian scrub or dense oak woodland south of Carson Creek along the sewer alignment could destroy Northern California ringtail nests, and kill individual ringtails if they were present. Development within the Project Development Area and off-site sewer pipe alignment areas could have a substantial adverse effect, either directly or through habitat modifications, on a wildlife species (Northern California ringtail) identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to Northern California ringtail.

Project Development Area and Off-Site Sewer Pipe Alignments

4.3-9 *Within 14 days prior to the initiation of any construction activities, a qualified biologist who is knowledgeable and experienced in the biology life stages, natural history and identification of local fish and wildlife resources at the project site (qualified biologist), shall conduct non-invasive preconstruction surveys for Northern California ringtail and ringtail nests in suitable habitats (riparian habitats, oak woodlands with shrubby understory, and/or trees five inches diameter at breast height (DBH) or greater in riparian areas, particularly those with cavities) that will be disturbed by construction activity. Non-invasive methods may include camera traps and track plates as well as physical surveys of suitable habitat. If ringtail are found prior to the initiation of, and/or during construction activities, a qualified biologist shall consult with CDFW prior to relocation of any individual ringtail. The camera trap may be removed once construction begins.*

If a ringtail nest is observed within the project area during the preconstruction survey, a qualified biologist shall establish a 250-foot no-disturbance buffer and the nest shall be fenced off and avoided until the young have left the nest, and the nest is no longer active as determined by the qualified biologist. A qualified biologist shall monitor to ensure that ringtails do not disperse into the construction area.

If any ringtails are observed within the project area, work shall be suspended in a 100-foot radius of the animal until the animal leaves the project area on its own volition. If necessary, the qualified biologist shall notify CDFW to determine the appropriate procedures related to relocation. All necessary permits for removal will be obtained from CDFW, and a Qualified Biologist shall conduct necessary removals Any worker who inadvertently injures or kills a ringtail or who finds one dead, injured, or entrapped must immediately report the incident to a qualified biologist.

CDFW may require mitigation for potential impacts to ringtail as part of a streambed alteration agreement. If CDFW assigns mitigation that is more stringent than the measure proposed above, the CDFW measure shall take precedence.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-9 (Impacts to Northern California ringtail either directly [e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community)] or through substantial habitat modifications or substantial reduction in the number or range of the species) to a *less-than-significant* level by requiring a preconstruction survey and, if found, consultation with CDFW for appropriate actions. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CDFW OR USFWS. (IMPACT 4.3-10) (OFF-SITE SEWER PIPE ALIGNMENTS ONLY)

Finding

One vegetation community mapped on-site is considered to be a Sensitive Natural Community by CDFW: arroyo willow riparian scrub. If the off-site sewer alternative is implemented, development of such would result in potential impacts to arroyo willow riparian scrub, which are regulated under CFGC 1600 et seq. Specifically, CFGC Section 1602 requires notification to CDFW before a project commences "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." CDFW then reviews the proposed action(s). If CDFW determines that the proposed activity would substantially affect fish and wildlife resources, a LSAA containing measures to protect affected fish and wildlife resources would be required. The LSAA would be comprised of the final mitigation measure(s) and condition(s) mutually agreed upon by CDFW and the project applicant. Without compliance with the provisions of CFGC Section 1600, the Off-Site Sewer Pipe Alignment could have a substantial adverse effect on riparian habitat identified in local or regional plans, policies, regulations or by the CDFW or USFWS, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related riparian habitat or other sensitive natural community.

Off-Site Sewer Pipe Alignments Only

4.3-10 *Prior to the commencement of ground-disturbing activities associated with off-site sewer pipe, the project proponent shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW. Minimization and avoidance measures shall be proposed as appropriate and may include: preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific storm water BMPs. Mitigation may include restoration or enhancement of resources on- or off-site, purchase habitat credits from an agency-approved mitigation/ conservation bank, off-site, working with a local land trust to preserve land, or any other method acceptable to CDFW.*

If proposed project activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the measures to protect fish and wildlife resources required by any executed agreement before any vegetation removal or activity that may affect the resource. Measures to protect fish and wildlife resources shall include, at a minimum, a combination of the following mitigation.

The applicant shall compensate loss of riparian woodland habitat such that no net loss of habitat function and values occurs:

- *Restoring and preserving degraded riparian habitat outside the project site or on the project site (at least 1:1);*
- *Purchasing riparian habitat credits at an agency-approved mitigation bank (at least 1:1); or*
- *Preserving existing riparian habitat of equal or better value to the affected riparian habitat through a conservation easement or deed restriction at a ratio sufficient to offset the loss of riparian habitat function (at least 1:1).*

The applicant shall prepare and implement a Compensatory Mitigation Plan that includes the following elements:

- *For preserving existing riparian habitat outside the project site in perpetuity, the Compensatory Mitigation Plan shall include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The applicant shall provide evidence in the plan that the necessary mitigation has been implemented or that the applicant has entered into a legal agreement to implement it and that compensatory habitat shall be preserved in perpetuity.*
- *For restoring or enhancing riparian habitat outside the project site, the Compensatory Mitigation Plan shall, at a minimum, include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.*
- *Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the applicant (e.g., Lake and Streambed Alteration Agreement), if such requirements are equally or more effective than the mitigation identified above.*

Documentation of compliance with this mitigation measure and receipt of a Lake and Streambed Alteration Agreement from CDFW (or a letter from CDFW stating that such an Agreement is not required) shall be provided to El Dorado County before commencement of any project construction activities.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-10 (Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS) to a *less-than-significant* level by requiring compliance with the LSAA from CDFW and take appropriate actions to minimize and avoid impacts to riparian vegetation. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS. (IMPACT 4.3-11)

Finding

The BRA determined that, of the approximately 1.059 acres of mapped aquatic resources within the Project Development Area and Program Study Area, approximately 0.560-acre would be permanently impacted by the project, 0.038-acre would be temporarily impacted, and 0.038-acre would be avoided. Without compliance with the CFGC, the proposed project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means and, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce to a less-than-significant level the project's impact related to State or federally protected wetlands.

Project Development Area and Project Buildout

4.3-11(a) *Prior to initiation of any ground disturbance activities, the project proponent shall apply for a Section 404 permit from the U.S. Army Corps of Engineers (USACE) for impacts to regulated Waters (Waters) of the U.S. Waters that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat creation, restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE through the preparation and approval by USACE of wetland mitigation and monitoring plan.*

For creating, restoring or rehabilitating wetlands or waters of the U.S. on or outside the project site, the wetland mitigation and monitoring plan shall include, at a minimum, a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.

Compensatory mitigation may be satisfied through compliance with permit conditions, or the purchase of agency-approved mitigation bank credits, if these requirements are equally or more effective than the mitigation identified above.

4.3-11(b) *Prior to initiation of any ground disturbance activities, the project proponent shall apply for WDRs and/or a Water Quality Certification from the RWQCB (depending on the limit of federal jurisdiction to wetlands and waters of the U.S. in place at the time) and adhere to the certification conditions. Waters of the state that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat creation, restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the RWQCB through the preparation and approval by the RWQCB of a wetland mitigation and monitoring plan*

Compensatory mitigation may be satisfied through compliance with permit conditions, or the purchase of agency approved-mitigation bank credits, if such requirements are equally or more effective than the mitigation identified above.

4.3-11(c) *Implement Mitigation Measure 4.3-10.*

4.3-11(d) *If the project applicant proceeds with the proposed off-site water main to be installed within the alignment of the approved Bass Lake North Bike Trail, the project applicant shall implement all mitigation measures included in the following resource agency permit documents:*

- *Clean Water Act Section 401 Water Quality Certification and Order (WDID No. 5A09CR00228);*
- *Streambed Alteration Agreement (EPIMS Notification No. ELD-34364-R2); and*
- *Section 404 Permit (ID No. SPK-2022-00634).*

Agreement from CDFW (if applicable), as well as the Clean Water Act permit from USACE (if required), shall be provided to El Dorado County Planning and Building Department prior to commencement of any project construction activities.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.3-11 (Have a substantial adverse effect on State or federally protected wetlands [including, but not limited to, marsh, vernal pool, coastal, etc.] through direct removal, filling, hydrological interruption, or other means) to a *less-than-significant* level by requiring compliance with all applicable CFGC and Clean Water Act requirements for the protection of State or federally protected wetlands. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT: CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE. (IMPACT 4.3-13) (PROJECT DEVELOPMENT AREA & OFF-SITE SEWER PIPE ALTERNATIVES)

Finding

Development of the Project Development Area combined with the off-site sewer pipe alternatives could permanently impact approximately 1.5 acres of oak woodland and could temporarily impact 1.2 acres of oak woodland. Within the oak woodland, the development of the Project Development Area combined with the off-site sewer pipe alternatives could impact nine native oak trees. Overall, depending on which sewer alignment is selected, the proposed project could have the potential to impact approximately 2.7 acres of oak woodland and 11 to 12 individual trees in fair to good condition. Without compliance with requirements set forth by the Oak Resources Management Plan (ORMP) to address impacts to oak resources, the proposed project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Thus, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to a conflict with any local policies or ordinances protecting biological resources.

Project Development Area and Off-Site Sewer Pipe Alternatives

4.3-13 *Prior to initiation of ground disturbing activities within the Project Development Area and Off-Site Sewer Pipe Alignments the applicant shall submit a final version of the Oak Resources Technical Report (ORTR) and an Oak Resources Code Compliance Certificate to the El Dorado County Planning and Building Department that address all on-site and off-site oak tree and oak woodland impacts. The following mitigation for oak woodlands and individual oak trees shall be accomplished using one or more of the following options:*

a. In-lieu fee payment based on the percent of on-site Oak Woodland impacted by the development and the DBH inches of trees impacted to be either used by the County to acquire off-site deed restrictions and/or conservation easements or to be given by the County to a land conservation organization to acquire off-site deed restrictions and/or conservation easements.

1. In accordance with the ORMP, and based on current impact estimates for the Project Development Area and Off-Site Sewer Pipe Alignments, the project proponent would be required to mitigate at a ratio of 1:1 for impacts to 0 to 50 percent of the Oak Woodland within the project area. Based on this ratio, the project would require approximately 2.7 acres of Oak Woodland mitigation, unless it can be shown in the final ORTR, based on final project design, that the project would impact a lesser amount of oak woodland.

2. *In accordance with the ORMP, based on a mitigation ratio of 3:1 for Heritage Trees and 1:1 for smaller trees, impacts to trees for the project combined with the off-site sewer alignments would incur mitigation (DBH) of up to 1,291.1 to 1,310.6 DBH inches, unless it can be shown in the final ORTR, based on final project design, that the project would impact a lesser amount of Heritage/Individual oak trees.*

b. *Off-site deed restriction or conservation easement acquisition for purposes of off-site oak woodland conservation consistent with Chapter 4.0 (Priority Conservation Areas) of the ORMP;*
c. *Replacement planting within an area on-site for up to 50 percent of the total oak woodland mitigation requirement consistent with Section 2.4 (Replacement Planting Guidelines) of the ORMP. This area shall be subject to a Deed Restriction or Conservation Easement;*
d. *Replacement planting within an area off-site for up to 50 percent of the total oak woodland mitigation requirement. Off-site replacement planting areas shall be consistent with Section 2.4 (Replacement Planting Guidelines) and Chapter 4.0 (Priority Conservation Areas) of the ORMP. This area shall be subject to a Deed Restriction or Conservation Easement; or*
e. *A combination of options a through d above*

The final form of mitigation shall be approved by the El Dorado County Planning and Building Department prior to initiation of any ground disturbing activities.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-13 (Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance) to a *less-than-significant* level by requiring compliance with all applicable ORMP conditions for project design and construction addressing all on-site and off-site oak tree and oak woodland impacts. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.3 CULTURAL RESOURCES

SIGNIFICANT EFFECT **CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A UNIQUE ARCHEOLOGICAL RESOURCE PURSUANT TO CEQA GUIDELINES SECTION 15064.5. (IMPACT 4.4-2)**

Finding

According to the Cultural Resources Study's review of literature, local ethnographic settlement and subsistence patterns, and history of the project vicinity, the project site includes areas of high archaeological sensitivity. In addition, the project site is located in a region sensitive for prehistoric and historic-era archaeological resources, such as resources associated with the ancestral Nisenan culture, whose territory encompassed the project site, as well as resources associated with gold mining within the region. Given the sensitivity of the project site, unknown archaeological resources could exist in the project vicinity beneath the ground surface and have the potential to be uncovered during ground-disturbing activities at the project site and off-site utility alignment areas. In the event that project ground-disturbing activities encounter such resources, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce to a less-than-significant level the project's impact related to unique archaeological resources.

Project Development Area and Project Buildout

4.4-2(a) *Prior to initiation of ground-disturbing activities associated with the Project Development Area, the project contractor shall install drip-line fencing along the eastern boundary of the Project Development Area, between the intermittent drainage and just north of the multi-component archaeological site (P-09-000807/CA-ELD-000719/H/BLR-2 and CA-ELD-000719/H/BLR-3). The foregoing requirement shall be noted on the final improvement plans and subject to review and approval by the El Dorado County Planning and Building Department.*

4.4-2(b) *Prior to initiation of ground-disturbing activities, a qualified archaeologist shall conduct a short awareness training session for all construction workers and supervisory personnel. The course shall explain the importance of, and legal basis for, the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow in the event cultural resources or human remains/burials are uncovered during construction activities, including work curtailment or redirection and to immediately contact their supervisor and the archaeological monitor. The worker education session shall include visuals of artifacts (prehistoric and historic) that might be found in the project vicinity and take place on the construction site immediately prior to the start of construction. Documentation of the training (i.e., a sign-in sheet) shall be retained at the site and shall be submitted with applicable reports to the El Dorado County Planning and Building Department.*

4.4-2(c) *If archaeological resources are discovered during project construction, then all work must halt within a 100-foot radius of the discovery. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologists, shall be called to evaluate the significance of the find. Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP/CRHR. If a potentially eligible resource is encountered, then the archaeologist and El Dorado County shall arrange for either 1) total avoidance of the resource, if possible; 2) test excavations or total data recovery; or 3) other alternative forms of mitigation. The determination shall be formally documented in writing and submitted to El Dorado County as verification that the provisions in CEQA for managing unanticipated discoveries have been met.*

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.4-2 (Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5) to a *less-than-significant* level by requiring avoidance, awareness training, and measures should resources be found during construction. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF DEDICATED CEMETERIES. (IMPACT 4.4-3)

Finding

While field surveys conducted as part of the Cultural Resources Study did not detect human remains, the potential for human remains to be discovered during project construction cannot be eliminated given the known precontact occupation of the project vicinity by Native American tribes. In the event that project ground-disturbing activities encounter human remains, a significant impact could occur. Based on the above, the proposed project could disturb human remains, including those interred outside of formal cemeteries, during project construction, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to human remains.

Project Development Area and Project Buildout

4.4-3 *The following language shall be noted on the project improvement plans, subject to review and approval by the El Dorado County Planning and Building Department.*

If articulated or disarticulated human remains are encountered on the project site or within the off-site water line or off-site sewer line alignments during construction activities, all work within 50 feet of the find must cease, and any necessary steps to ensure the integrity of the immediate area must be taken. The El Dorado County Coroner shall be immediately notified. If the Coroner determines the remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall determine and notify a Most Likely Descendant (MLD). Further actions shall be determined, in part, by the desires of the MLD. The MLD shall be afforded 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendant may request mediation by the NAHC.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.4-3 (Disturb any human remains, including those interred outside of dedicated cemeteries) to a *less-than-significant* level by requiring work to stop if human remains are encountered and appropriate measures taken. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.4 GEOLOGY AND SOILS

SIGNIFICANT EFFECT RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL. (IMPACT 4.5-2)

Finding

Grading of the project site has the potential to result in soil erosion or the loss of topsoil. Although topsoil exposure would be temporary during early construction activities and would cease once development of buildings and structures and asphalt for roads, parking, etc. occurs, after grading and leveling and prior to overlaying the ground surface with structures, the potential exists for erosion or loss of topsoil to occur, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to soil erosion and loss of topsoil.

Project Development Area and Project Buildout

4.5-2 *Prior to issuance of any grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the CVRWQCB. The contractor shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. Construction (temporary) BMPs for the project may include, but are not limited to: fiber rolls, straw bale barrier, straw wattles, storm drain inlet protection, velocity dissipation devices, silt fences, wind erosion control, stabilized construction entrance, hydroseeding, revegetation techniques, and dust control measures. The SWPPP shall be submitted to both the County Planning and Building Department and the County Department of Transportation for review and approval and shall remain on the project site during all phases of construction.*

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.5-2 (Result in substantial soil erosion or the loss of topsoil) to a *less-than-significant* level by requiring preparation of a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the Central Valley Regional Water Quality Control Board (CVRWQCB) requirements, therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT **BE LOCATED ON A GEOLOGICAL UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN ON OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE, OR BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1B OF THE UNIFORM BUILDING CODE. (IMPACT 4.5-3)**

Finding

The proposed project would not likely be subject to issues associated with subsidence, liquefaction, or collapse. However, expansive soils were identified within the project site. The Preliminary Geotechnical Engineering Study includes recommendations to ensure adequate support of the proposed improvements, including recommendations related to lateral spreading and expansive soils. However, a final design-level geotechnical engineering report has not yet been prepared, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to being located on a geological unit or soil that is unstable, or that would become unstable as a result of the project or being located on expansive soil.

Project Development Area and Project Buildout

4.5-3 *Prior to final design approval and issuance of building permits for the proposed project, the project applicant shall submit a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer to the El Dorado County Planning and Building Department, for review and approval. The report shall include the geotechnical recommendations specified in the Preliminary Geotechnical Engineering Study prepared for the proposed project, unless it is determined in the design-level report that one or more recommendations need to be revised.*

The design-level geotechnical engineering report shall address, at a minimum, the following:

- *Compaction specifications and subgrade preparation for on-site soils;*
- *Structural foundations;*
- *Slope configuration and grading practices; and*
- *Expansive/unstable soils, including fill.*

Prior to issuance of any building permits, the foundation and improvement plans shall incorporate design-level recommendations. All foundation and improvement plans shall be reviewed and approved by the El Dorado County Planning and Building Department prior to issuance of any building permits.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.5-3 (Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code) to a *less-than-significant* level by requiring compliance with all standards and procedures specified in the final geotechnical engineering report. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.5 HAZARDS AND HAZARDOUS MATERIALS

SIGNIFICANT EFFECT **CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE LIKELY RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT. (IMPACT 4.6-2)**

Finding

The potential exists for construction workers or nearby sensitive receptors to be exposed to asbestos during grading and construction activities. The Phase I Environmental Site Assessment (ESA) prepared for the proposed project did not include an assessment of environmental conditions for the proposed off-site improvement areas, and additional analysis would be required to determine the potential for off-site environmental conditions to cause a

significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. Thus, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce to a less-than-significant level the project's impact related to reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Project Development Area and Project Buildout

4.6-2(a) *Prior to issuance of a grading permit by El Dorado County for any off-site improvements associated with the proposed project, the project applicant shall ensure that a Phase I ESA is prepared and submitted to the County for review and approval.*

The Phase I ESA shall be prepared in accordance with the American Society for Testing and Materials (ASTM) E1527-21 standard (Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process) by a State-licensed engineering geologist for the purpose of observing and assessing the conditions encountered at the proposed off-site improvement areas and providing conclusions and recommendations relative to any hazardous conditions or materials identified within the off-site improvement areas. The Phase I ESA shall include, but not necessarily be limited to, review of the physical setting of the off-site improvement areas; historical sources review (i.e., aerial photographic review, historical and current U.S. Geological Survey [USGS] topographic maps, historical local abstracts, certified Sanborn maps); review of applicable federal, State, and local environmental databases; a field reconnaissance of the off-site improvement areas; and findings and conclusions. All recommendations set forth in the Phase I ESA shall be appropriately incorporated into the project and shall be subject to review and approval by the El Dorado County Planning and Building Department. If the Phase I ESA does not recommend further investigation of the off-site improvement areas, additional mitigation shall not be required.

4.6-2(b) *If indicators of apparent soil contamination (soil staining, odors, debris fill material, etc.) are encountered within the off-site improvement areas as part of the Phase I ESA, the impacted area(s) shall be isolated from surrounding, non-impacted areas. A State-licensed engineering geologist shall conduct a Phase II ESA of the impacted area(s) and obtain samples of the potentially impacted soil for analysis of the contaminants of concern in accordance with applicable U.S. Environmental Protection Agency (USEPA) Methods and comparison with applicable regulatory screening levels (i.e., Environmental Screening Levels, California Human Health Screening Levels, Regional Screening Levels, etc.). The Phase II ESA shall be submitted for review and approval to El Corado County. Where the soil contaminant concentrations exceed the applicable regulatory screening levels, the impacted soil shall be excavated and disposed of off-site at a licensed landfill facility to the satisfaction of the El Dorado County Environmental Management Department.*

Program Study Area

4.6-2(c) *In conjunction with submittal of an application for project-level entitlements for the Program Study Area, the project applicant shall identify whether the one active well within the Program Study Area would remain in place or be abandoned. If the well will be abandoned, such abandonment shall be done in accordance with the El Dorado County Well Construction and Water Supply Standards Ordinance, to the satisfaction of the El Dorado County Environmental Management Department.*

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.6-2 (Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment) to a *less-than-significant* level by requiring a Phase 1 ESA and incorporation of appropriate measures as well as abandonment of the active well, if needed. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.6 HYDROLOGY AND WATER QUALITY

SIGNIFICANT EFFECT **VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY DURING CONSTRUCTION. (IMPACT 4.7-1)**

Finding

Construction of the proposed project would include grading, excavation, trenching for utilities, and other construction-related activities that could cause soil erosion at an accelerated rate during storm events. All such activities have the potential to affect water quality and contribute to localized violations of water quality standards if impacted stormwater runoff from construction activities enters surface or groundwater resources. As a result, the proposed project could result in a ***significant*** impact related to short-term construction-related water quality.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to a violation of any water quality standards or waste discharge requirements or otherwise substantial degradation of surface or ground water quality during construction.

Project Development Area and Project Buildout
4.7-1 Implement Mitigation Measure 4.5-2.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.7-1 (Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction) to a *less-than-significant* level by requiring implementation of a SWPPP and compliance with CVRWQCB standards and conditions. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT **VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY DURING OPERATIONS. (IMPACT 4.7-2) (PROJECT DEVELOPMENT AREA ONLY)**

Finding

Development within the Project Development Area could result in new stormwater pollutants being introduced to the project area. Pollutants associated with the operational phase of the proposed project could include nutrients, oil and grease, metals, organics, pesticides, bacteria, sediment, trash, and other debris. The proposed project operations

could violate water quality standards or waste discharge requirements or otherwise result in substantial degradation of surface or groundwater quality during operations, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce to a less-than-significant level the project's impact related to a violation of any water quality standards or waste discharge requirements or otherwise substantial degradation of surface or ground water quality during operations.

Project Development Area

4.7-2(a) *As part of the Improvement Plan submittal process, the Preliminary Drainage Report provided during environmental review shall be submitted in final format. The Final Drainage Report may require more detail than that provided in the preliminary report, and will be reviewed in concert with the Improvement Plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: written text addressing existing conditions; the effects of the proposed improvements; all appropriate calculations; watershed maps; changes in flows and patterns; and proposed on- and off-site improvements to accommodate flows from the project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures. The final drainage report shall be prepared in conformance with the requirements set forth by El Dorado County at the time of Improvement Plan submittal and shall be approved by the El Dorado County Planning and Building Department and the County Engineer.*

4.7-2(b) *Prior to approval of final project improvement plans, a detailed Best Management Practice (BMP) and water quality maintenance plan shall be submitted to the El Dorado County Planning and Building Department, and the County Engineer for review and approval as part of preparation of the project's Final Drainage Report. The BMP and water quality maintenance plan shall meet the standards of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. Site-design measures, source-control measures, hydromodification management, and Low-Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the improvement plans.*

4.7-2(c) *Prior to approval of final project improvement plans, the project applicant shall submit a Report of Waste Discharge and a Form 200 to obtain coverage under the State Water Resources Control Board (SWRCB) Order WQ 2014-0153-DWQ, General Waste Discharge Requirements (WDR) for Small Domestic Wastewater Treatment Systems. All WDR Permit requirements shall be incorporated into the project design and shown on the improvement plans. Proof of compliance shall be submitted to the El Dorado County Planning and Building Department for review and approval.*

4.7-2(d) *Prior to the completion of construction, the applicant shall prepare and submit an acceptable Stormwater Control Operation and Maintenance Plan, identifying the maintenance entity for the project's storm drainage system and maintenance requirements, for review and approval to the El Dorado County Planning and Building Department. The Stormwater Control Operation and Maintenance Plan shall be incorporated into the project's Final Drainage Plan. Typical routine maintenance consists of the following:*

- *Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.*
- *Visually inspect for ponding water to ensure that filtration is occurring.*

- *After all major storm events, inspect basins to ensure that the system is functioning as intended and is not clogged.*
- *Continue general landscape maintenance, including pruning and cleanup throughout the year.*
- *Irrigate throughout the dry season. Irrigation shall be provided with sufficient quantity and frequency to allow plants to thrive.*
- *Excavate, clean and or replace and screen or filter media to ensure ongoing infiltration.*

Project Development Area and Project Buildout

4.7-2(e) *As part of the Improvement Plan submittal process for each component of subsequent development associated with the Program Study Area, a Drainage Report shall be prepared by a Registered Civil Engineer that includes pre- and post-development hydrology calculations, as well as calculations for required treatment areas to ensure that the separately constructed on-site drainage systems comply with the El Dorado County Stormwater Management Plan (SWMP) and the NPDES Phase II MS4 General Permit, and any other applicable regulations at the time of permit issuance. The drainage report shall be submitted to the El Dorado County Planning and Building Department and the County Engineer for review and approval.*

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.7-2 (Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations) to a *less-than-significant* level by requiring a Final Drainage Report, water quality treatment facilities/BMPs, permit from the State Water Resources Control Board (SWRCB), and an operations and Maintenance Plan. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

SIGNIFICANT EFFECT **SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD: SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF-SITE; OR CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF. (IMPACT 4.7-4)**

Finding

The Preliminary Drainage Report determined a conservative runoff rate that would adequately accommodate future flow rates. However a Final Drainage Report has yet to be prepared to determine the adequacy of the final drainage system for future development of the Program Study Area and Project Development Area, which could contribute to runoff that would exceed the existing on-site storm drainage system's capacity, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce to a less-than-significant level the project's impact related to substantially altering the drainage pattern of the site or area in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff either during construction or in the post-construction condition.

Project Development Area Only
4.7-4(a) Implement Mitigation Measure 4.7-2(a).

Project Development Area and Project Buildout
4.7-4(b) Implement Mitigation Measure 4.7-2(e).

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.7-4 (Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff either during construction or in the post-construction condition) to a *less-than-significant* level by requiring a Final Drainage Report approved the El Dorado County Planning and Building Department. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.7 NOISE

SIGNIFICANT EFFECT **GENERATION OF A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS ASSOCIATED WITH THE PROJECT DEVELOPMENT AREA IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES. (IMPACT 4.9-2) (PROJECT DEVELOPMENT AREA ONLY)**

Finding

Traffic noise at existing noise-sensitive receptors, and on-site vehicle parking area noise in the Project Development Area all comply with El Dorado County Exterior noise level standards. However on-site truck circulation is predicted to exceed applicable El Dorado County nighttime exterior noise level standards at select receptors. In addition, the Event Center/Museum's crowd and music/speech noise exposure would exceed evening and nighttime exterior noise level standards, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce to a less-than-significant level the project's impact related to generation of substantial increase in ambient noise levels associated with the Project Development Area in excess of established local or state standards.

Project Development Area

4.9-2(a) *All on-site truck circulation at the project site shall be prohibited during nighttime hours (10:00 PM to 7:00 AM). The applicant shall include language prohibiting nighttime deliveries in all vendor contracts associated with the proposed project. The language shall be reviewed and approved by the El Dorado County Planning and Building Department prior to Improvement Plan approval.*

4.9-2(b) *In conjunction with the submittal of Improvement Plans and/or issuance of Building Permits, the project applicant shall include design and operational measures to ensure Event Center/Museum noise complies with the applicable noise standards. Available design and operational measures to ensure Event Center/Museum noise are in compliance could include, but not necessarily be limited to, the following:*

- ***Noise Barriers:*** *The placement of permanent or temporary noise barriers would be an effective method to reduce event crowd and outdoor event amplified music noise at nearby residential receivers. The degree of effectiveness of noise barriers is dependent upon location, height and final elevation relative to nearby receivers, and shall be assessed using construction drawings.*
- ***Shielding/Setbacks:*** *A site design that integrates shielding and/or setbacks from the outdoor event area could be an effective method to reduce event crowd and outdoor event amplified music noise at nearby residential receivers. The effectiveness would depend on degree of shielding and/or setback distances relative to nearby receivers, and shall be assessed using construction drawings.*
- ***Event Sound System Configurations:*** *The loudness of a sound system is highly variable upon volume level, speaker placement, and speaker orientation/directionality relative to receivers. Implementation of a sound system loudness restriction (i.e., 70 dB at 50 feet), required speaker placement (i.e., setbacks/screening) and speaker facing would be effective measures to reduce outdoor event amplified music levels at nearby receivers.*
- ***Outdoor Event Restrictions:*** *Restrictions on outdoor events, specifically with regards to allowable hours/time of day, would be effective in avoiding the potential of outdoor event crowd and outdoor event amplified music noise exceeding applicable General Plan noise level criteria (e.g., outdoor events restricted during nighttime hours).*

In conjunction with the submittal of Improvement Plans and/or issuance of Building Permits, a design-level acoustical analysis shall be submitted to the El Dorado County Planning and Building Department that demonstrates the included measures comply with applicable noise level criteria, including El Dorado County General Plan daytime, evening and nighttime hourly average (L_{eq}) and maximum (L_{max}) noise level standards at the closest residential receivers and General Plan exceedance criteria (Policy 6.5.1.13).

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.9-2 (Generation of a substantial permanent increase in ambient noise levels associated with the Project Development Area in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies) to a *less-than-significant* by requiring implementation of noise barriers, shielding/setbacks, event sound system configurations, outdoor event restrictions, and an acoustical analysis to ensure compliance with all applicable noise level criteria. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.8 TRANSPORTATION

SIGNIFICANT EFFECT **CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY, EXCEPT LOS, ADDRESSING THE CIRCULATION SYSTEM DURING CONSTRUCTION ACTIVITIES. (IMPACT 4.11-1)**

Finding

Construction activities associated with the project would include the use of construction equipment including vehicles for material transportation, bulldozers, and other heavy machinery, as well as worker commute. As a result, construction activities could include disruptions to the transportation network near the project site. Without proper planning of construction activities, construction traffic could interfere with existing roadway operations during the construction phase, which could result in a risk to public safety, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to construction traffic.

Project Development Area and Project Buildout

4.11-1 *The Improvement Plans shall include a striping and signing plan and shall include all on- and off-site traffic control devices. Prior to the commencement of construction, a construction signing and traffic control plan shall be provided to the El Dorado County Department of Transportation for review and approval. The construction signing and traffic control plan shall include (but not be limited to) items such as:*

- *Guidance on the number and size of trucks per day entering and leaving the project site;*
- *Identification of arrival/departure times that would minimize traffic impacts;*
- *Approved truck circulation patterns;*
- *Locations of staging areas;*
- *Locations of employee parking and methods to encourage carpooling and use of alternative transportation;*
- *Methods for partial/complete street closures (e.g., timing, signage, location and duration restrictions);*
- *Criteria for use of flaggers and other traffic controls;*
- *Preservation of safe and convenient passage for bicyclists and pedestrians through/around construction areas;*
- *Monitoring for roadbed damage and timing for completing repairs;*
- *Limitations on construction activity during peak/holiday weekends and special events;*
- *Preservation of emergency vehicle access;*
- *Removing traffic obstructions during emergency evacuation events; and*
- *Providing a point of contact for County residents and guests to obtain construction information, have questions answered, and convey complaints.*

The construction signing and traffic control plan shall be developed such that the following minimum set of performance standards is achieved throughout project construction. It is anticipated that additional performance standards would be developed once details of project construction are better known.

- *All construction employees shall park in designated lots owned by the project applicant or on private lots otherwise arranged for by the project applicant.*
- *Roadways shall be maintained clear of debris (e.g., rocks) that could otherwise impede travel and impact public safety.*

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.11-1 (Conflict with a program, plan, ordinance, or policy, except LOS, addressing the circulation system during construction activities) to a *less-than-significant* level by requiring the implementation of a construction signing and traffic control plan to ensure proper planning of construction activities, construction traffic, and potential street closures in order to avoid temporary traffic disruptions due to construction operations. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.9 TRIBAL CULTURAL RESOURCES

SIGNIFICANT EFFECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PRC SECTION 21074. (IMPACT 4.12-1)

Finding

Based on a records search of the United Auburn Indian Community (UAIC), known tribal cultural resources are identified as being located in immediate proximity to areas that could be disturbed as part of project construction, include a multi-component archaeological site and precontact milling site. Indirect effects associated with Project Development Area construction staging activities and/or inadvertent off-site ground disturbance cannot be entirely ruled out and, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce to a less-than-significant level the project's impact related to substantial adverse changes in the significance of a Tribal Cultural Resource, as defined in the PRC Section 21074.

Project Development Area and Project Buildout

4.12-1(a) *Tribal Cultural Resources Awareness Training. The following language shall be noted on project Improvement Plans, subject to review and approval by the El Dorado County Planning and Building Department:*

Prior to the initiation of construction, all construction crew members, consultants, and other personnel involved in project implementation shall receive project-specific Tribal Cultural Resource (TCR) Awareness Training. The training shall be conducted in coordination with qualified cultural resource specialists and representatives from culturally affiliated Native American Tribes. The training will emphasize the requirement for confidentiality and culturally appropriate, respectful treatment of any finds of significance to culturally affiliated Native American Tribes. All personnel required to receive the training shall also be required to sign a form that acknowledges receipt of the training, which shall be submitted to the El Dorado County Planning and Building Department for review and approval. As a component of the training, a brochure will be distributed to all personnel associated with the project implementation. At a minimum the brochure shall discuss the following topics in clear and straightforward language:

- *Field indicators of potential archaeological or cultural resources (i.e., what to look for, for example: archaeological artifacts, exotic or non-native rock, unusually large amounts of shell or bone, significant soil color variations, etc.)*
- *Regulations governing archeological resources and tribal cultural resources.*
- *Consequences of disregarding or violating laws protecting archeological or tribal cultural resources.*
- *Steps to take if a worker encounters a possible resource.*

The training shall include project specific guidance for on-site personnel including protocols for resource avoidance, when to stop work, and who to contact if potential archeological or TCRs are identified. The training shall also address the stoppage of work if potentially significant cultural resources are discovered during ground disturbing activities, and in the case of possible human remains the proper course of action requiring immediate contact with the County Coroner and the NAHC.

4.12-2(b) *Tribal Monitoring Related to P-09-00087 and Off-Site Improvement Areas. The project proponent or their construction contractor shall comply with the following measure to assist with identification of TCRs at the earliest possible time during project-related earthmoving activities. These measures shall be included as notes on the project improvements plans prior to their approval by the County.*

- *The project proponent shall contact the UAIC THPO (thpo@auburnrancheria.com) at least 2 to 3 months prior to project ground-disturbing activities within the areas identified for monitoring in the confidential tribal monitoring exhibit provided by UAIC to the County (e.g., P-09-000807 and off-site improvement areas) to retain the services of a UAIC Certified Tribal Monitor(s). The duration of the construction schedule and Tribal Monitoring shall be determined at this time.*
- *A contracted Tribal Monitor(s) shall monitor the vegetation grubbing, stripping, grading, trenching, and other ground disturbing activities in the project area surrounding P-09-000807, as indicated on the confidential tribal monitoring exhibit provided by the UAIC to the County. All ground-disturbing activities within such area, including rebuild or previously disturbed, shall be subject to Tribal Monitoring unless otherwise determined unnecessary by the UAIC. A contracted UAIC certified Tribal Monitor shall spot check up to 16 hours per month the ground-disturbing activities within all other areas of the project site.*
- *Tribal Monitors or Tribal Representatives shall have the authority to direct that work be temporarily paused, diverted, or slowed within 100 feet of the immediate impact area if sites, cultural soils, or objects of potential significance are identified. The temporary pause/division, shall be of an adequate duration for the Tribal Representative to examine the resource.*
- *Appropriate treatment of TCRs may include but are not limited to:*
  - *Recordation of the resource(s);*
  - *Avoidance and preservation of the resource(s); and*
  - *Recovery and reburial of the resource(s) onsite or in a feasible off-site location in a designated area subject to no further disturbance. The location of the reburial shall be acceptable to the UAIC.*
- *To track the implementation of this measure, the Tribal Monitor(s) shall document field-monitoring activities on a Tribal Monitor log.*
- *The Tribal Monitor(s) shall wear the appropriate safety equipment while on the construction site.*

- *The Tribal Monitor, in consultation with the UAIC THPO and the project proponent, shall determine a mutual end or reduction to the on-site monitoring if/when construction activities have a low potential for impacting Tribal Cultural Resources.*
- *In the event the Tribal Monitor does not report to the job site at the scheduled time after receiving 24-hour business day notice, construction activities may proceed without tribal monitoring. At no time, regardless or absence of a Tribal Monitor, shall suspected TCRs be mishandled or disrespected.*
- *The CEQA lead agency shall assist with resolution of disagreements between the project proponent/contractor and the tribe if such occurs on the project.*

4.12-2(c) *Tribal Spot Monitoring Related to 60.5-acre Project Site. The project proponent or their construction contractor shall comply with the following measure to assist with identification of TCRs at the earliest possible time during project-related earthmoving activities. These measures shall be included as notes on the project improvements plans prior to their approval by the County.*

- *The project proponent shall contact the UAIC THPO (thpo@auburnrancheria.com) at least 2 to 3 months prior to project ground-disturbing activities to retain the services of a UAIC Certified Tribal Monitor(s). The duration of the construction schedule and Tribal Monitoring shall be determined at this time.*
- *A contracted UAIC Certified Tribal Monitor(s) shall spot check up to 16 hours per month the ground disturbing activities within the 60.5-acre project site.*
- *Tribal Monitors or Tribal Representatives shall have the authority to direct that work be temporarily paused, diverted, or slowed within 100 feet of the immediate impact area if sites, cultural soils, or objects of potential significance are identified. The temporary pause/diversion shall be of an adequate duration for the Tribal Representative to examine the resource.*
- *Appropriate treatment of TCRs or other cultural finds may include but is not limited to:*
    - *Recordation of the resource(s);*
    - *Avoidance and preservation of the resources(s); and*
    - *Recovery and reburial of the resource(s) onsite or in a feasible off-site location in a designated area subject to no future disturbance. The location of the reburial shall be acceptable to the UAIC.*
- *To track the implementation of this measure, the Tribal Monitor(s) shall document field-monitoring activities on a Tribal Monitor log.*
- *The Tribal Monitor(s) shall wear the appropriate safety equipment while on the construction site.*
- *The Tribal Monitor, in consultation with the UAIC THPO and the project proponent, shall determine a mutual end or reduction to the on-site monitoring if/when construction activities have a low potential for impacting Tribal Cultural Resources.*
- *In the event the Tribal Monitor does not report to the job site at the scheduled time after receiving 24 hour business day notice, construction activities may proceed without tribal monitoring. At no time, regardless of the presence or absence of a Tribal Monitor, shall suspected TCRs be mishandled or disrespected.*
- *The CEQA lead agency shall assist with resolution of disagreements between the project proponent/contractor and the Tribe if such occurs on the project.*

4.12-2(d) *Unanticipated Discoveries. If any suspected TCRs, including but not limited to cultural features, midden/cultural soils, artifacts, exotic rock (non-native), shell, bone, shaped stones, or ash/charcoal are discovered by any person during construction activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist. A Tribal representative and El Dorado County Planning and Building Department shall be immediately notified, and the Tribal Representative in coordination with El Dorado County shall determine if the find is a TCR (PRC Section 21074) and the Tribal Representative shall make recommendations for further evaluation and treatment as necessary.*

The culturally affiliated Tribe shall consult with the County to (1) identify the boundaries of the new TCR and (2) if feasible, identify appropriate preservation in place and avoidance measures, including redesign or adjustments to the existing construction process, and long-term management, or 3) if avoidance is infeasible, a reburial location in proximity of the find where no future disturbance is anticipated. Permanent curation of TCRs will not take place unless approved in writing by the culturally affiliated Tribe.

The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of TCRs that are found or recovered during construction. Only Tribal Representatives shall have access to the storage. Storage size shall be determined by the nature of the TCR and can range from a small lock box to a conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.

The construction contractor(s) and El Dorado County shall facilitate the respectful reburial of the culturally sensitive soils or objects. This includes providing a reburial location that is consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request.

Work at the TCR discovery location shall not resume until authorization is granted by the Lead Agency in coordination with the culturally affiliated Tribe.

If articulated or disarticulated human remains, or human remains in any state of decomposition or skeletal completeness are discovered during construction activities, the County Coroner and the culturally affiliated Tribe shall be contacted immediately. Upon determination by the County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendent who will work with the project proponent to define appropriate treatment and disposition of the burials.

4.12-2(e) *Implement Mitigation Measure 4.4-2(a).*

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.12-1 (Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074) to a *less-than-significant* level by requiring that all construction crew members and personnel receive and comply with all Tribal Cultural Resource Awareness Training (TCR) applicable standards and conditions, along with contacting the UAIC and the El Dorado Coroner shall articulated or disarticulated human remains be discovered, and require the presence of a Tribal Monitor(s) during construction. Therefore, the County makes the following finding pursuant to PRC 21081: Finding

(1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

4.10 WILDFIRE

SIGNIFICANT EFFECT **DUE TO SLOPE, PREVAILING WINDS, AND OTHER FACTORS, EXACERBATE WILDFIRE RISKS, AND THEREBY EXPOSE PROJECT OCCUPANTS TO, POLLUTANT CONCENTRATIONS FROM A WILDFIRE OR THE UNCONTROLLED SPREAD OF A WILDFIRE. (IMPACT 4.14-2)**

Finding

The project site is within a Moderate Fire Hazard Severity Zone (FHSZ). The Program Study Area would house on-site vegetation that could serve as a fuel source, as well as, during project construction, equipment without appropriate spark arrestors could result in direct flame impingement on combustible materials, such as building construction supplies. In addition, the proposed residences and hotels within the Project Development Area would be completed and inhabited prior to construction within the Program Study Area begins. As such, in the event that residences are constructed and occupied as construction is being completed, ignition of on-site fuel sources could exacerbate fire risks and, due to prevailing winds, expose project occupants to pollutant concentrations from a wildfire, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce to a less-than-significant level the project's impact related to exacerbation of wildfire risks due to on-site fuel sources, slope, prevailing winds, and other factors that would lead to exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Project Development Area and Project Buildout

4.14-2 *In conjunction with the submittal of and prior to the approval of Improvement Plans, the applicant shall submit a Vegetation Management Plan (VMP) for review and approval by CAL FIRE, EDHFD, and the El Dorado County Planning and Building Department. The VMP shall identify roles, responsibilities, and financial resources to ensure successful implementation. The VMP shall be implemented by the project developer and maintained in perpetuity and may include, but not necessarily be limited to, the following:*

- *Management of the Open Spaces/Oak Woodlands during Project Construction or Adjacent Construction:*
    - *Prior to construction activities, all Open Space/Oak Woodland boundaries shall be designated by placing high visibility construction fencing and/or silt fencing. Fencing shall be maintained in good condition until permanent post and cable fencing can be installed; and*
    - *If applicable, prior to working within Open Space/Oak Woodland areas adjacent to wetlands, a qualified wetland biologist shall flag the wetland boundary and monitor construction activities to prevent encroachment into the wetland areas.*
    - *All construction machinery shall be equipped with CAL FIRE-approved spark arrestors.*
- *Open Space/Oak Woodland Maintenance:*

- *Ongoing Fuel Load Management activities shall focus on areas close to homes or on borders, as approved by the County and include activities to mow annual grasses, remove dead and/or diseased trees, snags, and debris, limb live trees up to a height of 10 feet above ground where feasible, and remove understory fuels over one foot in height, where feasible. The use of goats shall be the preferred method of reducing vegetation materials; alternative methods, such as plastic string weed trimmers or other County-approved equipment may be acceptable, but shall be limited to the maximum extent feasible. Chipping of material shall be permitted. Chipped material shall be removed from the site unless otherwise approved by the County. Prescribed burning shall be prohibited and herbicide use shall not be allowed within the fuel load reduction area; and*
- *Annual monitoring memos shall be submitted to the County by June 30 of each year. The memos shall include, at a minimum, the following:*
  - *An assessment of dead vegetive matter (thatch) and management recommendations, if needed; and*
  - *An evaluation of general site conditions and recommendations for remedial fuel reduction actions to be included in the annual monitoring memo.*

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.14-2 (Due to factors such as on-site fuel sources, slope, and prevailing winds, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire) to a *less-than-significant* level by requiring the project applicant to submit, implement, and enforce a Vegetation Management Plan (VMP) for review and approval by the appropriate agencies. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (1) - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

5 SIGNIFICANT IMPACT WHICH REMAINS SIGNIFICANT AND UNAVOIDABLE

The EIR identifies the significant impacts associated with the proposed project that could not be eliminated or reduced to a less-than-significant level by mitigations imposed by the County. The County's conclusions with respect to each of the proposed project's significant and unavoidable and cumulatively considerable and significant and unavoidable impacts and applicable mitigation measures are set forth in the EIR, which analysis is incorporated herein by this reference and summarized below.

5.1 AESTHETICS

SIGNIFICANT EFFECT: IN A NON-URBANIZED AREA, SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF PUBLIC VIEWS OF THE SITE AND ITS SURROUNDINGS (PUBLIC VIEWS ARE THOSE THAT ARE EXPERIENCED FROM PUBLICLY ACCESSIBLE VANTAGE POINT) OR, IN AN URBANIZED AREA, CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY. (IMPACT 4.1-3)

Finding

Although the proposed project would be consistent with the El Dorado County Design Guidelines, the project would change existing public viewsheds of the site from predominantly undeveloped, rural landscapes to a developed mixed-use landscape with increased density residential and commercial uses. Therefore, the proposed project would be considered to substantially degrade the existing visual character or quality of public views of the site and its surroundings, and a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce the level of the project's impacts related to substantially degrading the existing visual character or quality of public views of the site and its surroundings. However, the impact would remain ***significant*** and ***unavoidable.***

Project Development Area and Project Buildout

4.1-3 *In conjunction with submittal of improvement plans, the project applicant shall submit a Final Landscape Plan. As part of the Final Landscape Plan, trees along public roadways on the project frontage shall be a minimum of 24-inch box size as well as a mix of 36-inch and 48-inch box sizes. Trees shall be placed to screen the proposed development to the maximum extent feasible. The Final Landscape Plan shall be subject to review and approval by El Dorado County Planning and Building Department.*

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.1- (Substantially degrade the existing visual character or quality of public views of the site and its surroundings [public views are those that are experienced from publicly accessible vantage point]) by requiring a Final Landscape Plan to be reviewed and approved by the County, which would ensure that the on-site landscaping would help to further screen public views of the project site. However, the measure would not sufficiently reduce the impact to a less-than-significant level, as development of the proposed project would still substantially degrade the existing visual character or quality of public views of the site and its surroundings. As such, even with implementation of the mitigation measure, the impact would remain *significant and unavoidable*. Furthermore, other feasible mitigation measures do not exist. And, as discussed in Section 8 below, no identified alternative qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

SIGNIFICANT EFFECT: LONG-TERM CHANGES IN VISUAL CHARACTER ASSOCIATED WITH DEVELOPMENT OF THE PROPOSED PROJECT IN COMBINATION WITH FUTURE BUILDOUT OF THE EL DORADO COUNTY GENERAL PLAN. (IMPACT 4.1-5)

Finding

Changes to visual character and quality, as a result of the proposed project, could potentially combine with impacts from future cumulative development in the project vicinity. Therefore, the project's incremental contribution to the significant impact would be ***cumulatively considerable***.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce the level of the project's impacts related to causing long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the El Dorado County General Plan.

Project Development Area and Project Buildout
4.1-5 Implement Mitigation Measure 4.1-3.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.1-5 (Long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the El Dorado General Plan) by requiring a Final Landscape Plan be reviewed and approved by the County, which would ensure that on-site landscaping substantially screens public views of the project site. However, as discussed above, the measure would not sufficiently reduce the impact to a less-than-significant level because development of the proposed project, in combination with buildout of other projects within the El Dorado General Plan, would still result in long-term changes in visual character. As such, even with implementation of the foregoing mitigation measure, the impact would remain *cumulatively considerable* and *significant and unavoidable*. Furthermore, other feasible mitigation measures do not exist. And, as discussed in Section 8 below, no identified alternative qualifies as both feasible and environmentally superior to the proposed project.

Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

5.2 AIR QUALITY, GREENHOUSE GAS EMISSIONS, AND ENERGY

SIGNIFICANT EFFECT: CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN DURING PROJECT OPERATION. (IMPACT 4.2-2) (PROGRAM STUDY AREA ONLY)

Finding

The El Dorado County Air Quality Management District (EDCAQMD) has developed plans to attain the State and federal standards for ozone. The currently applicable air quality plan is the Ozone Attainment Plan. Adopted EDCAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of Ambient Air Quality Standards (AAQS), or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with the applicable air quality plan. Thus, if a project's operational emissions exceed the EDCAQMD's mass emission thresholds, a project would be considered to conflict with or obstruct implementation of the EDCAQMD's air quality planning efforts. During project buildout, reactive organic gas (ROG) would exceed the applicable EDCAQMD thresholds of significance. As such, the proposed project could create a conflict with or obstruct implementation of the applicable air quality plan. Thus a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce the level of the project's impacts related to conflict with or obstruct implementation of applicable local air quality plan.

Program Study Area

4.2-2(a) *At the time of application submittal for development of the Program Study Area, the project applicant shall retain a qualified air quality consultant to conduct an analysis to quantify the project's operational ROG emissions. If ROG emissions are determined to be less than or equal to 64.1 lbs/day (i.e., 76.90 lbs/day presented in Table 4.2-9 minus the 12.8 lbs/day required for the project to be below the applicable EDCAQMD threshold of significance), further mitigation is not required.*

If ROG emissions are determined to exceed 64.1 lbs/day, the qualified air quality consultant shall identify measures to reduce the project's operational ROG emissions to below 64.1 lbs/day, or to the maximum extent feasible, as determined by the County. Emission reduction measures may include, but are not limited to, the following:

- *Prohibit natural gas on-site;*
- *Install rooftop solar;*
- *Use no VOC paints for architectural coatings;*
- *Install on-site EV charging equipment beyond the CalGreen Code requirements;*
- *Design internal roadways to maximize pedestrian and bicycle access; and*
- *Include 100-volt electrical receptacles on the exterior of buildings for purposes of charging or powering electric landscaping equipment.*

Quantified emissions and identified reduction measures shall be submitted to EDCAQMD and the El Dorado County Planning and Building Department for review and approval.

4.2-2(b) *Implement Mitigation Measure 4.11-3.*

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.2-2 (Conflict with or obstruct implementation of the applicable air quality plan during project operation) by requiring the project applicant to adhere to all applicable EDCAQMD regulations for thresholds of significance. As such, even with implementation of the foregoing mitigation measures, the impact would remain *significant and unavoidable*. Furthermore, other feasible mitigation measures do not exist. And, as discussed in Section 8 below, no identified alternative qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

SIGNIFICANT EFFECT: RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD

(INCLUDING RELEASING EMISSIONS WHICH EXCEED QUANTITATIVE THRESHOLDS FOR OZONE PRECURSORS). (IMPACT 4.2-6) (PROGRAM STUDY AREA ONLY)

Finding

At full buildout, the proposed project would result in an increase of ROG in excess of EDCAQMD's operational phase cumulative-level emissions threshold. The project could potentially result in a significant incremental contribution towards cumulative air quality impacts. Therefore, the project's incremental contribution to the significant impact would be ***cumulatively considerable***.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce the level of the project's impacts related to cumulative increase in pollutants that would exceed established applicable AAQS.

Program Study Area
4.2-6 Implement Mitigation Measures 4.2-2(a) and 4.11-3.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.2-6 (Result in a cumulatively considerable new increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard [including releasing emissions which exceed quantitative thresholds for ozone precursors]) by requiring the project applicant to develop a plan to reduce ROG emissions as well as VMT mitigation outlined in guidance from the California Air Pollution Officers Association (CAPCOA). However, the measures would not sufficiently reduce the impact to a less-than-significant level because development of the proposed project, as project buildout would contribute to significant operational ROG emissions that would exceed EDCAQMD's thresholds of significance. As such, even with implementation of the foregoing mitigation measures, the impact would remain *cumulatively considerable* and *significant and unavoidable*. Furthermore, other feasible mitigation measures do not exist. And, as discussed in Section 8 below, no identified alternative qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

SIGNIFICANT EFFECT: GENERATION OF GHG EMISSIONS THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT OR CONFLICT WITH AN APPLICABLE PLAN, POLICY OR REGULATION OF AN AGENCY ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GHGS. (IMPACT 4.2-7)

Finding

Implementation of the proposed project would cumulatively contribute to increases of greenhouse gas (GHG) emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO_2 and, to a lesser extent, other GHG pollutants.

Therefore, the proposed project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, the project's incremental contribution to the significant impact would be ***cumulatively considerable.***

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce the level of the project's impacts related to the generation o GHG emissions that would conflict with applicable regulation, policy, plan.

Project Development Area and Project Buildout

4.2-7(a) *The following requirements shall be noted on project improvement plans, subject to review and approval by the El Dorado County Planning and Building Department:*

- *The proposed project shall be designed such that the project is built all-electric, and natural gas infrastructure shall be prohibited on-site; and*
- *The project shall be constructed to include electric vehicle (EV) ready parking spaces at the ratio with which the current CalGreen Tier 2 standards require EV Capable spaces.*

If the use of all-electric for any project component(s) (e.g., an appliance) is not enforceable or commercially feasible at the time of issuance of building permit, the applicant shall be required to include pre-wiring to allow for the future retrofit of all natural gas appliances with all-electric appliances and purchase off-site mitigation credits or forecasted mitigation units ("FMUs") (collectively, "GHG credits") for project-related GHG emissions from the component(s) using natural gas instead of electric. The emissions from the use of natural gas shall be calculated by a qualified professional utilizing EDCAQMD, CARB-, or the USEPA-approved emissions models and quantification methods available and submitted to the County for review and approval, which shall include third-party review by a qualified consultant of the County's selection and be subject to applicant reimbursement of consultant costs.

Any and all GHG credits to off-set for the use of natural gas must be created through a CARB-approved registry. These registries are currently the ACR, CAR, and Verra, although CARB may accredit additional registries in the future. These registries use robust accounting protocols for all GHG credits created for their exchange, including the six currently approved CARB protocols. This mitigation measure specifically requires GHG credits created for the project originate from a CARB-approved protocol or a protocol that is equal to or more rigorous than CARB requirements under17 CCR 95972. The selected protocol must demonstrate that the GHG-emissions reductions are real, permanent, quantifiable, verifiable, enforceable, and additional. Definitions of these terms from 17 CCR 95802(a) are provided below.

(1) Real: GHG reductions or enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the [GHG credit] project boundary and account for uncertainty and the potential for activity-shifting and market-shifting leakage.

(2) Additional: GHG reductions or removals that exceed any GHG reduction, or removals otherwise required by law, regulation, or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario.

(3) Permanent: GHG reductions and removal enhancements are not reversible or, when GHG reductions and GHG-removal enhancements may be reversible, mechanisms are in place to replace any reversed GHG-emission reductions and GHG-removal enhancements to ensure that all credited reductions endure for at least 100 years.

(4) Quantifiable: The ability to accurately measure and calculate GHG reductions or GHG-removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the [GHG credit] project boundary, while accounting for uncertainty. activity-shifting, and market-shifting leakage.

(5) Verifiable: A [GHG credit] project report assertion is well-documented and transparent such that it lends itself to an objective review by an accredited verification body.

(6) Enforceable: The authority for CARB to hold a particular party liable and take appropriate action if any of the provisions of this article are violated. Note that this definition of enforceability is specific to the Cap-and-Trade regulation, where CARB holds enforcement authority, but this measure will employ GHG credits from the voluntary market, where CARB has no enforcement authority. Applying the definition to this mitigation measure means that GHG reductions must be owned by a single entity and backed by a legal instrument or contract that defines exclusive ownership.

Geographic Prioritization of GHG Credits

GHG credits from reduction projects in the County will be prioritized before projects in larger geographies (i.e., northern California, California, United States, and international). The applicant will inform brokers of the required geographic prioritization for the procurement of GHG credits. GHG credits from reduction projects identified in the County that are of equal or lesser cost compared to the settlement price of the latest Cap-and-Trade auction must be included in the transaction. GHG credits from reduction projects outside of the County may be purchased if adequate credits cannot be found in the County or if they exceed the maximum price identified above. The economic and geographic analysis undertaken to inform the selection of GHG credits must be provided by the applicant to the County as part of the required documentation discussed below under Plan Implementation and Reporting.

Types of GHG Credits

GHG credits may be in the form of GHG offsets for prior reductions of GHG emissions verified through protocols or FMUs for future committed GHG emissions meeting protocols. Because emissions reductions from GHG offsets have already occurred, their benefits are immediate and can be used to compensate for an equivalent quantity of project-generated emissions at any time. GHG credits from FMUs must be funded and implemented within 5 years of project GHG emissions to qualify as a GHG credit under this measure (i.e., there can only be a maximum of 5 years lag between project emissions and their real-world reductions through funding a FMU in advance and implementing the FMU on the ground). Any use of FMUs that result in a time lag between project emissions and their reduction by GHG credits from FMUs must be compensated through a prorated surcharge of additional FMUs proportional to the effect of the delay. Because emissions of CO2 in the atmosphere reach their peak radiative forcing within 10 years, a surcharge of 10 percent for every year of lag between project emissions and their reduction through a FMU will be added to the GHG credit requirement (i.e., 1.10 FMUs would be required to mitigate 1 metric ton of project GHG emissions generated in the year prior to funding and implementation of the FMU).

Verification and Independent Review of GHG Credits
All GHG credits will be verified by an independent verifier accredited by the ANSI National Accreditation Board (ANAB) or CARB, or an expert with equivalent qualifications to the extent necessary to assist with the verification. Following the standards and requirements established by the accreditation board (i.e., ANAB or CARB), the verifier will certify the following.

- *GHG credits conform to a CARB-approved protocol or a protocol that is equal to or more rigorous than CARB requirements under 17 CCR 95972. Verification of the latter requires certification that the credits meet or exceed the standards in 17 CCR 95972.*
- *GHG credits are real, permanent, quantifiable, verifiable, enforceable, and additional, as defined in this measure.*
- *GHG credits are purchased according to the geographic prioritization standard defined in this measure under Geographic Prioritization of GHG Credits.*

Verification of GHG offsets must occur as part of the certification process for compliance with the accounting protocol. Because FMUs are GHG credits that will result from future projects, additional verification must occur beyond initial certification is required. Verification for FMUs must include initial certification and independent verification every 5 years over the duration of the FMU generating the GHG credits. The verification will examine both the GHG credit realization on the ground and its progress toward delivering future GHG credits. . The applicant will retain an independent verifier meeting the qualifications described above to certify reductions achieved by FMUs are achieved following completion of the future reduction project.

Program Study Area

4.2-7(b) *Prior to initiation of construction of the Program Study Area, the project applicant shall demonstrate that construction-related GHG emissions would be reduced to 1,100 $MTCO_2e/yr$ and shall submit proof to the El Dorado County Planning and Building Department.*

Construction-related GHG emissions can be reduced through several options, including, but not limited to, the following:

- *Modify the construction schedule to reduce the intensity of construction to lower emissions;*
- *Ensure that phases of development do not overlap;*
- *Use of renewable diesel for construction fuel rather than diesel;*
- *Improve fuel efficiency from construction equipment by:*
  - *Minimizing idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes (five-minute limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site; and*
  - *Using equipment with new technologies (repowered engines, electric drive trains).*
- *Perform on-site emission reductions such as implementing on-site material hauling with trucks equipped with on-road engines (if determined to be less*

emissive than the off-road engines) or real, quantifiable, permanent, verifiable, and enforceable on-site emission reductions;

- *Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power;*
- *Use a CARB-approved low carbon fuel for construction equipment; (NOX emissions from the use of low carbon fuel must be reviewed and increases mitigated.)*
- *Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes;*
- *Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones;*
- *Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75 percent by weight);*
- *Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products utilized should be certified through a sustainable forestry program;*
- *Minimize the amount of concrete for paved surfaces or utilize a low carbon concrete option;*
- *Produce concrete on-site if determined to be less emissive than transporting ready mix;*
- *Use SmartWay certified trucks for deliveries and equipment transport; and*
- *Develop a plan to efficiently use water for adequate dust control.*

The project applicant may elect to implement any combination of the foregoing measures to reduce construction-related GHG emissions. All GHG emissions reductions must be quantified. Compliance with the aforementioned measures shall be ensured by the El Dorado County Planning and Building Department.

If the quantified reduction measures do not reduce construction-related GHG emissions to below 1,100 $MTCO_2e/yr$, offsite carbon credits may be purchased to make up the difference. The purchase of off-site mitigation credits shall be negotiated with the County and EDCAQMD at the time that credits are sought. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2045. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by El Dorado County and/or the EDCAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by EDCAQMD.

4.2-7(c) *Implement Mitigation Measure 4.11-3.*

Project Development Area and Project Buildout

4.2-7(d) *The below CAPCOA-recommended employer-based trip reduction programs shall be offered by the project applicant for the commercial uses within the Project Development Area and Program Study Area, to the satisfaction of the El Dorado County Department of Transportation:*

- *T-7: Implement Commute Trip Reduction Marketing;*
- *T-8: Provide Ridesharing Program;*
- *T-10: Provide End-of-Trip Bicycle Facilities;*
- *T-11: Provide Employer-Sponsored Vanpool; and*
- *T-13: Implement Employee Parking Cash-Out.*

The lease agreements for all commercial tenants shall include language notifying tenants that they are required to inform their employees of the above-listed programs and provide related informational materials. The project applicant shall be required to provide an annual report to the El Dorado County Planning and Building Department and Department of Transportation, on the level of employee participation in each program over the course of the previous year.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.2-7 (Generation of GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs) by requiring the project applicant to build all electric and exceed EV ready parking space standards. If all electric is not feasible, additional measures to reduce GHG emissions could be implemented, including off-sets. In addition, construction emissions for the Program Study Area would be mitigated with construction measures as feasible. As such, even with implementation of the foregoing mitigation measure, the impact would remain *cumulatively considerable* and *significant and unavoidable*. Furthermore, other feasible mitigation measures do not exist. And, as discussed in Section 8 below, no identified alternative qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

5.3 BIOLOGICAL RESOURCES

SIGNIFICANT EFFECT: CUMULATIVE LOSS OF HABITAT FOR SPECIAL-STATUS SPECIES AND OAK WOODLANDS. (IMPACT 4.3-14)

Finding

The El Dorado County General Plan EIR identified significant and unavoidable biological resource impacts associated with loss and fragmentation of wildlife habitat and significant and unavoidable impacts on special-status species, wildlife movement, and sensitive habitats under project and cumulative conditions. In addition, the Bass Lake EIR, which assessed buildout of the BHLSP area, determined that buildout of the BHLSP would result in the disruption and/or loss of natural communities. As such, consistent with the conclusions from the Bass Lake EIR

and the El Dorado County General Plan EIR, the combined effects on biological resources including special-status species, riparian habitat, State and federally protected wetlands, and oak woodlands would be considered ***significant***.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce the level of the project's impacts related to cumulative loss of habitat for special-status species and oak woodlands.

Project Development Area and Project Buildout

4.3-14 *Implement Mitigation Measures 4.3-1, 4.3-2, 4.3-3, 4.3-4, 4.3-5, 4.3-6, 4.3-7, 4.3-8, 4.3-9, 4.3-10, 4.3-11(a) through 4.3-11(d), and 4.3-13.*

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.3-14 (Cumulative loss of habitat for special-status species and oak woodlands) by requiring compliance with all aforementioned mitigation measures for each species within the biological resources chapter of the EIR. However, the measure would not sufficiently reduce the impact to a less-than-significant level. Therefore, even with implementation of the foregoing mitigation measure, the impact would remain *cumulatively considerable* and *significant and unavoidable*. And, as discussed in Section 8 below, no identified alternative that would address this impact qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

5.4 CULTURAL RESOURCES

SIGNIFICANT EFFECT: CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE PURSUANT TO CEQA GUIDELINES SECTION 15064.5. (IMPACT 4.4-1)

Finding

The proposed project would include construction of a future private road, which would extend through the southern portion of the project site from Old Country Club Drive to the surface parking area associated with the hotel/event center impacting segments of the historical road. In addition, the proposed surface parking area associated with the hotel/event center would encroach on the historic road for approximately 100 feet east of Bass Lake Road. The off-site sewer alignment alternatives could also result in a potential impact to a portion of Lincoln Highway. Thus, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce the level of the project's impacts related to substantial adverse changes to historical resources.

Project Development Area and Project Buildout

4.4-1(a) *Prior to initiation of ground-disturbing activities, a qualified cultural resources specialist shall conduct a Phase II Archaeological Testing Program using a metal detector within any of the historic road segments delineated in the Cultural Resources Study prepared for the proposed project by Historic Resource Associates (HRA) that have an earthen surface in order to recover and document any historical artifacts that lie within the road prism. A report summarizing the results of the Phase II Archaeological Testing Program shall be submitted for review and approval to the El Dorado County Planning and Building Department. If historical artifacts are not found, further mitigation is not required.*

If historical artifacts are found, the qualified archaeologist shall assess the significance of the find in accordance with criteria for listing established by the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) and make recommendations for further evaluation and treatment, as necessary, which could include, but not be limited to, avoidance of the historical artifact(s) and preservation in place, planning construction to avoid historical artifact(s), deeding the historical artifact(s) into permanent conservation easements; capping or covering the historical artifact(s) with a layer of soil before building on the artifact(s), or planning parks, greenspace, or other open space to incorporate the historical artifact(s). The recommendations shall be documented in the project record and implemented by the project applicant.

4.4-1(b) *Prior to the initiation of ground-disturbing activities, a professional archaeologist shall observe the placement of temporary drip fencing in order to protect the portions of the Sacramento-Placerville Road, Mormon Hill Road-Lincoln Highway that occur within the project site and would be avoided by construction of the future private road and surface parking area associated with the proposed hotel/event center. If surfacing is needed to establish a hiking, equestrian, or bike trail on the historic road, surface materials shall be compatible in color and material to the existing road surface. Verification of the foregoing requirement shall be confirmed by the El Dorado County Planning and Building Department and County Department of Transportation.*

4.4-1(c) *Prior to construction of the off-site sewer line alignments to the west of Bass Lake Road, a professional archaeologist/historian shall provide preconstruction training to all contractors and staff who will participate in the construction of the buried sewer line within or near the prism of the historic road segments. Documentation of the training (i.e., a sign-in sheet) shall be retained at the project site and shall be submitted with applicable reports to the El Dorado County Planning and Building Department.*

4.4-1(d) *Prior to approval of the final improvement plans for the off-site sewer line alignments, the plans shall demonstrate that the historic macadam surface along Old Bass Lake Road is fully avoided. The final off-site sewer line improvement plans shall be reviewed by the El Dorado County Planning and Building Department, County Department of Transportation, and a qualified historian/archaeologist, who shall confirm that the proposed sewer line design and non-construction buffers are sufficient to preserve the historic macadam surface intact.*

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.4-1 (Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5) by requiring additional archaeological testing avoidance fencing, and training. However, as discussed above, the measure would not sufficiently reduce the impact to a less-than-significant level because development of the proposed project, in

combination with buildout cannot feasibly avoid adverse changes in historical resources. As such, even with implementation of the foregoing mitigation measures, the impact would remain *cumulatively considerable* and *significant and unavoidable*. And, as discussed in Section 8 below, no identified alternative that would address this impact qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

5.5 NOISE

SIGNIFICANT EFFECT: GENERATION OF A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS ASSOCIATED WITH PROJECT BUILDOUT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES. (IMPACT 4.9-3)

Finding

The project site's primary noise sources include on-site passenger vehicle circulation, passenger vehicle parking movements, on-site truck circulation, truck delivery activities, and HVAC equipment. Regardless of the impact determinations for individual on-site operations noise sources previously identified for the Project Development Area, and depending on the Program Study Area site design, and based on predicted noise levels combined with on-site operational noise level exposure associated with full the Project Buildout, noise could exceed applicable El Dorado County General Plan daytime, evening or nighttime exterior noise level standards and/or General Plan increase significance criteria at nearby existing sensitive uses. Therefore, a ***significant*** impact could occur related to related to generation of a substantial permanent increase in ambient noise levels associated with full Project Buildout.

Facts in Support of Finding

The County hereby adopts the following mitigation measures that would reduce the level of the project's impacts related to generation of substantial permanent increase in ambient noise levels associated with project buildout.

Project Buildout

4.9-3 *In conjunction with submittal of site-specific development plans for the Program Study Area, a noise impact study shall be prepared by a qualified noise consultant that addresses combined on-site operations noise level exposure associated with full buildout of the project (i.e., Project Development Area and Program Study Area) and submitted by the project applicant for review and approval to the El Dorado County Planning and Building Department. The noise impact study shall include an analysis of on-site operational noise exposure associated with full Project Buildout at nearby existing noise-sensitive receivers. The analysis shall include associated mitigation measures (as appropriate) to reduce full Project Buildout on-site operations noise levels to a state of compliance with applicable El Dorado County General Plan daytime, evening and nighttime exterior noise level criteria and General Plan increase significance criteria at nearby existing noise-sensitive receptors to the extent feasible. Mitigation measures may include, but not necessarily be limited to, reducing on-site traffic volumes, reducing on-site vehicle speeds, constructing*

noise barriers and shielding/screening, using setbacks, implementing noise-reducing pavement, and implementing operational restrictions.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.9-3 (Generation of a substantial permanent increase in ambient noise levels associated with Project Buildout in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies) by requiring a noise impact study for approval by the El Dorado County Planning and Building Department and compliance with all applicable El Dorado County General Plan daytime, evening and nighttime exterior noise level criteria and General Plan increase significance criteria. However, as discussed above, the measure would not sufficiently reduce the impact to a less-than-significant level. As such, even with implementation of the foregoing mitigation measure, the impact would remain *significant and unavoidable*. Furthermore, other feasible mitigation measures do not exist. And, as discussed in Section 8 below, no identified alternative qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

5.6 TRANSPORTATION

SIGNIFICANT EFFECT: CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B). (IMPACT 4.11-3) (PROGRAM STUDY AREA)

Finding

The baseline VMT per resident threshold of significance is 18.8, while the Program Study Area would generate 22.9, thereby exceeding the limit. Thus, a ***significant*** impact could occur.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce the level of the project's impacts related to conflict with or be inconsistent with CEQA Guidelines Section 15064.3 Subdivision (b).

Project Study Area

4.11-3 *The below measures shall be implemented as practicable to the satisfaction of the El Dorado County Engineer. VMT mitigation is based on guidance from the California Air Pollution Officers Association (CAPCOA).*

Unbundling of Parking Costs from Rent
Unbundling, or separating, a residential project's parking costs from property costs shall require those who wish to purchase parking spaces to do so at an additional cost. On the assumption that parking costs are passed through to the vehicle owners/drivers using the parking spaces, unbundling would result in decreased vehicle ownership, and thus, a reduction in VMT and GHG emissions. Unbundling may not be available to all residential developments, depending on funding sources. Unbundling would reduce parking demand by up to 15.7 percent under ideal conditions, based on an upper limit of$300 per month

per parking space. Benefits are proportional to the fee; for example, a $150/month fee would provide half the benefit of a $300/month fee.

Reduced Parking Supply
Reducing the total parking supply available at a residential project or site would create scarcity and add additional time and inconvenience to trips made by private auto, thus disincentivizing driving as a mode of travel. Reducing the convenience of driving would result in a shift to other modes and decreased VMT, and thus, a reduction in GHG emissions and VMT. Evidence of the effects of reduced parking supply is strongest for residential developments. Such measures would reduce VMT by up to 13.7 percent if all on-site parking was eliminated, and by up to a prorated amount based on a lower level of implementation. Generally, El Dorado County requires one and a half to two parking spaces per multi-family unit; therefore, reducing the parking supply to one space per unit would reduce VMT by a maximum of 6.85 percent.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.11-3 [conflict with or be inconsistent with CEQA Guidelines Section 15064.3 Subdivision (b)] by requiring compliance with CAPCOA guidance regarding parking. However, the measure would not sufficiently reduce the impact to a less-than-significant level. As such, even with implementation of the foregoing mitigation measure, the impact would remain *significant and unavoidable*. Furthermore, other feasible mitigation measures do not exist. And, as discussed in Section 8 below, no identified alternative qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

SIGNIFICANT EFFECT: CUMULATIVELY CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B). (IMPACT 4.11-6)

Finding

The TIS prepared for the proposed project included an evaluation of the project's effect on VMT under super cumulative conditions, as well as under 2040 horizon year cumulative buildout conditions. However, similar to project-specific impacts discussed under Impact 4.11-3, the dwelling units constructed as part of the Program Study Area would generate a household VMT per resident of 21.4 under super cumulative conditions, and 22.9 under 2040 horizon year cumulative buildout conditions, which would exceed the 18.8 VMT threshold of significance. Therefore, similar to project-specific impacts, under cumulative conditions, Project Buildout would result in a significant impact related to residential VMT. Therefore, the project's impact would be ***cumulatively considerable***.

Facts in Support of Finding

The County hereby adopts the following mitigation measure that would reduce the level of the project's impacts related to cumulatively conflict with or be inconsistent with CEQA Guidelines 15064.3, Subdivision (b).

Program Study Area
4.11-6 Implement Mitigation Measure 4.11-3.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.11-6 [cumulatively conflict with or be inconsistent with CEQA Guidelines 15064.3, Subdivision (b)] by requiring compliance with CAPCOA guidance regarding parking. However, the measure would not sufficiently reduce the impact to a less-than-significant level. As such, even with implementation of the mitigation measure, the impact would remain *cumulatively considerable* and *significant and unavoidable*. Furthermore, other feasible mitigation measures do not exist. And, as discussed in Section 8 below, no identified alternative qualifies as both feasible and environmentally superior to the proposed project. Therefore, the County makes the following finding pursuant to PRC 21081: Finding (3) - Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

In addition, pursuant to PRC 21081(b), with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, as set forth in Section 10 below.

6 FINDINGS REGARDING GROWTH-INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(d) requires an EIR to evaluate the potential growth-inducing impacts of a proposed project. Specifically, an EIR must discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth can be induced in a number of ways, including the elimination of obstacles to growth, or by encouraging and/or facilitating other activities that could induce growth. Examples of projects likely to have growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or office complexes in areas that are currently only sparsely developed or are undeveloped.

As discussed in Section 5.2 of the EIR, the CEQA Guidelines are clear that while an analysis of growth-inducing effects is required, it should not be assumed that induced growth is necessarily significant or adverse. Rather, the EIR evaluated the following potential growth-inducing impacts related to implementation of the proposed project and assessed whether such effects were significant and adverse (see CEQA Guidelines Section 15126.2[d]):

1. Foster population and economic growth and construction of housing.
2. Eliminate obstacles to population growth.
3. Affect service levels, facility capacity, or infrastructure demand.
4. Encourage or facilitate other activities that could significantly affect the environment.

Foster Population and Economic Growth and Construction of Housing

As discussed in Chapter 4.8, Land Use and Planning/Population and Housing, of the EIR, using a 2.45 persons per household average size for El Dorado County, residential development associated with the Project Development Area is anticipated to house an estimated 274 residents. Development of the Project Development Area and the associated addition of 274 residents would increase the total current population of the BLHSP area from 1,947 to 2,221, or a 14.1 percent increase. In addition, when considering buildout of the Program Study Area, full Project Buildout could result in a total population increase of approximately 1,807 residents. Development of the proposed project and the associated addition of an estimated 1,807 residents would increase the total current population of the BLHSP area from 1,947 to 3,754, or a 92.8 percent increase. However, the BLHSP projected that the area's

population could grow by as many as 4,811 residents by buildout. Therefore, although the proposed project would have the potential to increase the population of the area, such an increase in population is planned and would be within the range of growth projections assumed in the 2030 El Dorado County General Plan as well as for the BLHSP area. Furthermore, the infrastructure included in the proposed project would serve only the project.

While construction of the proposed project would result in increased construction employment opportunities, which could potentially result in increased permanent population and demand for housing in the vicinity of the project site, employment patterns of construction workers is such that construction workers would not likely, to any significant degree, relocate their households as a result of the construction-related employment opportunities associated with the proposed project. In addition, although the proposed project would include the development of commercial uses, which were not anticipated for the site in the 2030 General Plan, and could provide additional long-term employment opportunities, such opportunities would not be anticipated to result in a substantial increase in permanent population or demand or housing in the vicinity of the project site. The proposed project included development of 56 residential dwelling units reserved for on-site employee housing. In addition, the employment opportunities would likely be filled from the local employee base. As a result, the on-site employment opportunities would not be anticipated to result in a substantial increase in the permanent population or demand for housing in the project vicinity.

Appendix G of CEQA Guidelines has been recently amended to clarify that unplanned population growth would be considered a potentially significant impact. However, growth that is planned, and the environmental effects of which have been analyzed in connection with a land use plan or a regional plan, should not by itself be considered an impact. Consequently, as discussed in further detail under Impacts 4.8-3 and 4.8-5 within the Land Use and Planning/Population and Housing chapter of the EIR, the proposed project would result in population growth within El Dorado County, but such growth would be within the buildout projections for unincorporated areas within El Dorado County. Thus, while the project would foster population and economic growth, such growth would be similar to what has been previously anticipated for the project region as well as the project site, and a less-than-significant impact related to population and economic growth would occur.

Eliminate Obstacles to Population Growth

The elimination of either physical or regulatory obstacles to growth is considered to be a growth-inducing effect. A physical obstacle to growth typically involves the lack of public service infrastructure. The extension of public service infrastructure, including roadways, water mains, and sewer lines, into areas that are not currently provided with these services, would be expected to support new development. Similarly, the elimination or change to a regulatory obstacle, including existing growth and development policies, could result in new growth.

As discussed in Chapter 4.13, Utilities and Service Systems, of the EIR, the project site is not currently served by a water service provider, and would require annexation into the El Dorado Irrigation District (EID) service area to accommodate the proposed project. The nearest existing water line is a 24-inch water main located in Bass Lake Road, approximately 2,000 feet north of the project site. As such, the proposed project would require an off-site water line extension or order to provide water to the project site. The proposed off-site water line extension would either include approximately 3,900 linear feet of new 12-inch water line, which would connect to the existing 24-inch line and extend south within Bass Lake Road to the project site, or would be installed within the alignment of the approved Bass Lake North Bike Trail that is planned to extend along the east side of Bass Lake Road from Hollow Oaks Drive to Old Country Club Drive for approximately 1,600 linear feet.

In addition, two alternatives are currently proposed for providing sewer service to the project site. The first alternative consists of the construction of an approximately 10,510-linear-foot BLHSP sewer main connecting the project site to the existing 18-inch South Uplands Trunk Sewer-Gravity Main located in Russi Ranch Road, approximately 1.6 miles to the west. In order to receive public sewer service from EID, the project site would need to be annexed into the EID service area. The second alternative includes a septic sewer system as an interim solution for the Project Development Area of the project site. It is anticipated that the Project Development Area would

initially include development of the proposed on-site septic system. Connection of the proposed project to the public sewer system is anticipated to occur at such time future development within the Program Study Area commences.

All potential physical environmental impacts that could result from development of the proposed project, including new utility infrastructure, have been evaluated throughout the technical chapters of the EIR. The on- and off-site water and sewer system improvements would be sized to serve only the proposed project and would be financed by the project applicant.

While the proposed project would also include development of an internal roadway system, which would connect to Bass Lake Road to the west and to Country Club Drive to the north, the proposed roadway improvements would improve connectivity to the project site, serving residents, visitors, and employees of the proposed project, and would not be anticipated to eliminate obstacles to population growth.

The aforementioned improvements are essential to support the proposed project and would not eliminate obstacles to growth in a manner that would encourage previously unplanned growth.

Affect Service Levels, Facility Capacity, or Infrastructure Demand

Increases in population that would occur as a result of a proposed project may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental impacts. As discussed in Chapter 4.10, Public Services and Recreation, of this EIR, increased demands for public services, including fire and police protection services, attributable to the proposed project would not necessitate the construction of new or expanded facilities that could cause significant environmental impacts. The proposed project would be required to comply with all General Plan and BLHSP policies and pay applicable fees that support emergency police and fire services. In addition, the project would be required to pay applicable fees to the Buckeye Union School District (BUSD) and El Dorado Union High School District (EDUHSD).

As discussed in Chapter 4.13, Utilities and Service Systems, of this EIR, the County confirmed that the El Dorado Hills Wastewater Treatment Plant (EDH WWTP) has adequate capacity to accommodate the full sewer generation from the proposed project, including both the Project Development Area and Program Study Area. In addition, EID is projected to maintain a supply which exceeds its projected demands by greater than 11,000 acre-feet (AF) in normal water years, single dry water years, and multi-year droughts from 2025 through 2045. Therefore, even if the proposed project's 207 acre-feet per year (AFY) of water demand was not included in EID's future demand growth anticipated by the 2020 Urban Water Management Plan (UWMP), EID would still have sufficient water supplies to serve the proposed project. While the proposed project would require an off-site water line connection and is anticipated to include an off-site sewer connection either during construction of the Project Development Area or during future development of the Program Study Area, the proposed infrastructure improvements are essential to support the proposed project, would be sized to serve only the proposed project, and would be financed by the project applicant. All potential physical environmental impacts that could result from development of the proposed project, including new utility infrastructure, have been evaluated throughout the technical chapters of the EIR.

The landfill that would serve the proposed project has adequate capacity to manage the solid waste generated as a result of the project. Furthermore, mitigation measures set forth in Chapter 4.7, Hydrology and Water Quality, of the EIR would ensure that the proposed project would not create or contribute runoff water that would exceed the capacity of the County's stormwater drainage systems. Therefore, the proposed project would not increase population such that service levels, facility capacity, or infrastructure demand would require construction of new facilities that could cause significant environmental impacts.

Encourage or Facilitate other Activities That Could Significantly Affect the Environment

The EIR provides a comprehensive assessment of the potential for environmental impacts associated with implementation of the proposed project. Please refer to Chapters 4.1 through 4.15 of the EIR, which comprehensively address the potential for impacts from urban development on the project site.

7 PUBLIC COMMENTS

El Dorado County received 56 comment letters during the public comment period on the Draft EIR for the proposed project. The County conducted one hearing to receive verbal comments on the Draft EIR, during which one verbal comment was provided on the El Dorado Planning Commission meeting of August 22, 2024. In determining whether to accept such suggestions, either in whole or in part, the County has considered the following factors, among others:

(i) Whether the suggestion relates to a significant and unavoidable environmental effect of the originally proposed project or alternative, or instead relates to an effect that can already be mitigated to a less-than-significant level by proposed mitigation measures in the Draft EIR;
(ii) Whether the proposed language represents a clear improvement, from an environmental standpoint, over the mitigation provision that a commenter seeks to replace;
(iii) Whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted;
(iv) Whether the language might be too inflexible to allow for pragmatic implementation;
(v) Whether the suggestions are feasible from an economic, technical, legal, or other standpoint, as CEQA requires; and
(vi) Whether the proposed language is consistent with the project objectives.

In no instance did the County fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions.

8 ALTERNATIVES

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126[a]). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range (*Citizens of Goleta Valley v. Board of Supervisors* [1990], 52 C.3d 553, 566). The CEQA Guidelines note that alternatives evaluated in the EIR should be able to attain most of the basic objectives of the project (CEQA Guidelines Section 15126.6[a]). An EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* [1992], 10 Cal.App.4th 908); and the CEQA Guidelines provide that an EIR need not consider alternatives that are infeasible (CEQA Guidelines Section 15126.6[a]). The CEQA Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." (CEQA Guidelines Section 15126.6[f][1]). The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]).

PRC Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ["*Goleta II*"] [1990] 52 Cal.3d 553, 565.) The concept of "feasibility" also encompasses the question

of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id*.; see also *California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*.)

The review of project alternatives is guided primarily by the need to substantially reduce significant and unavoidable impacts associated with the project, while still achieving the basic objectives of the project, which can be found on page 3 of this document. The Board of Supervisors finds that a good faith effort was made to evaluate a range of potentially feasible alternatives in the EIR that are reasonable alternatives to the proposed project and could feasibly obtain most of the basic objectives, even when the alternatives might impede the attainment of some of the project objectives and might be more costly (CEQA Guidelines Section 15126.6[b]). As a result, the scope of alternatives analyzed in the EIR is reasonable.

The detailed discussions in Section 4 of this document demonstrate that, with the exception of the significant and unavoidable impacts discussed in Section 5 of this document, the significant environmental effects of the project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures required by the EIR.

The County can fully satisfy its CEQA obligations by determining whether any alternatives identified in the Draft EIR are both feasible and environmentally superior with respect to the project impacts identified in the EIR. (See *Laurel Hills Homeowners Assn. v. City Council* [1978] 83 Cal.App.3d 515, 520-521, 526-527; *Kings County Farm Bureau, supra*, 221 Cal.App.3d at pp. 730-731; and *Laurel Heights Improvement Assn. v. Regents of the University of California* [1988] 47 Cal.3d 376, 400-403; see also PRC Section 21002.) These Findings will assess whether each alternative is feasible in light of the project applicant's objectives for the project, which, as noted earlier, the Board of Supervisors finds to be acceptable.

As discussed in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, the issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR, and (2) during the agency's later consideration of whether to approve the project. But differing factors come into play at each stage. For the first phase -- inclusion in the EIR -- the standard is whether the alternative is potentially feasible. (CEQA Guidelines Section 15126.6, subdivision [a].) By contrast, at the second phase -- the final decision on project approval -- the decision-making body evaluates whether the alternatives are actually feasible. (See CEQA Guidelines Section 15091, subdivision [a][3].)

As the following discussion describes, no identified alternative qualifies as both feasible and environmentally superior to the project.

8.1 NO PROJECT (NO BUILD) ALTERNATIVE

CEQA requires the evaluation of the comparative impacts of the "No Project" alternative (CEQA Guidelines Section 15126.6[e]). Analysis of the no project alternative shall:

> "… discuss […] existing conditions […] as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." (*Id.*, subd. [e][2]) "If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the 'no project' alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in the property's existing state versus environmental effects that would occur if the project were approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed. In certain instances, the no project alternative means 'no build,' wherein the existing environmental setting is maintained. However, where failure to proceed with the project would not result in

> preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (*Id.*, subd. [e][3][B]).

The County has decided to evaluate a No Project (No Build) Alternative, which assumes that the current conditions of the project site would remain, and the site would not be developed. As described in this EIR, Country Club Drive crosses through the northern portion of the site and a dirt road is located in the western area of the site. With the exception of two wells located near the center of the site, the project site is otherwise undeveloped. On-site vegetation consists of seasonal grasses and scattered oak trees. In addition, rock outcroppings are located throughout the site. Seasonal wetlands have also been observed on-site, as well as roadside ditches and an intermittent drainage north of Country Club Drive.

Finding: Implementation of the No Project (No Build) Alternative would not result in significant and unavoidable impacts related to aesthetics, air quality, GHG emissions, energy, loss of biological resources, cultural resources, geology, soil, hazards or hazardous materials, hydrology, noise, transportation, tribal cultural resources, or wildfire. As the No Project (No Build) Alternative would not involve construction activities, the Alternative would not have the potential to result in impacts.

It is also noted that this Alternative would not provide economic benefit to the County through property and sales taxes and other project fees. In addition, pursuant to SB 330, the Housing Crisis Act of 2019, California is experiencing a housing supply crisis, and local agencies are encouraged to process residential project proposals in a timely manner. The No Project (No Build) Alternative would not provide necessary housing to . Thus, the County has determined that the aforementioned economic and social considerations render the No Project (No Build) Alternative infeasible. (See CEQA Guidelines Section 15091, subdivision [a][3].)

To the extent that the project has greater environmental impacts than the No Project (No Build) Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible and the overriding considerations identified in these Findings. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills*, *supra*, 83 Cal.App.3d at p. 521 [a public agency may approve a project once its significant adverse effects have been reduced to an acceptable level — that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable.]

8.2 BUILDOUT PURSUANT TO BLHSP ALTERNATIVE

Under the Buildout Pursuant to BLHSP Alternative, the entire 60.5-acre project site would be developed consistent with the site's existing BLHSP land use designations. As shown in Figure 3-4 in Chapter 3, Project Description, of this EIR, the BLHSP designates the approximately 43.12-acre portion of the project site located south of Country Club Drive as Low Density Residential Planned Development with a maximum allowable density of 0.2 du/ac (L.2-PD); the approximately 17.38-acre portion of the project site located north of Country Club Drive is designated as Low Density Residential Planned Development with a maximum allowable density of 0.7 du/ac (L.7-PD).

Finding: The Buildout Pursuant to BLHSP Alternative would result in greater impacts than the proposed project related to one of the 11 issue areas for which project impacts were identified while fewer impacts than the proposed project related to ten issue areas. More specifically, because the Buildout Pursuant to BLHSP Alternative could result in a greater area of disturbance compared to the proposed project, the Alternative would have the potential to result in greater impacts related to wildfire.

With respect to the Buildout Pursuant to BLHSP Alternative, because on-site ground disturbance would be limited to grading of house foundations and internal roads, and excavation of utility trenches, it is reasonable to assume that the Alternative could be designed with an emphasis on preserving and incorporating these features; thus, meeting Project Objectives 2 through 4. Because the Buildout Pursuant to BLHSP Alternative would include the development of only residential uses with generally uniform density, the Alternative would not meet the remaining

project objectives. In conclusion, of the "build" alternatives, the Buildout Pursuant to BLHSP Alternative would result in the greatest reduction in the number of significant project impacts. However, the Buildout Pursuant to BLHSP Alternative would be considered a version of the No Project Alternative, and, thus, should not be considered in the selection of the Environmentally Superior Alternative.

To the extent that the project has greater environmental impacts than the Buildout Pursuant to Existing Community Plan Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts. In sum, the County believes that the benefits of the project as it relates to the project objectives and as proposed outweigh its environmental costs. (See *Laurel Hills*, *supra*, 83 Cal.App.3d at p. 521 (a public agency may approve a project once its significant adverse effects have been reduced to an acceptable level—that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").

8.3 HIGHER DENSITY ALTERNATIVE

Under the Higher Density Alternative, buildout of the Project Development Area of the project site would be the same as the proposed project and would include development of two hotels, retail services, two restaurants, a museum, an event center, associated parking, 56 residential cottages for employee housing, and an additional 56 residential cottages. Similar to the proposed project, the Alternative would require approval of a General Plan Amendment, BLHSP Amendments, Rezone, and Tentative Subdivision Map, as well as a potential conditional use permit and other responsible agency approvals. Additionally, this Alternative would require the same off-site water and sewer improvements as the proposed project, and similar to the proposed project, could construct an interim septic system to serve the Project Development Area until such time that future development proceeds within the Program Study Area, at which point the project would need to connect to public sewer.

Consistent with the proposed project, the Higher Density Alternative would also include the development of approximately 90,000 square feet of commercial uses within the Program Study Area; however, residential buildout of the Program Study Area under the Alternative would result in an additional 108 units as compared to the proposed project.

Finding: The Higher Density Alternative would result in greater impacts than the proposed project related to one of the 11 issue areas for which project impacts were identified, similar impacts as the proposed project related to eight issue areas, and fewer impacts than the proposed project related to two issue areas The Higher Density Alternative would result in two fewer impacts than the proposed project related to Transportation (i.e., VMT) and Air Quality, GHG Emissions, and Energy (i.e., GHG), greater impacts related to Aesthetics, and similar impacts related to the remaining issue areas for which project impacts were identified. Although the significant and unavoidable GHG impact and the significant and unavoidable Transportation (VMT) impact would not occur under the Higher Density Alternative, the Alternative would not avoid the remaining significant and unavoidable impacts related to Aesthetics; Air Quality (criteria pollutant emissions); Biological Resources; Cultural Resources; and Noise.

With respect to environmental factors, the Higher Density Alternative, because development of the Project Development Area under the Higher Density Alternative would be the same as the proposed project, and because the Alternative would provide additional variety of the housing types and densities within the project site, all project objectives would be met by the Higher Density Alternative. Although the Higher Density Alternative would result in fewer impacts related to Transportation, Air Quality, GHG Emissions, and Energy it would result in greater impacts related to Aesthetics. The Higher Density Alternative would be considered the Environmentally Superior Alternative.

9 FINDINGS ON RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR

but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. [1989] 214 Cal.App.3d 1043).

Having reviewed all the information in the record, the County Board of Supervisors finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR. No new or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and, although alterations were made to the Draft EIR, such changes were for informational or clarification purposes only. The responses to comments do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, the County Board of Supervisors finds that recirculation of the EIR is not required.

10 STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed in Section 5 of these Findings, the Final EIR concludes that the project, even with the incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless cause a direct significant and unavoidable impact related to the following:

- In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality;
- Long-term changes in visual character associated with development of the proposed project in combination with future buildout of the El Dorado County General Plan;
- Conflict with or obstruct implementation of the applicable air quality plan during project operation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Generation of GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs;
- Cumulative loss of habitat for special-status species and oak woodlands;
- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5;

- Generation of a substantial permanent increase in ambient noise levels associated with Project Buildout in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); and
- Cumulatively conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

El Dorado County, through the Board of Supervisors, has also adopted all feasible mitigation measures with respect to the impacts, which further lessens the impacts, but would not reduce them below a level of significance.

Under CEQA, before a project that is determined to have a significant, unmitigated environmental effect can be approved, the public agency must consider and adopt a "statement of overriding considerations" pursuant to CEQA Guidelines Sections 15043 and 15093. As the primary purpose of CEQA is to fully inform the decision makers and the public as to the environmental effects of a project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance, CEQA nonetheless recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. However, that agency must explain and justify its conclusion to approve such project through the statement of overriding considerations, setting forth the project's general social, economic, policy, or other public benefits that support the agency's informed conclusion to approve the project.

The Board of Supervisors has balanced the benefits of the project against its unavoidable environmental impacts related to the following: substantially degrading the existing visual character or quality of public views of the site and its surroundings; and causing long term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the Town and County El Dorado Project. The reasons set forth below are based on the EIR and other information in the record. As set forth in the preceding sections, approving the proposed project will result in ten significant adverse environmental effects related to aesthetics, air quality, GHG emissions, biological resources, cultural resources, noise, and transportation that cannot be reduced to less-than-significant levels, even with the adoption of feasible mitigation. As determined above, however, there are no additional feasible mitigation measures that would mitigate or substantially lessen the impacts to a less-than-significant level. In addition, the preceding section has demonstrated that the alternatives to the project are infeasible, where "'feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors" (PRC Section 21061.1). Therefore, despite the significant environmental effects, the Board of Supervisors, in accordance with PRC Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the proposed project because, in its judgment, the following economic, social, and other benefits that the proposed project will produce will render the significant effects acceptable.

Substantial evidence supporting the benefits cited in this Statement of Overriding Considerations can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the record of proceedings. Any one of the following reasons is sufficient to demonstrate that the benefits of the project outweigh its unavoidable adverse environmental effects, thereby justifying approval of the proposed project. Substantial evidence exists that these public benefits outweigh the significant impacts of the project and, therefore, the proposed project is acceptable to El Dorado County.

Project Benefits

The project will provide for the following benefits:

1. Provide a variety and diverse mix of affordable housing opportunities;
2. Provide needed commercial and tourism opportunities;
3. Generate new property tax and sales tax revenue to support and enhance public services within the County such as an annual net surplus of $312,000 for the El Dorado Hills Fire Department and approximately $2.47 million for the County's General Fund; and

4. Enhance transportation circulation within the County by providing new roadway networks.

As discussed above, the Board of Supervisors has balanced these benefits and considerations against the significant unavoidable adverse environmental effects of the project. The Board of Supervisors hereby concludes that those impacts are outweighed by these benefits, among others. After balancing the environmental risks against project benefits, the County concludes and therefore finds that the project benefits outlined above outweigh the significant and unavoidable environmental costs associated with the project.

11 CONCLUSION

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMRP, have eliminated or reduced, or will eliminate or reduce to a level of less than significant, all adverse environmental impacts, except for the significant and unavoidable impacts described above in Section 5.

Taken together, the Final EIR, the mitigation measures, and the MMRP provide an adequate basis for approval of The Town and Country Village El Dorado Project.

Based on the foregoing Findings and the information contained in the record, it is determined that:

1. All significant effects on the environment due to the approval of the project have been eliminated or substantially lessened where feasible;
2. Feasible alternatives to the proposed project which would mitigate or substantially lessen the impacts do not exist; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section 10, above.

The project-related environmental documents are available at the County's website at the following address:

https://www.eldoradocounty.ca.gov/Land-Use/Planning-and-Building/Planning-Division/Environmental-Impact-Report-EIR-Documents/Town-and-Country-Village-El-Dorado-EIR