



COMMUNITY DEVELOPMENT SERVICES PLANNING AND BUILDING DEPARTMENT

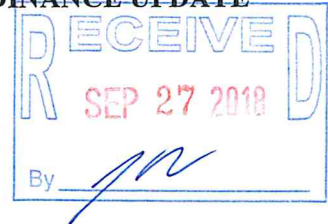
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NOTICE OF AVAILABILITY OF AN ADDENDUM TO THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE TARGETED GENERAL PLAN AMENDMENT/ZONING ORDINANCE UPDATE (State Clearinghouse No. 2012052074)



Date: September 27, 2018
To: Interested Agencies, Organizations and Individuals
From: Roger Trout, Director of Planning and Building Department

The Community Development Services, Planning and Building Department, as the Lead Agency, has prepared an Addendum to the Final Program Environmental Impact Report (FEIR) for the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) adopted by the Board of Supervisors on December 15, 2015. The FEIR was prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Sections 21000 et seq. and the CEQA Guidelines (14 California Code of Regulations [CCR] Sections 15000 et seq.).

DOCUMENT AVAILABILITY AND REVIEW PERIOD: This Addendum to the TGPA/ZOU FEIR is available for public and agency review for a 14-day period **beginning Thursday, September 27, 2018 and ending at 5:00 PM on Thursday, October 11, 2018.** The purpose of this comment period is to provide all interested parties with the opportunity to submit written comments only as to (a) the revised responses to comments O-1-54 to O-1-58, O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24 in the Addendum; and, (b) the revisions to the text of the FEIR Executive Summary Section ES.5 (Potential Areas of Controversy/Issues to be Resolved) related to the disagreement between the California Board of Forestry and Fire Protection and the County concerning the project and the requirements to comply with Government Code, Sections 65302(G)(1) and 65302(G)(3)(C).

The Addendum to the TGPA/ZOU FEIR and supporting information may be reviewed and/or obtained at the following locations:

Planning and Building Department 2850 Fairlane Ct., Bldg. C Placerville, CA 95667	El Dorado County Library 345 Fair Lane Placerville, CA 95667	El Dorado County Library 7455 Silva Valley Pkwy. El Dorado Hills, CA 95762	Cameron Park Library 2500 Country Club Dr. Cameron Park, CA 95682
Community Development Services Planning and Building Department Website, under What's New: https://www.edcgov.us/Government/Planning			

All written public and agency comments on the Addendum to the TGPA/ZOU FEIR must be received by **5:00 PM on Thursday, October 11, 2018** and should be directed to: Community Development Services, Planning and Building Department, **Attention: Anne Novotny, 2850 Fairlane Court, Placerville, CA 95667.** Please include the name of the contact person of your agency, if applicable. Comments may be submitted via email to **anne.novotny@edcgov.us**. Comments submitted via email must either be included in the body text of the message or as an attachment in Microsoft® Word or Adobe® PDF format. Comments may also be submitted via fax to (530) 642-0508.

CEQA ADDENDUM

***EL DORADO COUNTY TGPA/ZOU
FINAL PROGRAM EIR***

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Introduction

At its public hearing on December 15, 2015, the El Dorado County Board of Supervisors (Board) certified the Final Program Environmental Impact Report (FEIR) for the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) project and approved that project. The Board was subsequently sued over the adequacy of the FEIR.

On July 25, 2018 the Superior Court ordered partial decertification of the FEIR pending the County's correction of specified responses to comments (e.g., responses O-1-54 to O-1-58, O-1-70, O-1-62, I-37-14, I-37-16, I-37-23, and I-37-24), and the portion of the FEIR relating to the disagreement between the California Board of Forestry and Fire Protection and the County concerning the TGPA/ZOU and its consistency with Government Code Sections 65302(g)(1) and 65302(g)(3)(C). This addendum to the FEIR complies with the mandate of the court.

The addendum addresses the court-mandated changes in the order of their occurrence in the FEIR. A discussion of the disagreement between the County and the Board of Forestry and Fire Protection has been added to the FEIR's Executive Summary under Section ES.5, *Areas of Controversy/Issues to be Resolved*. The FEIR's responses to the specified comments have been revised per the direction of the court and are found in Chapter 9, *Responses to Comments*. No other changes are being made to the FEIR.

Revisions to the Executive Summary

Introduction

The following text replaces Section ES.5, *Areas of Controversy/Issues to be Resolved* in the Final Program EIR. Text that is new in this Addendum is underlined.

Revisions to the Text of the Executive Summary

ES-5. Areas of Controversy/Issues to be Resolved

CEQA requires that an EIR identify “[a]reas of controversy known to the Lead Agency, including issues raised by agencies and the public” (CEQA Guidelines Section 15123). Several areas of controversy and issues to be resolved related to the project have been identified; these are discussed below.

The potential to increase traffic levels on county roads and U.S. Highway 50, with particular concern over the continued application of “Measure Y” and the associated County traffic mitigation programs.

There has been significant public discussion about current and projected future level of service (LOS) on U.S. Highway 50.

El Dorado County’s updated Travel Demand Model (TDM) was used to model six roadway network scenarios for the TGPA/ZOU project. This analysis indicates that U.S. Highway 50 would not reach LOS F in 2035 under any of the six roadway network scenarios analyzed. The results of the new TDM runs are reflected in Table 3.9-13 of this FEIR.

In the 2035 horizon year, assuming all California Department of Transportation (Caltrans) planned and programmed improvements are installed, the 2014 *Transportation Concept Report and Corridor System Management Plan, United States Route 50* (2014 TCR/CSMP) forecasts that the LOS on U.S. Highway 50 from the Sacramento County line to El Dorado Hills Boulevard, El Dorado Hills Boulevard to Bass Lake Road, and Bass Lake Road to Cameron Park Drive segments would be F, F, and D, respectively. The 2014 TCR/CSMP’s long-range, ultimate concept is LOS E for all three of these segments.

Caltrans used the Sacramento Area Council of Government’s (SACOG’s) Sacramento Activity-Based Travel Simulation (SACSIM) model and other data inputs to determine transportation system performance for the 2014 TCR/CSMP. In a letter to the County dated September 25, 2013, Caltrans staff stated that the portion of the U.S. Highway 50 segment from the Sacramento County line to the El Dorado Hills Boulevard interchange currently operates at LOS F during the peak hour. Caltrans Operations staff has also stated that once the ramp metering for the westbound El Dorado Hills Boulevard on-ramp is operational, LOS on this segment may temporarily improve.

That the TDM run and 2014 TCR/CSMP reached different conclusions may be attributed to a number of factors. First, Caltrans used SACOG's SACSIM model and other data inputs for the CSMP, while El Dorado County used its updated TDM to model scenarios for the TGPA/ZOU project. SACOG's Sacramento Regional Travel Demand Model (SACMET) and SACSIM land use and roadway network assumptions are somewhat general, while the County's TDM is specifically tailored to El Dorado County. The El Dorado County TDM consists of 625 Traffic Analysis Zones (TAZs - 497 in El Dorado County and 128 in Sacramento and Placer Counties). This superior zonal resolution (four times more than the 126 TAZ's in the SACMET/SACSIM) enables a much more detailed analysis of county roadways. In addition, future land uses in the TDM more accurately reflect the County's adopted General Plan land use categories as well as overall land use growth control totals. This is not the case for the SACMET/SACSIM models developed and maintained by SACOG. For example, SACMET's land use identifies the El Dorado Hills Business Park as "retail," whereas EDC's TDM more accurately depicts its uses as "industrial" and "office." SACMET also shows golf courses, churches, and storage facilities in EDC as retail. Because retail uses result in higher trip generation rates than industrial, office, golf course, and church uses, these discrepancies could lead to differences in roadway impacts if not corrected.

The TDM more accurately depicts land uses than SACOG's regional land use dataset because of the availability of detailed use information that is documented and maintained by the County in its own parcel dataset. An extensive review process involving checks with aerial imagery was performed where land uses in the SACOG dataset did not match the use information in the County parcel data set. Given its more regional multi-county modeling domain, SACOG applied generalized land use categories for specialized uses (i.e., golf courses, churches and storage facilities) that are difficult to identify and confirm at a regional scale that involves millions of parcels across a six-county area.

Second, Caltrans and El Dorado County collect and use traffic counts differently to model future transportation system performance. Caltrans conducts freeway counts throughout the year, with some locations counted continuously. Locations that are not counted continuously are sampled every 3 years at different times during the count year. Final volumes are adjusted by compensating for seasonal influence, weekly variation, and other variables. Caltrans' reported counts are Annual Average Daily Traffic, which, by definition, counts for a year divided by 365 days. El Dorado County collects traffic counts annually for more than 70 roads within the county. Count information is available in three formats: Hourly Traffic Count Reports, Annual Traffic Count Summary, and Five Year Traffic Count Summary (<http://edcapps.edcgov.us/dot/trafficcounts.asp>). Annual Daily Traffic Counts are calculated by taking the average of a 1- to 5-day, non-holiday weekday count, as required by the County's General Plan.

Third, Caltrans is planning for the future of the State Highway system while El Dorado County is tasked with the planning, improvement, and maintenance of the local roadway network. It should be noted that Caltrans identifies LOS E as the concept LOS for the U.S. Highway 50 segment from the Sacramento County line to the El Dorado Hills Boulevard/Latrobe Road interchange; however, Caltrans projects LOS F on the segment in the future without identifying improvements to meet its concept LOS E, while El Dorado County is tasked with maintaining LOS E on U.S. Highway 50 as required by the General Plan.

Caltrans and El Dorado County also differ in determining the amount and distribution of future development. Caltrans determines the annual growth from all applicable travel demand models in the analysis area as well as from linear regression analysis of historical traffic volumes, and then applies the traffic growth to the baseline conditions to determine the 20-year volumes. El Dorado

County determines an appropriate 20-year residential growth forecast by considering the amount and distribution of growth that has historically occurred within the county, future demand and market trends, General Plan policies regarding how and where to accommodate future growth, location and availability of developable parcels, as well as other factors. The County's TDM is used to model future transportation system performance based on forecasted residential, commercial, and employment growth and planned roadway improvements identified in the County's 20-year Capital Improvement Program which are consistent with General Plan policies, inclusive of Policy TC-Xa (Measure Y).

The Project would not make any changes to Measure Y. El Dorado County continues to update and maintain the Traffic Impact Mitigation fee and capital improvement programs that are integral to implementation of Measure Y. The provisions of Measure Y were adopted by initiative in 2008 and are slated to expire December 31, 2018 by the terms of the initiative. Mitigation Measure TRA-1 would extend the term of the initiative indefinitely after that date unless subsequently amended by vote of the El Dorado County electorate.

The availability of adequate surface water and groundwater supplies to serve future development, particularly in the western county. This concern is heightened by the current drought.

The discussion in Section 3.10, *Water Supply*, presents information on the public water supply in average and dry years, and the drought plans of the public water districts in the western slope of the county. It also analyzes the impact of the Project on groundwater supplies. In the long term, the county does not have sufficient surface water supplies to meet projected demand. Within the fractured rock geology of western El Dorado County where public water is not available, groundwater supply is unreliable. As a result, development outside of the areas served by the water districts would adversely affect short- and long-term groundwater supplies.

Loss of the county's rural character as a result of higher-density residential development in Community Regions and Rural Centers, and more intensive uses in rural areas.

Approval of the TGPA would allow increased residential density in areas designated for mixed-use in comparison to the existing General Plan. In addition, proposed changes in slope restrictions under the TGPA and ZOU would enable certain development to occur on slopes that cannot be used under the existing General Plan and Zoning Ordinance provisions. The ZOU would allow a variety of agricultural marketing and other nonagricultural uses in rural areas upon approval of conditional use permits. It would also expand the range of uses allowed by right as home occupations. All of these proposed changes have the potential to alter the county's rural character where such development would take place.

Consideration of General Plan amendments for development projects that would result in large new developments if approved is a controversial issue that has been associated with the Project. Specifically, the Central El Dorado Hills, Dixon Ranch, Lime Rock Valley, San Stino, and Village of Marble Valley proposed development projects are controversial proposals. However, these are privately initiated proposals, not parts of nor dependent upon the TGPA and ZOU, and will be evaluated in separate EIRs as required by law. The Board of Supervisors will review these development proposals independently from the TGPA/ZOU. In keeping with CEQA practice to include proposed projects as part of the cumulative impact analysis, they are considered in Chapter 5, *Other CEQA Requirements*.

The assertion by the California Department of Forestry and Fire Protection that the targeted General Plan amendments must include revisions to the Public Health, Safety and Noise Element to address fire safety concerns along with the significance to the change in zoning in high or very high wildfire areas.

The California Department of Forestry and Fire Protection (CalFire) and the County differ on whether provisions of Government Code Section 65302 require the County to review and update the Health, Safety and Noise Element of the General Plan to address fire safety concerns as part of the TGPA. Government Code Section 65302 (g)(1) lists specific requirements for general plan safety elements and Section 65302 (g)(3) requires a general plan safety element be reviewed and updated as necessary to address updated statutes regarding fire safety, upon the next revision of the housing element on or after January 1, 2014. The County General Plan Housing Element was last revised in 2013, and certified by the California Department of Housing and Community Development (HCD) on November 13 of that year. Under Government Code Section 65588, the Housing Element is valid for an eight-year planning period and will not require revision until 2021. The Housing Element is not being amended as part of the TGPA, therefore the provisions of Government Code Section 65302(g)(3) mandating review and update of the safety element do not apply.

The TGPA is a targeted amendment to the County's General Plan. It is not intended to include all possible amendments. The County will undertake future amendments to the General Plan to ensure that it is consistent with the requirements of the Government Code. However, the amendments requested by CalFire are not part of the project.

At present, the General Plan includes extensive policies for fire safety in its Public Health, Safety, and Noise Element. For example, the following policies under "Goal 6.2, FIRE HAZARDS. Minimize fire hazards and risks in both wildland and developed areas."

- Policy 6.2.1.1: Implement Fire Safe ordinance to attain and maintain defensible space through condition of tentative maps and in new development at the final map and/or building permit stage.
- Policy 6.2.1.2: Coordinate with the local Fire Safe Councils, California Department of Forestry and Fire Protection, and federal and state agencies having land use jurisdiction in El Dorado County in the development of a countywide fuels management strategy.
- Policy 6.2.2.1: Fire Hazard Severity Zone Maps shall be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard.
- Policy 6.2.2: The County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as "urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire," as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.
- 6.2.3.1: As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with the development, adequate emergency water flow, fire access, and fire

fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

- 6.2.3.2: As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.
- 6.2.3.4: All new development and public works projects shall be consistent with applicable State Wildland Fire Standards and other relevant State and federal fire requirements.
- 6.2.4.1: Discretionary development within high and very high fire hazard areas shall be conditioned to designate fuel break zones that comply with fire safe requirements to benefit the new and, where possible, existing development.
- 6.2.4.2: The County shall cooperate with the California Department of Forestry and Fire Protection and local fire protection districts to identify opportunities for fuel breaks in zones of high and very high fire hazard either prior to or as a component of project review.
- 6.2.5.1: The County shall cooperate with the U.S. Forest Service, California Department of Forestry and Fire Protection, and local fire districts in fire prevention education programs.
- General Plan Implementation Measure HS-B states that the County will “[w]ork with the local FireSafe Councils, fire protection districts, U.S. Forest Service, and California Department of Forestry and Fire Protection to develop and implement a countywide Wildfire Safety Plan.”

In addition, General Plan Policy 6.1.1 provides that the County’s Multi-jurisdictional Local Hazard Mitigation Plan (LHMP) “shall serve as the implementation program for the coordination of hazard planning and disaster response efforts with the County and is incorporated by reference in this [Public Health, Safety, and Noise] Element.” The LHMP sets goals and implementation strategies to coordinate multi-agency evacuation route planning, as well as tracking the status of evacuation route planning and maintenance efforts within individual jurisdictions in the County. The LHMP also addresses minimum road widths, structural clearance standards, and emergency water supply requirements when it cites the State’s Fire Safe Regulations, established pursuant to Public Resources Code sections 4290 and 4291, as the County’s method of implementing fire safety regulations in the County since 1993. Pursuant to Public Resources Code sections 4290 and 4291, CalFire adopted the Fire Safe Regulations which set standards for: (1) road design and signage to allow for fire equipment access and road identification; (2) minimum water supply for emergency fire use; (3) fuel breaks and greenbelts; and (4) minimum defensible space around habitable structures.

The TGPA/ZOU does not alter land use density or intensity under the General Plan. No substantive changes are being made to the Land Use Element’s map. The County is not “upzoning” any parcels; the zoning changes that are part of the ZOU translate prior zoning to the new Zoning Ordinance’s zones, consistent with the Land Use Element, without increasing development potentials. The TGPA/ZOU does not change the County’s growth potential or build-out assumptions. The growth assumptions contained in the Housing Element of the General Plan are therefore unchanged by the TGPA/ZOU project.

CalFire did not comment on the Notice of Preparation for the TGPA/ZOU EIR. Its comments arose in the context of a comment on the draft EIR. Because CalFire’s concerns were not known at the time the draft EIR was prepared, they could not have been included in the draft EIR as an area of controversy.

Including the CalFire concerns as an area of controversy in the TGPA/ZOU Final EIR is a clarification that does not rise to a significant change requiring recirculation of the TGPA/ZOU EIR under CEQA Guidelines Section 15088.5. CalFire's comments relate to policy considerations already addressed in the General Plan, as discussed above, and do not identify a new significant impact on the environment. Similarly, they do not identify a substantial increase in the severity of an impact. Furthermore, in light of the extensive fire safety policies already in the General Plan, CalFire's comments do not suggest a project alternative or mitigation measure substantially different from what was previously analyzed.

CalFire encourages the County to work with it and the Board of Forestry through the TGPA/ZOU and CEQA process. The County will cooperate with CalFire and the Board of Forestry in the future as it refines its General Plan policies and works on Implementation Measure HS-B. However, the changes requested by CalFire are not required by statute as of this time and are outside the scope of the project being evaluated in the TGPA/ZOU EIR.

Revisions to Chapter 9, *Responses to Comments*

Introduction

The following are revised responses to select comments received on the El Dorado County TGPA/ZOU Draft Program EIR. The comment letters themselves are found in Chapter 9, *Responses to Comments* of the Final Program EIR under the same alphanumerical identifiers as below.

Revisions to the Text of Chapter 9, *Responses to Comments*

O-1-54

This comment is on Policy 2.4.1.5, which reads as follows:

Policy 2.4.1.5 The County shall implement a program to promote infill development in existing communities.

- A. Project sites must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- B. Project sites may not be more than five acres in size and must demonstrate substantially development has occurred on 2 or more sides of the site.
- C. Project site has no value as habitat for endangered, rare or threatened species.
- D. Approval of a project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- E. The site can be adequately served by all required utilities and public services.

Implementation Measure LU-Q provides more specifics as to the content of the future program, as follows:

Measure LU-Q

Promote Infill Development: The program shall be linked to land-use, housing, air quality, transportation and circulation strategies that support development within existing communities, reduce vehicle miles traveled, increase energy efficiency, and encourage the development of affordable housing. The program shall include, but not be limited to:

- a) Adopt criteria to be used within existing communities with developed areas currently capable of being served by public water and public or private sewer;
- b) Provide incentives for residential and commercial infill development including financial incentives for pedestrian-oriented and transit-friendly design features;

- c) Amend the zoning code to include a new Traditional Neighborhood Design zone within Commercial and Multi-Family Land Uses;
- d) Support medium and high density residential or mixed use development along commercial and transportation corridors;
- e) Develop and utilize approved standard plan types (i.e. zero-lot line, duplex with carriage house unit over garage, z-lot, bungalow, etc.) to streamline the approval process for infill projects. Standard plans shall include various housing and commercial types and styles. Standard plan(s) approved as part of a project shall be compatible with neighboring residential or commercial district patterns for which the development is located; and
- f) Develop or update, as considered necessary, applicable community plans, specific plans and design guidelines to incorporate pedestrian-oriented, transit-friendly, and or energy efficient configurations design as primary goals.

The purpose of Policy 2.4.1.5 is to promote infill development consistent with existing general plan density and intensity standards. "Infill" is a planning term describing development that is surrounded by existing developed areas. It is located on sites that are not developed, but are otherwise located in developed areas. Infill is considered desirable because it is generally easier to serve with public utilities and services than development that is outside developed areas.

By its own terms, this policy does not change the density or intensity of land uses. The density and intensity standards for a given infill site are those found in the General Plan land use designation. The updates to community plans, specific plans, and design guidelines referred to in the policy description are future updates that would conform these plans and guidelines to this General Plan policy. The updates are not intended to change current land use designations or zoning density and intensity standards.

The comment asks questions about the meaning of other zoning terms used in Implementation Measure LU-Q: Traditional Neighborhood Design and Zero lot line or Z-lot. These terms describe development and design standards, and are not related to density or intensity. As stated in Policy 2.4.1.5, "Project sites must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations."

- "Traditional Neighborhood Design" is an urban design term referring to development characterized by a rectilinear street pattern; local streets and sidewalks designed to encourage walking and bicycling, with appropriate vehicle speeds; convenient connections between land uses to encourage walking and bicycling rather than driving for short trips; and a mix of housing types. It refers to the design of new subdivisions and neighborhoods; density and intensity of development continue to be governed by the General Plan and zoning. As a future action, the County intends to adopt traditional neighborhood design standards as part of its site planning and design manual.
- "Zero lot line" or "Z-lot" development allows buildings to be located on one of a parcel's side lot lines, rather than requiring buildings to be set back from both side lot lines. The resulting building has only one side yard. The density and intensity of development of a zero lot line or Z-lot development continue to be governed by the General Plan and zoning.

Policy 2.4.1.5 and its Implementation Measure LU-Q would not change the allowable density and intensity standards of the General Plan. In other words, it would not change the level of growth and

development assumed in the impact analysis. Because the impact analysis in the EIR is based on future development consistent with the General Plan, no change to the water supply analysis is necessary.

O-1-55

This comment is on Policy 2.4.1.5, which sets out the basic criteria for infill development. Although the policy will encourage infill, it does not mandate that new development occur on infill sites. The impact analysis assumes that El Dorado County will develop in conformance with the General Plan, including land uses, density, and intensity as set out in the General Plan's Land Use Element.

The policy has been evaluated in the context of the potential impacts of future development under the General Plan. Infill development would not result in a more intensive level of development, nor development outside of areas identified for future development under the General Plan. The General Plan was therefore utilized as the basis for analyzing the future impacts of infill development. Please see Master Response 1: Specificity of Environmental Review for a discussion of the level of detail that is reasonable for a program EIR.

Infill would not have any greater level of impact than the impacts projected to occur under the General Plan. Development occurring in infill sites and locations would still be required to conform to General Plan standards and zoning requirements. Implementation of Policy 2.1.4.5 would encourage development to occur at vacant sites within existing developed communities consistent with the Land Use Element and all other County policies and ordinances. The impacts of infill are one aspect of the impacts resulting from future development under the General Plan, as described in the EIR. As such, the mitigations identified in the EIR also cover the impacts of the infill policy. The overall EIR analysis is not affected by whether such development occurs at infill sites or in other locations.

The information on which the EIR analysis, including analysis of the infill policy, is based is cited in the text of the EIR and identified in Chapter 7, References Cited. Additional information supporting the analysis is found in Appendix D, Traffic Modeling Methodology.

O-1-56

This comment is on Policy 2.4.1.5. The TGPA/ZOU EIR describes Policy 2.4.1.5 as follows: "This policy would set criteria for and identify infill sites and opportunity areas and provide, through an implementation measure, incentives for development of these vacant/underutilized areas. Implementation may support the use of mixed use and "formbased" codes. These policy changes would not include amending the land use designations or increasing the densities currently provided for in the General Plan."

As discussed in responses to comments O-1-54 and O-1-55, Policy 2.4.1.5 would not increase development density or intensity beyond that which is allowed by the General Plan's land use designation for a given infill site. The comment asks questions about the meaning of additional zoning terms used in Policy 2.4.1.5 and in the EIR's description of potential outcomes of implementation of Policy 2.4.1.5. These terms are not related to density or intensity. As stated in Policy 2.4.1.5, "Project sites must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations."

- The term “opportunity area” refers to sites that are surrounded by existing development and therefore would be potentially available for infill development.
- “Mixed use” refers to development including more than one land use; typically, residential and neighborhood commercial uses, but also a mix of residential densities. Mixed use is required to conform to the use, density, and intensity standards set out in the General Plan.
- “Formbased codes” refers to a type of zoning code that relies on design standards (i.e., height, setback, building design, street width, etc.) rather than the traditional zoning ordinance’s prescriptive list of allowable uses to describe the development that could be allowed. A formbased code would be subject to the density, intensity, and other development standards of the General Plan. However, it can offer greater design flexibility for mixed use developments in comparison to a traditional zoning ordinance. The County has not adopted any formbased codes, but may propose to do so in the future. If it does, that proposal would be subject to additional CEQA review.

Infill would be facilitated by a future infill program still to be developed by the County, as described in response to comment O-1-57. Please see the response to comment O-1-57 for further detail.

O-1-57

This comment is on Policy 2.4.1.5, which sets the stage for a future infill program that will encourage infill development. Implementation Measure LU-Q describes the various incentives referred to in the EIR’s description of Policy 2.4.1.5. These yet-to-be-developed incentives include:

- Providing unspecified financial incentives for pedestrian-oriented and transit-friendly design features in residential and commercial infill development.
- Adopting a new Traditional Neighborhood Design zone within Commercial and Multi-Family Land Uses in the future that would provide greater design certainty, thereby reducing permitting time.
- Developing and utilizing pre-approved standard plan types (i.e. zero-lot line, duplex with carriage house unit over garage, z-lot, bungalow, etc.) to streamline the permit approval process for infill projects.

Density bonuses and streamlining could be additional incentives to infill, but would apply to other types of development as well. By state law, the County is required to grant a residential density bonus and other incentives for any residential project that meets the criteria set out in California Government Code Sections 65915-65918. In return, the developer must ensure that a portion of the residential units are available for very low-, low-, and moderate-income occupants.

The TGPA/ZOU EIR is a program EIR. Streamlining, particularly streamlining of CEQA review, is allowed under State CEQA Guidelines Sections 15162 - 15162 (subsequent EIR, supplemental EIR, addendum) and 15168 (program EIR). Under these sections, later projects that are within the scope of a program EIR are not required to prepare a subsequent or supplemental EIR unless there have been substantial changes in the project or its circumstances, or substantial new information becomes available that was not known at the time the program EIR was certified, any of which indicates that the later project would have a new or substantially more severe impact not disclosed in the program EIR. These provisions apply to all later projects, not only infill projects.

O-1-58

This comment is on Implementation Measure LU-Q, which describes in general how the County will encourage infill development. When the County drafts an infill program, more specific incentives will be identified. The County has not begun to draft the infill program at this time. See the response to comment O-1-54 explaining that the infill program will not change density and intensity provisions under the General Plan, including the Land Use Element policies.

O-1-62

This comment is on Section 130.30.060 - Hillside Development Standards; 30 Percent Slope Restriction of the Zoning Ordinance, which allows construction on parcels with slopes exceeding 30 percent in accordance with standards found in the Hillside Land Use Standards of the Design and Improvements Standards Manual. The comment suggests that a map of areas of the county with private land over 30 percent slope would enable planners to estimate the scope of impact of development. A map of private lands with 30 percent slopes would substantially overstate the extent of potential development areas. There are a great number of variables that dictate whether a land owner chooses to develop on slopes in excess of 30 percent. These variables include the area within the parcel that is not on slopes over 30 percent (thereby avoiding the need to develop on the slope), the cost and feasibility of installing septic systems on slopes over 30 percent (which in itself is subject to site soil characteristics and the feasibility of alternative system designs), the cost and feasibility of designing a home on a steep site, and the relative cost of development on steep slopes in comparison to building on available sites that do not require special designs, Please also see the response to comment O-1-278 which also addresses potential development on slopes of over 30 percent (and was upheld by the trial court – see pages 63-65 of the decision). A site-specific analysis, including the on-site review suggested by the commenter, is not reasonable for a county-wide policy-based project, such as the TGPA/ZOU for which a program EIR has been prepared. Also please see response to comment O-1-68 and Master Response 5: Practical Constraints on Future Development Under the TGPA/ZOU.

O-1-70

This comment is regarding potential drinking water (groundwater) contamination from home occupations. Home occupation standard 10 (Zoning Ordinance Section 130.40.160, subsection C.10) requires approval by the County Environmental Management Department and applicable fire department of any materials used or manufactured as part of the home occupation before a business license can be issued. This will ensure that any potentially hazardous materials are properly stored and disposed, and that the potential hazard, if any, to adjoining properties is considered and necessary restrictions are imposed by the County or fire department. .

Groundwater contamination may result from a variety of sources or activities, not all of which are a function of or are subject of county regulated activities. For example, a well may be subject to contamination because it is improperly sealed. This would not be a function of activities resulting from home occupations on nearby properties. Depending upon the cause, an affected well owner may have recourse through the County Zoning Ordinance or public health regulations or through enforcement of private rights pursuant to California groundwater or nuisance law.

The question regarding why the special use permit system is being abolished relates to a policy decision by the Board of Supervisors. The Board has decided to allow certain home occupations by

right and others subject to administrative or conditional use permits, as illustrated in Table 130.40.160.1 – Home Occupation Use Matrix. Those uses with the highest potential for incompatibility require still require a conditional use permit. In addition, the Zoning Ordinance specifically prohibits more potentially intrusive home occupations on parcels less than one acre in area (Section 130.40.160, subsection F).

The following response is provided for informational purposes. The zoning ordinance's Home Occupations provisions effectively create three levels of County review depending on the intensity of the type of home occupation (see 130.40.160 – Home Occupations, subsections C, D, F, and G, and Table 130.40.160.1 – Home Occupation Use Matrix of the Zoning Ordinance). Relatively innocuous home occupations are allowed by right, more intense home occupations require approval of an administrative permit, and the most intense home occupations are subject to approval of a conditional use permit. These permits are subject to appeal by neighbors under Zoning Ordinance Section 130.52.090.

Recourse for residents to “close down” a home occupation that is not compliant with zoning standards is through the County zoning violation provisions which apply in all zoning districts. Reported violations will be investigated and pursued by the County's code enforcement staff. In addition, the business license provision for "Grounds for refusal or revocation" (El Dorado County Ordinance Code Section 5.08.090) provides that if there is a violation of regulations, the County can revoke the home occupation's business license. Subsection F establishes the following as grounds for revocation: “The violation of any State or Federal law or any County ordinance regulating the business, the construction, alteration or repair of buildings and sewage disposal systems used in the business or regulating the use of the land upon which the business is operated” General Plan Policy 8.2.4.2 provides general guidance for the home occupation regulations embodied in the Zoning Ordinance. The standards for home occupations are described in the zoning ordinance at Section 130.40.160 – Home Occupations, subsections C, D, F, and G. The various home occupation provisions are analyzed in EIR Section 3.6, *Land Use and Planning*. The analysis considers the effect of these standards in reducing those impacts.

The specific standards for accessory structures are set out in Zoning Ordinance Section 130.40.030 – Accessory Structures and Uses and their development is not deferred. The draft Zoning Ordinance was available for public review during the TGPA/ZOU proceedings.

The County does not enforce Covenants, Conditions & Restrictions (CC&Rs). CC&Rs are not enacted by the County and are not part of any County code, and exist as private contractual rights and responsibilities between property owners.. Ordinarily, recorded restrictions are enforceable between private parties notwithstanding a conflict with city or county zoning regulations.

Zoning Ordinance section 130.40.170 – Lodging Facilities provides the standards for lodging facilities. Subsection E.4 provides that a health resort and retreat center is limited to “up to 20 guestrooms.” A large home that serves as a health resort and retreat center would be subject to zoning ordinance requirements. This possibility was considered in the TGPA/ZOU EIR's impact analysis.

Special Purpose zones are found in Chapter 130.25 of the Zoning Ordinance. Section 130.25.010 (Zones Established; Applicability, subsection C defines the special purpose zones. These zones are: Recreational Facilities, Low Intensity; Recreational Facilities, High Intensity; Transportation Corridor; and Open Space. See section 130.25.020 for the Matrix of Allowed Uses. The uses allowed in these zones were analyzed at a program level in the EIR.

I-37-14

This comment relates to the Bass Lake parcel, asserting that the parcel is proposed for RFH zoning in an area where RFH zoning is not compatible. Prior to the ZOU, the Bass Lake parcel (APN 115-400-21) was zoned RF (Recreational Facility). As part of the zoning code reorganization undertaken by the 2015 ZOU, the RF zone was eliminated and replaced with two RF zones: RFH (Recreational Facilities, High-Intensity) and RFL (Recreational Facilities, Low-Intensity). In response to public comments received during the DEIR comment period (March 24, 2014 through July 23, 2014), and the Partial Recirculated DEIR comment period (January 29, 2015 through March 16, 2015), the County reviewed the proposed rezone of APN 115-400-21 from RF to RFH and determined that the proposed RFH classification was indeed outside a Community Region, as a the result of a mapping error on the March 2014 Public Review Draft Zoning Maps.

The proposed RFH classification was inconsistent with the Board of Supervisors May 25, 2012 TGPA-ZOU zone mapping criteria for parcels located outside a Community Region. As a result, the zoning for APN 115-400-21 was corrected to Recreational Facilities, Low-Intensity (RFL) for consistency with the General Plan and Project objectives. The Bass Lake parcel rezone was included in the Planning Commission's recommendation that was presented to the Board on November 10, 2015 (*Legistar File 11-0356, Attachment 18B, p.8*). On November 13, 2015, the Board approved staff's recommendation which included the rezone of this parcel to RFL and this zone change was included in the final project approved by the Board on December 15, 2015.

The RFL Zone is consistent with the land use/zoning designation of this parcel in the El Dorado Hills Specific Plan (EDHSP) Zoning Map (Figure 5 on page 22), approved by the El Dorado County Board of Supervisors on July 18, 1988, According to the Site information on the Zoning Map, Village "R" is zoned as Open Space/Recreation. Section 17.68.020.C of the prior Zoning Ordinance defined "Open Space Land" to mean "parcels or areas of land which are generally unimproved and devoted to and essential for: preservation of recreational enjoyment areas."

Section 6.2.1 (Natural Open Space) in the EDHSP states the following: "Uses allowed will be restricted to those which have a minimal impact on the open space character, such as jogging, hiking, and horseback riding. Limited recreational facilities may be included in both the public and private open space areas where such facilities are compatible with the open space character."

An analysis of the uses allowed in the RFL Zone identified the following new recreational uses that were not allowed in the prior RF Zone:

- Parks: Day Use (allowed by right)
- Parks: Nighttime Use (Admin Permit required)
- Marina, motorized craft (CUP required)
- Ski Area (CUP required)
- Off Highway or Off Road Recreation Area (CUP required)
- Outdoor Entertainment (CUP required)
- Outdoor Sports and Recreation (Admin Permit/CUP required)
- Private Recreation as part of approved development plan/subdivision (allowed by right)

- Resource Protection and Restoration (allowed by right)
- Special Event, Temporary (TUP required)
- Trail Head Parking or Staging Area (Admin Permit/CUP required)

The RFL Zone does not allow the following uses that were allowed in prior RF Zone: ballfields; playgrounds; and parking lot, public.

Most of the new recreational uses allowed in the RFL Zone are unlikely uses for the Bass Lake parcel. Parks: Day Use seems to have the most potential for use of the Bass Lake parcel, based on current plans of the El Dorado Hills Community Services District (CSD). Please see the response to comment I-37-16 for a discussion of the status of the CSD's plans for the site.

The TGPA-ZOU EIR was a programmatic EIR, and did not analyze the environmental impacts at specific sites. Because there are no specific projects proposed for the parcel under the TGPA/ZOU, a specific environmental analysis of the rezone of APN 115-400-21 would be speculative. Note also that the reasonably foreseeable future land uses (as represented in the policies of the CSD's *Park and Recreation Facilities Master Plan* discussed in the response to comment I-37-16) are not substantially different between the pre- and post-ZOU zoning. This supports the conclusion that the ZOU does not significantly change the development potential of APN 115_400_21 and therefore would not increase the impact of future development.

I-37-16

The comment references a 2003 comment letter from the Department of Fish and Game (now Department of Fish and Wildlife) regarding a past proposal for the Bass Lake Regional Park. The plan for the Bass Lake Regional Park referenced in the comment is no longer under consideration. Further, it is not proposed as part of the TGPA/ZOU. The Department of Fish and Wildlife did not comment on the TGPA/ZOU project.

At this time, Bass Lake and its immediate surroundings continue to provide habitat and foraging area for birds. It is within the recognized year-long range of the bald eagle, a California-listed "endangered" and "fully protected" species, as mapped by the California Wildlife Habitat Relationship System on map B113, available for review at <https://www.wildlife.ca.gov/data/cwhr>.

Currently, the El Dorado Hills Community Services District (CSD) is in the process of acquiring the property for use as a regional park. The extent to which the future regional park may affect bird habitat will be directly related to the final design of the park. The discussion of the future regional park in Chapter III of the CSD's June 2016 *Park and Recreation Facilities Master Plan* states that the CSD will "support implementation and preparation of a natural resources management plan for this site to enhance the health of the Bass Lake ecosystem." The CSD will be required to prepare a CEQA analysis prior to adopting any plan for the regional park. That analysis will include a site-specific biological survey and information review to determine the resource value of the site and the potential impacts of the future regional park plan. Based on the CSD's policy to support preparation and implementation of a natural resources management plan for the future regional park, the results of the biological resources study can be expected to be considered in the development of that plan. The CEQA analysis will be required to include mitigation (and an alternative if an EIR is required) for any residual significant biological impacts of the future regional park plan.

The TGPA land use designation of LDR and ZOU zone of RE-5 would permit a regional park. Please see response to comment I-37-14. The proposed regional park is not part of the TGPA/ZOU, and the TGPA/ZOU does not make a substantive change to the prior general plan and zoning designations for this parcel.

The TGPA/ZOU EIR examines the potential effects on habitat and wildlife at a program level and is not parcel specific. Chapter 3.4, *Biological Resources*, of the EIR discloses that impacts on habitat (Impact BIO-1) and special status species such as bald eagle (Impact BIO-2) will be significant and unavoidable. Please see Master Response 1: Specificity of Environmental Review for a discussion of the level of detail that is reasonable for a program EIR.

I-37-23

Please see the response to comment I-37-16. As described in detail in response to comment I-37-16, the proposed Bass Lake Regional Park is not part of the TGPA/ZOU project and therefore is not subject to analysis in this EIR. As noted in response to comment I-37-16, the extent to which the future regional park may affect bird habitat will be directly related to the final design of the park and the CSD will be required to prepare a CEQA analysis prior to adopting any plan for the regional park.

I-37-24

Please see the response to comment I-37-16. As described in detail in response to comment I-37-16, the proposed Bass Lake Regional Park is not part of the TGPA/ZOU project and therefore is not subject to analysis in this EIR. The CSD is acquiring this site and will adopt its own plan for the regional park after a public process and preparation of a CEQA document. The CSD's *Park and Recreation Facilities Master Plan* indicates that the future plan will take ecosystem values into consideration.

Because the future Bass Lake Regional Park is not a part of the TGPA/ZOU it is not analyzed in the TGPA/ZOU EIR. The potential impacts of the future regional park are not known at this time and cannot be known until the CSD prepares a park design. Because the future regional park is not proposed under the TGPA/ZOU, its design is the responsibility of another agency and the design is unknown. Therefore, there is no requirement for the TGPA/ZOU EIR to examine an alternative design for the park. If the CSD finds through its own CEQA process that its proposed design for the regional park could result in a significant impact on the Bass Lake ecosystem, then it may analyze a suitable alternative in an EIR that the CSD may prepare for its regional park project.



EL DORADO COUNTY TGPA/ZOU FEIR ADDENDUM

Supporting Documentation

The following pages are excerpts from Chapter 9 (Responses to Comments) of the TGPA/ZOU Final Environmental Impact Report (FEIR) posted on the County website at:

<https://www.edcgov.us/government/longrangeplanning/landuse/supportingdocuments/feirdoc2015/documents/TGPA-ZOU-FEIR-Chapter-9-Complete-Dec-2015.pdf>

Comment	FEIR pdf page no.
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BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
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RECEIVED
PLANNING DEPARTMENT

El Dorado County Community Development Agency
Long Range Planning
Attention: Shawna Purvines
2850 Fairlane Court
Placerville, CA 9566

July 17, 2014

RE: Targeted General Plan Amendment and Zoning Ordinance Update; SCH #2012052074

Dear Ms. Purvines:

The California State Board of Forestry and Fire Protection (Board) would like to issue comment on the scope and contents of the Targeted General Plan Amendment and Zoning Ordinance Update, specifically the Public Health, Safety, and Noise Element, and its accompanying Draft Environmental Impact Report. S-5-1

This updated Public Health, Safety, and Noise Element is missing key information mandated in Government Code §65302(g)(1) and 65302(g)(3). See bolded/italicized language below.

§65302(g)(1) reads:

A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. *The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.* S-5-2

§65302(g)(3):

Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Technical Advice Series" and shall also include all of the following: S-5-3

(A) Information regarding fire hazards, including, but not limited to, all of the following:

- (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.**
- (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.**
- (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.**
- (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas...**
- (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.**

(B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:

- (i) Avoiding or minimizing the wildfire hazards associated with new uses of land.**
- (ii) Locating, when feasible, new essential public facilities outside of high fire risk areas...**
- (iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.**
- (iv) Working cooperatively with public agencies with responsibility for fire protection.**

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

This updated Public Health, Safety, and Noise Element should include:

- Fire hazard severity maps
- Historical information about wildfires in the planning area
- A discussion of planned and existing land uses in or near very high fire hazard severity zones and/or state responsibility areas (SRA)
- Implementation measures as described above in §65302(g)(3)(C)

In particular, the Board of Forestry and Fire Protection is concerned about plans to provide for adequate ingress and egress to developed land in high or very high fire hazard severity zones (H/VHFHSZ), as

well as changes in land use designations that may support population growth in those zones. The expansion of Commercial uses into Community Regions and Rural Centers, the increase in density in residential or mix-use land use designations, and the overall emphasis on expanded development and more intense residential use in the Targeted General Plan will put more residents into high or very high fire hazard severity zones.

S-5-5
Cont.

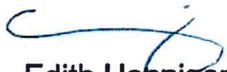
Although the DEIR states, on page 3-2 "...none of the proposed changes in the General Plan policy or Zoning Ordinance regulations would substantively change projected population, change the amount of housing designated in the General Plan, or expand areas to be developed..." the Board would like to express concern that fire safety is not addressed adequately for the proposed increase in allowable densities. Without updating the Public Health, Safety, and Noise Element to meet the above Government Code sections and to include fire safe mitigations for communities affected by this update, this proposed TGPA-ZOU exposes people or structures to a significant risk of loss, injury, or death from wildland fires. This is contrary to the DEIR, page 2-19 "less than significant impacts" finding on question VIII (h).

S-5-6

The Board encourages El Dorado County to continue collaboration and cooperation with the Board and CAL FIRE Amador-El Dorado Unit through the Draft EIR and TGPA-ZOU adoption process. Thank you for your work to reduce the fire risk to residential and commercial development in the County.

S-5-7

Sincerely,



Edith Hannigan
Board Consultant, SRA
edith.hannigan@bof.ca.gov
(916) 653-2928

CC: Unit Forester, Amador-El Dorado Unit
Chris Browder, Deputy Environmental Coordinator
State Clearinghouse

Incentivizing such development will not only promote growth in areas not previously developed, it will promote development types not previously allowed (i.e., it will incentivize “mixed-use” development). This equates to an increased demand on water supply and, in some areas where groundwater/septic tanks/wastewater “holding ponds” are used, contamination of surface and groundwater will likely occur. Especially in the case of commercial, industrial, research and development type projects, the contamination potential is significant.

O-1-53
CONT.

Comment 5B: Density or Intensity?

Implementation of this policy may also have the effect of increasing densities in infill properties, which can in turn impact water quality. Although Policy 2.1.4.5 states that policy changes would not amend land use designations or **increase densities**, and would “...be consistent with the General Plan and zoning provisions applicable to the given site,” it is unclear if this would be the case because new policies “amend the zoning code to include a Traditional Neighborhood Design zone within Commercial and Multi-Family Land Uses.” Plus, it is acknowledged implementation of this policy may entail the development and utilization of “...zero-lot line, duplex with carriage house unit over garage, z-lot, bungalow, etc.),” and that there will be a thrust to “Develop or update, as considered necessary, applicable community plans, specific plans and design guidelines...” And finally, one description of the policy states, “Because it would not result in an increase in allowable development intensity, this amendment would not substantially change impacts...”

O-1-54

Which is meant? That implementation of this policy will not impact development density or intensity, or neither? It is unclear what all of this means—or could mean. The specifics of this policy change need to be spelled out in a manner that facilitates an understanding of the scope of the impact. An accurate and complete project description is necessary to fully evaluate the project’s potential environmental impacts. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (App. 3 Dist. 2004) 122 Cal.App.4th 1591.)

Comment 5C: Project “Criteria” and Impact Evaluation

Because the criteria for infill sites have not been established, it is not possible to evaluate the impact of this policy. (While the impact on biological resources has been identified as “...significant and unavoidable,” presumably criteria could be established that are stringent enough to avoid impact at the “significant” level.)

- What analysis of the criteria/impacts have been performed to arrive at the conclusion regarding the scale of impact?
- What analysis has been performed to determine if a balance between infill and impact can be modified to reduce impact?
- What specific data/information is the impact determination based upon? An EIR must contain facts and analysis, not just the bare conclusions of the agency, and must provide sufficient detail so that those who did not participate in its preparation can understand and consider meaningfully the issues raised by the proposed project. The decision to approve a project is a nullity if based upon an EIR that does not provide the decision makers and the public with the required information about the project. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.)

O-1-55

Comment 5D: More Policy Terminology

Terminology used within the infill policy make assessment of the impacts of policy implementation unclear. For instance, the description of policy 2.4.1.5 reads, “This policy would...identify infill sites and opportunity areas...” and states that implementation “...may

O-1-56

support the use of *mixed-use* and *formbased* codes.” “Opportunity areas,” “mixed use,” and “formbased codes” are not defined. This terminology must be defined to facilitate an understanding of how these elements influence project design. EIRs must be “organized and written in a manner that will be meaningful and useful to decisionmakers and to the public.” (Pub. Resources Code, sec. 21003, sub. (b).)

O-1-56
CONT.

Also, while *mixed use* and *formbased* codes are identified as elements of “policy change,” they apparently “...would not include amending the land use designations or increasing the densities currently provided for in the General Plan.” If they do not impact land use designations or densities, how do they facilitate infill projects? How do they function?

Comment 5E: Project Incentives and Streamlining

What project “incentives” are on the table? For instance, could *density bonuses* or *streamlining* be part of an “incentive” package? Analysis of this proposed policy by the public requires that these incentives be identified in the dEIR (i.e., the type and scale of incentives can define project impact; project impact can be modified by limiting/modifying project incentives.)

O-1-57

Exactly how development will be “encouraged” on vacant or underutilized parcels is not defined. The method of accomplishing this “encouragement” is important, and could equate to a significant impact in these areas.

O-1-58

Comment 5F: Impact Evaluation

The statement that “*This impact would be significant and unavoidable*” is true only to the extent that projects are allowed to proceed in a manner that is incompatible with the character of the community and the natural environment in which they are placed. Careful planning could mitigate impacts. The County cannot just leap to the conclusion that the impacts will be significant and unavoidable, and approve a statement of overriding considerations. All feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997)58 Cal.App.4th 1019.) Adopting a statement of overriding considerations does not justify certification of the EIR absent adoption of the mitigation measures. (*City of Marina v. Board of Trustees* (2006) 39 Cal.4th 341.)

O-1-59

Questions Regarding Infill

- What is the definition of “opportunity areas”?
- It is stated that this policy will “...set criteria for and identify infill sites and opportunity areas.” Who will set the criteria? Why hasn’t the criteria been established prior to the development of this project (dEIR)? How can the public adequately determine potential impacts without knowing what the “criteria” will be? Has EDC staff make impact determinations without knowing the criteria? This statement defers mitigation in the absence of a commitment to meet a clear mitigation standard. CEQA does not allow this. When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures. (*Citizens for Quality Growth v. City of Mount Shasta* (3 Dist. 1988) 198 Cal.App.3d 433, 442.) “The CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an

O-1-60

on steep slopes. Where public or private sewer service is unavailable, septic systems are integral to the development of most structures. Thus, the **placement of an effluent disposal field on slopes of 30 percent or greater is considered as part of the reasonable use determination** required for the development of parcels with slopes greater than 30 percent.”
“Septic system components may be located in areas containing slopes greater than 30 percent **where alternative locations are not feasible** or where the placement would reduce the overall disturbance of slopes.”

Revise proposed Policy 7.1.2.1 and Section 17.30.060, subsections C and D, as follows.
“Development shall be prohibited where ground disturbance would **adversely affect important habitat** through conversion or fragmentation and shall comply with the provisions of General Plan Policy 7.4.1.6 regarding avoidance of important habitats. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent **Biological Resources Study**, to be prepared by a **qualified biologist**, which examines the site for important habitat...Measure CO-U. Where required by the Grading Design Manual, technical studies from **qualified professionals, such as soils or geotechnical reports** to assess the erosion potential or slope stability may be required.”

Revised Policy 7.1.2.1: “Development or disturbance of slopes over 30% shall be **restricted.**
Section 17.30.060(D): Exemptions. “**Agricultural activities that utilize [Best Management Practices] BMPs**, as recommended by the County Agricultural Commission and adopted by the Board.”

Mitigation Measure BIO-1a: “The proposed relaxation of the prohibition on development on slopes of 30% or greater would potentially result in a significant and unavoidable impact...Mitigation Measure BIO-1a would reduce this impact, but not below the level of significance. **This would be a significant and unavoidable impact.**”

Comment 6A: Grading and Hillside Ordinances

Development on slopes $\geq 30\%$ will have a significant impact on water quality. Septic effluent will be likely to “daylight” as it travels downslope. Effluent will travel down fractured rock aquifers and—if development occurs in a high-density residential development served by private wells—effluent from residences upslope will contaminate neighborhood wells downslope. Septic effluent is also more likely to contaminate nearby surface water sources as it travels downslope into aquifers that feed surface water, or as it combines with subsurface runoff that enters streams.

O-1-61

Comment 6B: Unknown Impact

The TGPA states, “...the number, size, and habitat value of sites to which the proposed amendments might be applied cannot be known...” This does not constitute a reasonable and fair assessment of the impact. Topography maps of the county, and/or other sources of such information, could easily delineate areas of $\geq 30\%$ slope, and this information—coupled with known zoning densities, and in some cases, on-site review—would enable planners to estimate the scope of impact of development under this policy. (Remember, the project description must include “precise boundaries” of the project on a “detailed map, preferably topographic.” (See CEQA Guidelines, sec. 15125, subd. (a).) For this part of the project, that would be a map of areas of the county with private land over 30% slope.) This analysis should be done in order to provide a fair and balanced estimate of the impact policy implementation.

O-1-62

Comment 6C: Previously Undeveloped Areas

O-1-63

Comment 7A: Home Occupancy Activities and Water Quality

Allowing home occupancy activities could seriously impact water quality, especially in areas that rely on wells/septic systems. Home occupations such as auto repair businesses, hair salons, veterinary clinics, etc. utilize toxic chemicals/substances that can contaminate surface and groundwater sources. Runoff from auto repair sites, septic effluent from clinics and other home businesses can contaminate aquifers and nearby surface water.

O-1-68

Comment 7B: Resorts and Retreat Centers

Because health resorts and retreat centers will be considered home occupations in areas allowing residential uses (including "...Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones"), criteria needs to be established for the size/function of this type of development. These criteria need to be established before the impact of such development can be accurately assessed. Because groundwater/septic would need to be relied upon to support this development in many areas, size restriction is important.

O-1-69

Questions Regarding Home Occupancy

- Since home occupancy activities will be allowed in rural regions, how will the drinking water sources of adjacent residences be protected from possible contamination by chemicals not normally associated with residential living?
- Why abolish the current system under which Special Use Permits are acquired?
- Will neighbors of those engaged in home occupations have a forum to voice concerns and objections prior to the approval of home-based businesses if the Special User Permit process/requirement is dropped?
- What recourse will residents have to "close down" a home occupation business that is "disruptive" or that contaminates adjacent well water supplies?
- Have "standards" for home occupancy activities been established? The discussion under Policy 8.2.4.2. states "...This policy...**would establish standards, permitted uses, and requirements for permits.**" While page ES 6 states: "...**standards have been established for the use of accessory structures...**" and page 2-13 states "...**establish standards for the use of accessory structures...**" If these standards have not been developed, who will develop them? Will the public be involved? How can the impact of home occupancy activities be reasonably evaluated if the standards have not yet been developed? Why is the formulation of this mitigation being impermissibly deferred?
- How would allowing home occupations impact residential Covenants, Conditions and Restrictions (CCRs)? Would this new policy take precedence over CCRs?
- Why has no size limit been imposed on health resorts and retreat centers? Could a large "home" be built that predominantly serves as a resort or retreat and therefore "skirt" zoning ordinances?
- What are "Special Purpose" zones? Have they been defined? These zones—and the activities allowed in them—need to be described to enable an evaluation of their potential impact.

O-1-70

Topic 8: Agricultural Expansion/Zoning Changes

ES.1.2 ZOU Allowed uses in the agricultural and rural lands zones have been expanded to provide opportunities for agricultural support, recreation, and rural commercial activities, including ranch marketing on agricultural grazing land.

<i>Centers; RFH zoning would be "primarily located in Community Regions and Rural Centers."</i>	I-37-13 Cont
B. <i>"Table 2.2 El Dorado County Project Description Draft EIR attached shows RFH in OS Open Space only when located within a Community Region and the Bass Lake parcel is outside the Community Region."</i> See attached map and table. (Attachment 12)	I-37-14
4. Environmental Background	
A. <i>The EID Bass Lake property is listed in the US Fish and Wildlife Service National Wetlands Inventory. There are two historic wetlands on the East side of the lake. This area is deemed to be Waters of the United States.</i> See attached map and the decoding documentation for the map. (Attachment 13)	I-37-15
B. <i>In a letter dated, June 12, 2003 from Larry L. Eng, PHD, Deputy Regional Manager, the Department of Fish and Game, to Mr. Gary Hyden, EDC Park Department, regarding the May 16, 2003 Notice of Preparation of an EIR for the proposed 41 acre Bass Lake Regional Park property which is adjacent to the EID Bass Lake property, the following comments were made.</i>	
a. <i>"Bass Lake and the surrounding shoreline, including lands within the proposed park site, are valuable habitat areas for resident and migratory bird. At least one bald eagle (<i>haliaeetus leucocephalus</i>) has been a frequently observed winter visitor there in recent years, and has often been observed along the shoreline near or inside of the boundaries of the proposed park. Also, Bass Lake is a valuable feeding and resting area for wintering waterfowl, including ring-necked ducks, etc."</i>	I-37-16
b. <i>"Development of ball fields, a golf course, nature interpretation facilities, a community center, pathways, and other facilities, as well as the human use, can be expected to greatly reduce resident and migratory bird use of the area.</i>	
c. <i>Besides the direct permanent removal of habitat from project construction, many of the bird species are very sensitive to human disturbances which can be expected from operation of the park. For example, the development and use of a perimeter trail has the potential to significantly affect foraging areas for birds, such as the bald eagle, great egret, and many species of water fowl."</i> (Attachment 14) Complete Letter attached.	
C. <i>Bass Lake Road Realignment Draft EIR, 1992, Appendix B, NOP Comments (now called Silver Springs Parkway) has two comment letters regarding the Bald Eagles at Bass Lake.</i>	I-37-17

American Reservoir as early as the 1850's. The attached map is a General Land Office Plat of the Township.
(Attachment 19) Historic Map Attached

I-37-21
Cont

In conclusion, we understand from an email from Shawna Purvines (email of September 24, 2013 to Ellen Van Dyke attached), the EDC Long Range Planning staff felt this property should be rezoned because when the EDC Parks and Trails Master Plan was approved it included a previous master plan for the proposed Bass Lake Regional Park (BLRP) including the EID property APN 115-400-12. The proposed BLRP, APN 115-400-02 has a proposed LUPPU zoning of RE-5 and was identified to potentially include intensive uses and amenities such as a community center, ball fields, etc. It is also in a Rural Region and parts of it adjoin Green Springs Ranch. **(Attachment 20 with map of park)**

I-37-22

An Environmental Impact Report was never completed for the proposed BLRP property and previously quoted information in this letter from the Department of Fish and Game to EDC is listed under Number 4, Environmental Background, B, and states there would have been potentially significant environmental impacts if the project had moved forward as proposed.

I-37-23

Additionally, the 2012 EDC Parks and Trails Master Plan states the proposed BLRP plans need "to be revisited taking into consideration new residential developments, local parks and road projects in the area." "More passive uses such as trails and nature may have greater value as the El Dorado Hills and Cameron Park communities are becoming more densely developed." "These types of uses would also have fewer environmental impacts and cost less to develop and maintain." (RP4) **(Attachment 21)**

I-37-24

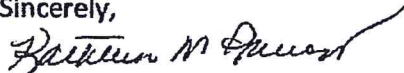
Page 57 of the EDC Parks Master Plan states "The master plan will need to be revisited before improvements for this site are implemented to reflect changes in community needs and recreation trends."

I-37-25

Bass Lake and the surrounding wetlands are much enjoyed by the residents of our area and it is a visual water amenity for us which supports a varied wildlife community as well. The EID Bass Lake property is a significant environmental and historical asset for the Bass Lake and El Dorado Hills area and should be protected with a parcel zoning of Recreational Facilities –Low Intensity (RFL) and an open space (conservation) land usage as shown in the EDHSP. I believe the facts stated in this letter support this conclusion.

I-37-26

Sincerely,



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