

2/25/2016

Edcgov.us Mail - Dollar General in Georgetown

PC 2-25-16



(Distributed during hearing by staff) #5
Planning Unknown <planning@edcgov.us>

Dollar General in Georgetown

1 message

Bunny Johnstone <bunnyj43@gmail.com>
To: planning@edcgov.us

Wed, Feb 24, 2016 at 10:03 PM

To the Planning Commission:

Please do not approve the building of a Dollar General store in Georgetown. All of the negative consequences have been presented. The community does not want nor need this store.

Thank you,

Charles and Bernadette Johnstone



(Distributed during hearing #5
by staff)
Planning Unknown <planning@edcgov.us>

Dollar General

1 message

Melissa Hiatt <lissalaroo@yahoo.com>
To: "planning@edcgov.us" <planning@edcgov.us>

Thu, Feb 25, 2016 at 6:27 AM

To Whom It May Concern,

I am sending this email to let you know that I am against Dollar General being placed in Downtown Georgetown. I work, and have children to get to school, and am unable to attend meetings.

Georgetown is a quaint little town, and while I'm not totally against change, I am against this store being placed in the current planned location. The lot is not big enough. It will adversely affect Main Street traffic and flow, not to mention be an eyesore for those customers staying at the American River Inn or Vacation Rental (if customers even come, if DG is approved and placed). Have you looked at their records and history? Not rave reviews in their employment department or their staying power. This is not something we need, especially in this location.

Please, listen to the people of the Georgetown Divide, and deny the plan for the Dollar General. If they insist on coming to Georgetown, let them find a place that is not on the main stretch, and that will accommodate the noise, lights, and large delivery trucks in a better fashion.

Thank you,

Melissa Hiatt

2/25/2016

Edcgov.us Mail - Dollar General in Georgetown



PC 2-25-16
#5
(Distributed during hearing by staff)
Planning Unknown <planning@edcgov.us>

Dollar General in Georgetown

1 message

Darby Esquenazi <darbyesquenazi@gmail.com>
To: planning@edcgov.us

Thu, Feb 25, 2016 at 7:53 AM

Good day,

I have to work so I will not be able to attend the meeting today. I wanted to be sure you know I am NOT in favor of having a Dollar General in Georgetown. It goes against the history of this town 100%. I don't believe it will bring enough or the kind of jobs we need. I've done part time minimum wage before and it does not pay the bills. I had to get food stamps and medi-cal to survive.

I truly believe the ones that are in favor of this business are miss informed that it is a "dollar" store, like everything in there will be a dollar. That is not true.

I hope you consider what the majority of the town wants and that is NO DOLLAR GENERAL store in Georgetown!

Thank you,
Darby Esquenazi

This email has been sent from a virus-free computer protected by Avast.
www.avast.com

2/25/2016

Edcgov.us Mail - Georgetown CA Dollar General

PC 2-25-16



(Distributed during hearings
by staff)

Planning Unknown <planning@edcgov.us>

Georgetown CA Dollar General

1 message

Sadie <sadiesbaja@gmail.com>

Thu, Feb 25, 2016 at 7:51 AM

To: planning@edcgov.us

I was told to send an email to this address, regarding the dollar general store in Georgetown CA. I hate the idea. This is a historic small town with Mom and Pop stores, and full of old timers who don't like change. We would like our town to remain the way it is. We are against this store or any chain store or fast food. All that stuff belongs in the city.

I myself as well as many others will boycott if it goes in.

Kind regards,

-Sadie Smith
Georgetown Divide Resident

Sent from my iPhone

(Distributed at hearing
by staff)

PC 2/25/16
#5
16 pages

February 24, 2016

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

Re: Comments on Mitigated Negative Declaration (MND) Dollar General (Project),
Design Review 14-0005-S/Boundary Line Adjustment 14-0055/Dollar General
Georgetown

Dear Commissioners,

First, we ask that the Planning Commission deny the above project, thereby upholding the request submitted by Dennis Smith appealing the approval of Design Review DR14-0005-S/ Boundary Line Adjustment 14-0055 Dollar General Georgetown to permit a new 9,000 square foot commercial building on property identified by Assessor's Parcel Numbers 061-362-01, 061-362-02, and 061-362-04. The project should be denied since the design of the building does not comply with the Board of Supervisor's adopted El Dorado County Historic Design Guidelines (HDG). Nor does the project fulfill the preservation requirement to enhance the character of the County and local communities. Nor does the project promote tourist attractions or preserve the place and site as identified by El Dorado County in which the site has special historical significance representing local historical concerns.

Second, the project should also be denied since the waste disposal system has not been approved for installation by El Dorado County Environmental Health. Therefore the County has not adequately given proof of a "Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to no setback with construction and structures within the required setback to allow the fill of an approximately 0.05 acre wetland."

Third, the project should be denied since the required El Dorado County Transportation Department conditions for circulation and parking violates policies and historic design standards required for this District and would create inconsistency with the character of the neighborhood.

First:

Per El Dorado County Staff Report: *"Policy 2.2.5.21 directs that development projects be located in a manner that avoids incompatibility with adjoining land uses. Further, Policy 7.5.2.3 directs new buildings and reconstruction in historic communities to generally conform to the types of architecture prevalent in the gold mining areas of California during the period of 1850 to 1910. According to the California State Parks Office of Historic Preservation, the town of Georgetown was founded in on August 7, 1849, was the hub of a rich gold mining area, and had an established population in 1854-56. Georgetown is included on the list of California Historical Resources with a Landmark Plaque number 484 mounted on the wall at the Fire Station on Main Street, approximately 250 feet to the southwest of the project site. Therefore, the project was reviewed against the Board of Supervisor's adopted El Dorado County Historic Design Guidelines (HDG). The project, as designed and conditioned, has been determined to substantially conform to the HDG and would be compatible with the surrounding residential, community park, and commercial uses within the Georgetown Main Street commercial area."*

Staff has determined that "The project, as designed and conditioned, has been determined to substantially conform to the HDG and would be compatible with the surrounding residential, community park, and commercial uses within the Georgetown Main Street commercial area."

Per El Dorado County:

"CHAPTER 130.74. - DESIGN REVIEW DISTRICTS

Sec. 130.74.010. - Title.

This chapter shall be known as the design review ordinance.

(Prior Code, § 9395; Code 1997, § 17.74.010; Ord. No. 4228, 1992)

Sec. 130.74.020. - Purpose.

The purpose of this chapter is to establish a review process which will provide:

A. For the protection, enhancement and use of places, sites, buildings and structures having special character, aesthetic interest and value;

B. Enhancement of tourism and the economy of the County by protecting and preserving places having special and unique character and interest.

(Prior Code, § 9395; Code 1997, § 17.74.020; Ord. No. 4228, 1992)

Sec. 130.74.030. - Creation of districts.

The Board of Supervisors, following consideration by the Planning Commission, may create new design review districts. When creating a new design review district, the Board of Supervisors shall find that the area proposed is:

1. An area of special, natural beauty and aesthetic interest forming a basic resource in the economy of the County; the preservation of which would enhance the character of the County and local communities and promote tourist attractions; or

2. Areas, places, sites, structures or uses which have special historical significance as identified by an agency representing Federal, State or local historical concerns; or

3. Both Subsections 1 and 2 of this section.

(Code 1997, § 17.74.030; Ord. No. 4228, 1992)

Sec. 130.74.040. - Sierra design and community design review districts; restrictions.

A. Any district created pursuant to Section 130.74.030.1 shall be designated on zoning maps as either design Sierra (-DS) or as **design community (-DC)** as the case may be.

B. **All new multifamily, commercial and industrial structures (except structures and sites within the research and development district) within the boundaries of a sierra design or community design district shall conform in exterior styling to that style of architecture described in Subsection C of this section.**

Approval for compliance with design criteria shall be provided for in Section 130.74.115.

C. The architectural styling for new construction permitted in the Sierra design and the community design districts (except structures and sites within the research and development district), shall be that which is exemplified and meets the intent of the community design guide or the Sierra design guide which shall be adopted by the Board of Supervisors. These design guides shall provide guidelines and examples for architectural styles and site design permitted in the subject districts."

In order to comply with the Design Community Designation for these parcels the County has referred to the Historic Design Guidelines:

"Sec. 130.74.050. - Design historic districts.

C. **All new construction of a multifamily residential, commercial or industrial nature shall conform in exterior styling to that style of architecture referred to as "gold rush" type or "western frontier" type, as such types are exemplified by the historic design guide adopted by the Board of Supervisors. The historic design guide shall provide a guideline for architectural styles permitted in the subject district.**

Approval for compliance with design criteria shall be as provided for in Section 130.74.115.

(Prior Code, § 9395.4; Code 1997, § 17.74.050; Ord. No. 3257, § 4, 1982; Ord. No. 4228, 1992)".

The Historic Design Guideline states:

- *All exterior appearances on new and restored buildings should be similar to the pictures and descriptions contained herein (the Design Guide) or other type of "gold Rush Design.*
- *Landscaping should be sufficient to break up large areas of paving and to screen objectionable views while enhancing the appearance of any development.*
- *Parking areas should be located where they are least visible from the front or prominent view or of any structure.*
- *New buildings should have a primary roofline which resembles the buildings shown by pictures included herein the Historic Design Guidelines.*
- *Landscaping should be sufficient to break up large areas of paving and to screen objectionable views while enhancing the appearance of any development.*

Commercial:

- *Many Gold Rush business structures were large, imposing, two and three story buildings. Often they were separate buildings, each containing individual trades, markets, or enterprises.*
- *Brick and masonry exterior walls were chosen for security and longevity.*
- *Iron shuttered doors were used to gain security.*
- *Roof styles varied from gable roofs, some with false fronts, to hip and shed roofs. Roofing material included wooden shakes, shingles and corrugated iron.*
- *Covered sidewalks were always present with porches supported by turned or square columns. Columns were sometimes "sway-braced".*
- *Board sidewalks were commonly found with variations to brick and stone paving and later poured concrete.*
- *Upper story porches were commonplace, with turned-spindle bannisters or ornamental iron railings.*
- *Wooden frame structures often board clapboard or shiplap siding.*
- *Fraternal lodges such as Knights of Pythias, I.O.O.F. and E. Clampus Vitus often located in commercial districts.*

Aside from the Board and Batt siding, it is not clearly apparent as to how the design of the Dollar General Building and adjacent parking lot substantially conforms to the HDG.

Over the course of this project the design has been reviewed based on commercial design standards, the impressions of laymen in regards to historic preservation and put upon community members to make decisions in which they are not qualified to judge as to what would conform to a 1850 to 1910 Gold Rush Main Street. Then it has been expected that since the proponent of the project has meet with the Community inferring that therefore the County should approve the project. This process of review has avoided the requirement to adhere to the El Dorado County Historic Design Guidelines.

Given the County's past and current history of allowing the demolition of numerous historical structures of local historical importance including the Camino Planning Mill and other historic buildings on the Camino Mill site, the Shingle Springs Stamp Mill, the Bailey House and numerous other historic buildings, ironically some featured in the Historic Design Guidelines, this project must be denied due to the fact that it does not adhere to the historic design guidelines and it significantly detracts from the Historic District with Georgetown.

This project remains a significant impact to El Dorado County's Cultural and Historic Resource and must be denied or the building be redesigned to address El Dorado County's design guidelines or required to prepare a properly written environmental impact report that will comply with CEQA and the El Dorado County General Plan.

Second:

Septic Design and removal of required setbacks:

Per Greg Stanton, Director of Environmental Health:

*"After evaluating the information gained from the site evaluation a **determination was made that a standard septic system could not be utilized for this project.** Salem Engineering discussed alternatives with Fred Sanford, who advised that the onsite wastewater treatment system for **the subject project must include an "advanced treatment system"** to reduce the BOD, suspended solids and preferably the nitrogen content of the treated wastewater effluent before discharge to a subsurface dispersal system. **Advanced treatment system is a general term for any wastewater treatment system that is different from the conventional model and typically incorporates treatment units that include media filters and aerobic systems.***

***At the present time this is a proposal in concept and has not yet been approved for installation by this division.** Please feel free to give Fred a call if you have any questions regarding the proposed Dollar Store project relevant to onsite sewage disposal."*

If as Greg Stanton states, "At the present time this is a proposal [proposed waste disposal design] in concept and has not yet been approved for installation by this division", how can the project be determined to meet finding of consistency allowing the reduction of the projects required setback to zero? Also allowing the leech fields to be less than ten feet from a property line and allowing discharge into landfill is not protecting the Health and Welfare of adjoining parcels. This project remains a significant impact to Geology, Soils, Hydrology, and Water Quality and must be denied or required to prepare a properly written environmental impact report that will comply with CEQA and the El Dorado County General Plan.

Third:

In regards to traffic and circulation: The focused traffic analysis recommends the widening of surrounding streets due to the limited space on the project parcel to fulfill the required sidewalk width and road widths. El Dorado County Transportation Department (EDCTD) claims that this would be inconsistent with the character of the neighborhood. EDCTD is therefore requiring widening of Main Street. The widening of Main Street would also be inconsistent with the character of the neighborhood. Also allowing the applicant to provide plans for the required road improvements AFTER the project is approved is a violation of CEQA. You can't mitigate an impact on a future undetermined mitigation. Rather the project should be required to submit the improvements necessary for circulation, which should be on the proponent's project site which might result in requiring a reduction in size and scale of the project. According to the Historic Design Standards parking should be located where least visible from the front or prominent view or of any structure. This project violates that requirement.

This project remains a significant impact to El Dorado County's Traffic, Circulation and Historic Design Guidelines for parking and must be denied or the be redesigned to address El Dorado County's traffic, circulation and historic parking design guidelines or required to prepare a properly written environmental impact report that will comply with CEQA and the El Dorado County General Plan.

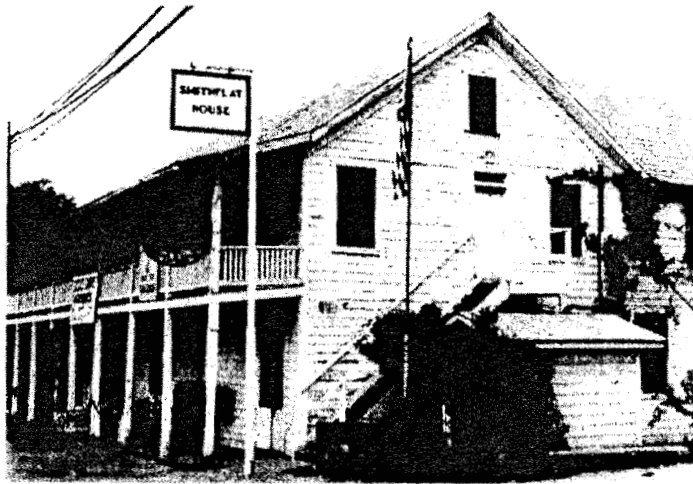
Due to the potentially significant impacts to several environmental factors we ask that this Mitigated Negative Declaration be rejected and the project be denied or required to submit a properly written environmental impact report that can be composed that will comply with CEQA and the El Dorado County General Plan.

Sue Taylor
Save Our County

Attachments:
Parts of the Historic Design Guideline
Examples of Western/Gold Rush Designs

GENERAL POLICIES

1. This Design Guide is not meant to strictly limit the type of new development within an Historic District. It may be liberally interpreted as long as the proposed development does not significantly detract from the historic district.
2. All exterior appearances on new and restored buildings should be similar to the pictures and descriptions contained herein or other type of "Gold Rush Design." It is recognized that the contents of this Design Guide may not encompass the full range of building styles and materials typical of the period.
3. New buildings should have a primary roofline which resembles the buildings shown by pictures included herein.
4. Parking areas should be located where they are least visible from the front or prominent view of any structure.
5. Authentic historical signs should be permitted in conjunction with small business identification signs. Documentation of their former existence must be provided.
6. Landscaping should be sufficient to break up large areas of paving and to screen objectionable views while enhancing the appearance of any development.
7. The spirit of this Design Guide should be to encourage cooperation with private developers to retain the unique historical character of any historic district.
8. In the case of existing structures where such structures do not conform to this Design Guide and where the floor area of any proposed addition does not exceed that of the existing structure, the addition should conform to the existing structure in external appearance.



COMMERCIAL

Many Gold Rush business structures were large, imposing, two and three story buildings. Often they were separate buildings, each containing individual trades, markets, or enterprises.

-Brick and masonry exterior walls were chosen for security and longevity.

-Iron shuttered doors were used to gain security.

-Roof styles varied from gable roofs, some with false fronts, to hip and shed roofs. Roofing material included wooden shakes, shingles, and corrugated iron.

-Covered sidewalks were always present with porches supported by turned or square columns. Columns were sometimes "sway-braced".

-Board sidewalks were commonly found with variations to brick and stone paving and later poured concrete.





COMMERCIAL

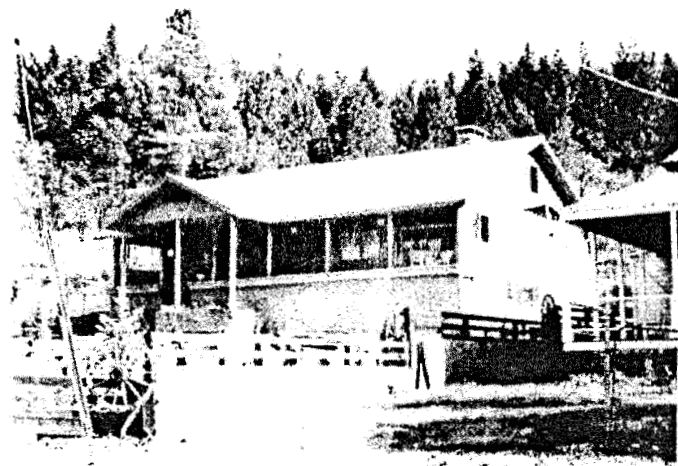
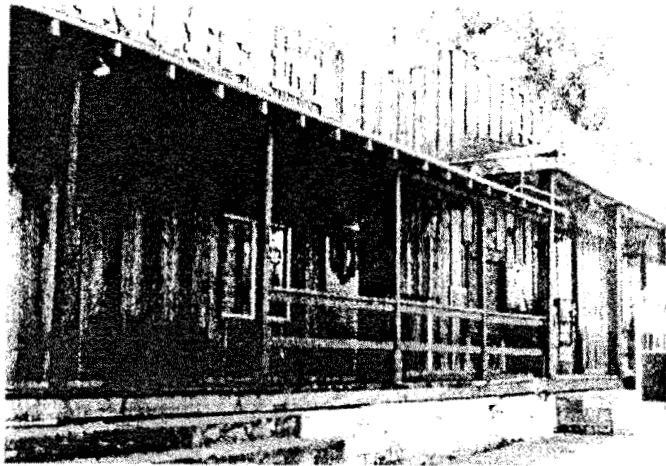
-Upper-story porches were commonplace, with turned-spindle bannisters or ornamental iron railings.

-Wooden frame structures often bore clapboard or shiplap siding.

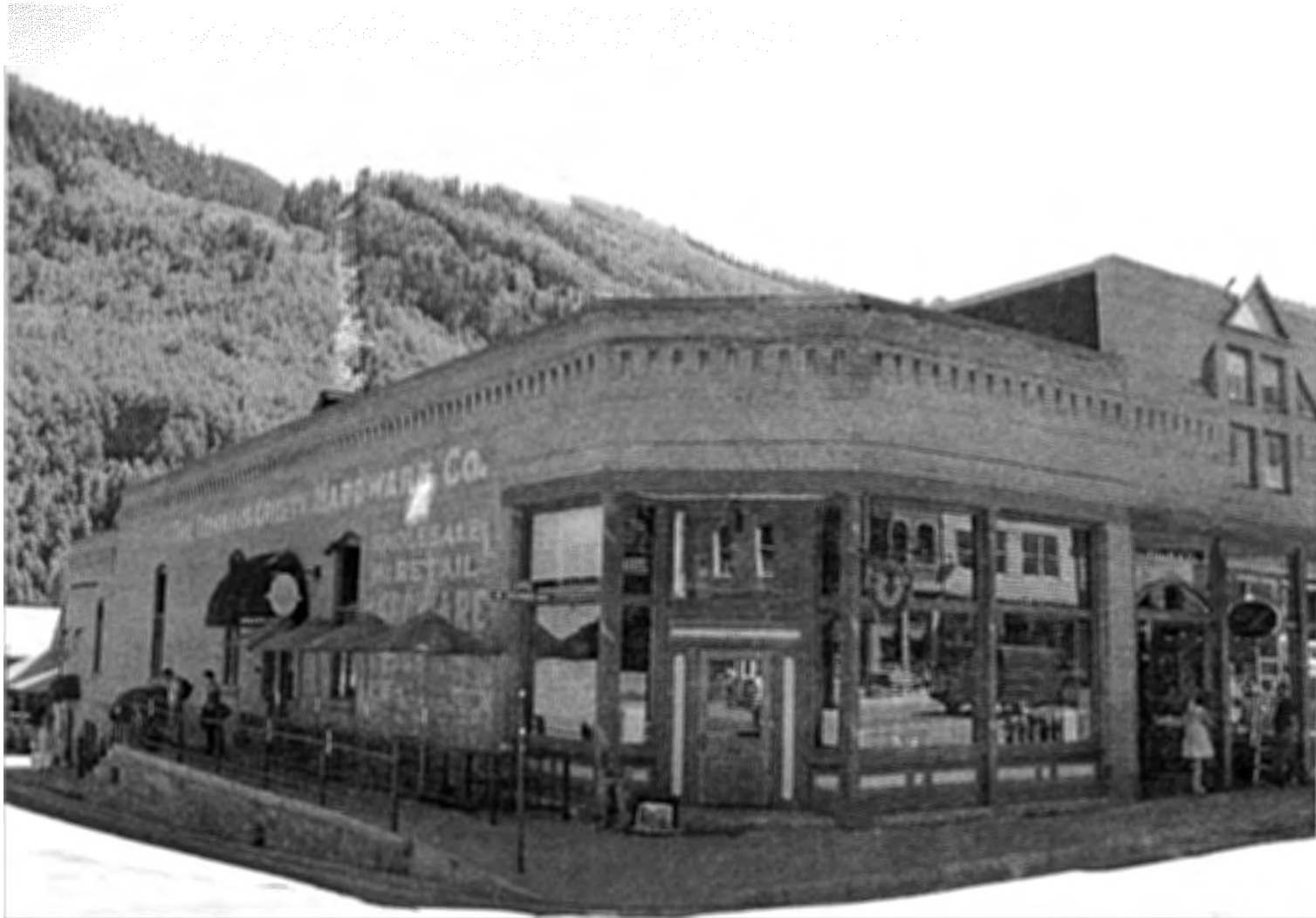
-Fraternal lodges such as Knights of Pythias, I.O.O.F. and E. Clampus Vitus often located in commercial districts.

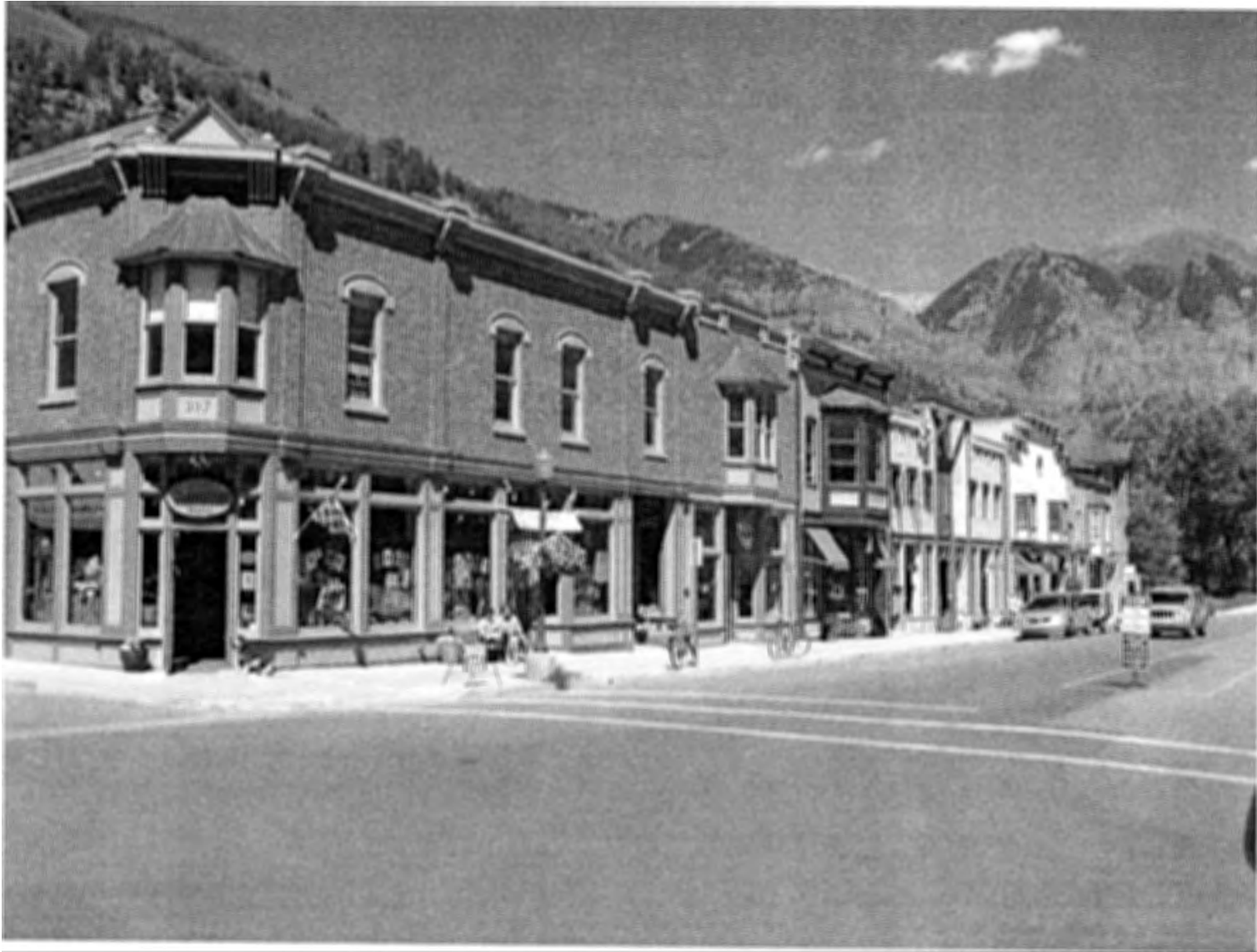


STRUCTURES CONFORMING TO GOLD RUSH DESIGN



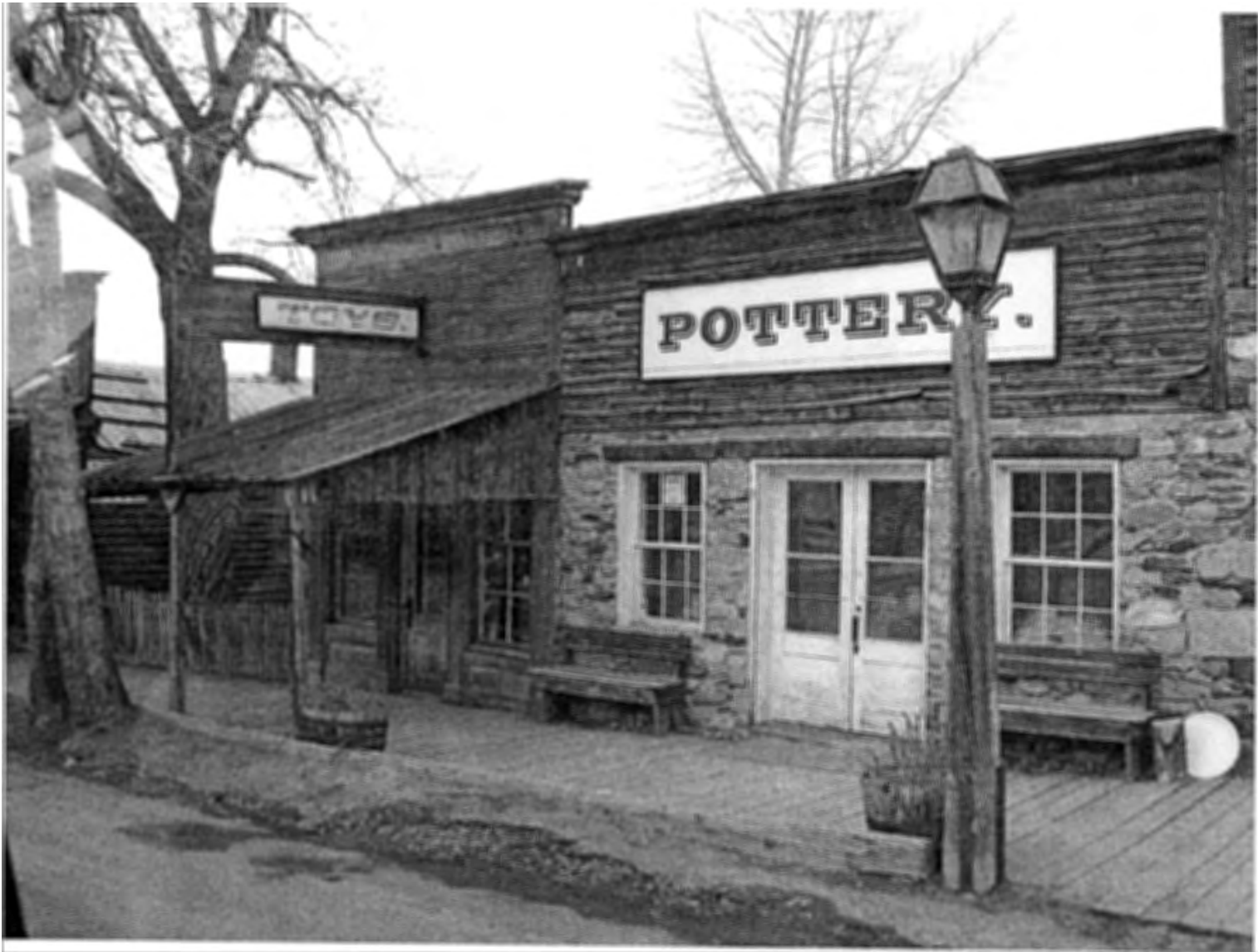














*Distributed at hearing
by staff* PC 2-25-16
#5
Planning Unknown <planning@edcgov.us>

No to Georgetown Dollar General

1 message

Renee Jensen <rjensen007@yahoo.com>
Reply-To: Renee Jensen <rjensen007@yahoo.com>
To: "planning@edcgov.us" <planning@edcgov.us>

Thu, Feb 25, 2016 at 9:28 AM

To the Planning Commission,

I just found out today that there is a meeting this morning about Dollar General in Georgetown. I wish I could be there to voice my disdain for this business in Georgetown. I was not able to reschedule my morning appointments so I could be at the meeting.

I wanted the Planning Commission to add my name to the list of local folks who are against this project. This tiny little gold town does not need a corporation like Dollar General to be operating there. It will put small businesses like Worton's Market and MarVal out of business. In addition, the products that they carry are junk from China. They are made with poor materials that break very easily. Many of these items are made with dangerous chemicals. Creating a health hazards to the unsuspecting public. Companies like this should also carry American made products. But we know that will never happen.....

One other thing, the building design does not match the area's history and architectural design. It will stick out like a sore thumb in the community. It amazes me that the Planning Commission would not listen to the folks who live in the area and allow such a business to open.

I hope you reconsider your decision and repeal the opening of Dollar General in Georgetown.

Thank you,

R. Jensen
rjensen@yahoo.com

2/25/2016

Edcgov.us Mail - No dollar store



*(Distributed at hearing
by staff)*

*PC 2-25-16
#5*

Planning Unknown <planning@edcgov.us>

No dollar store

1 message

Tony Jensen <ka5id@yahoo.com>
To: "planning@edcgov.us" <planning@edcgov.us>

Thu, Feb 25, 2016 at 10:11 AM

My wife and I (and everyone we know) are against the dollar store going in at Georgetown.

We will be actively campaigning and giving financial support against any supervisor who supports this blatant act of corruption. No one up here wants it. I assume if an audit is carried out on the supervisors, we would find criminal wrong doing. It seems to be the only reason this would be FORCED through.

Thank you for your time

Tony Jensen

Google

Address Harkness Street / Main Street

Address is approximate

(Distributed during hearing
by Dennis Smith)

PC 2/25/16

#5

3 pages



1. Crosswalk caution sign is beyond the crosswalk.
2. The crosswalk is at the bottom of the down grade with a left turn onto Harkness St. Accessing the Post office, 2 parks, Elementary school, St. James Church and private residences.
3. F.S. Logging of the King Fire will increase as their ENU. Doe are completed and logging will continue for 66,000 ac of F.S. land for a few years. This is the main haul route from FS land to the mills.

Google

Address **Harkness Street**

Address is approximate





FANHD Residential Property Disclosure Reports

For EL DORADO COUNTY

Property Address: 6331 MAIN ST,
GEORGETOWN, EL DORADO COUNTY, CA
("Property")

APN: 061-292-06-10
Report Date: 07/31/2012
Report Number: 1182484

AERIAL PHOTO COVER PAGE



This map is provided for convenience only to show the approximate location of the Property and is not based on a field survey.

NOTE TO READER: *High-resolution aerial photographs are obtained through periodic surveys by low-altitude aircraft. Surveys are repeated at intervals of several years, and their coverage is limited to populated areas. On rare occasions, the air photo on this page will display a black area, or vacant land where buildings now exist. In these cases, the photo happens to be at the edge of the survey coverage area, or it shows land that has been developed since the time of the latest aerial survey. We apologize for these rare instances, which are beyond our control.*

3 PARCELS



ORLANS ST.

(Distributed during hearings
by Dave Souza)

PC 2/25/16
#5

(Distributed during hearing by Cheryl Langley)

Public Comment
Cheryl Langley
Planning Commission Meeting
February 25, 2016
Agenda Item #5; File # 15-1409

33 pages

Commissioners--

At the last hearing on the Dollar General Georgetown store, I spoke about the proposed septic system. Basically, I said approval of the system would violate State Board Tier 1 onsite wastewater treatment systems (OWTS) standards, and therefore, the project should be denied.

Subsequent to my presentation, Mr. Fred Sanford from Environmental Management indicated the County was not in violation of State Board Tier 1 standards, that it was currently operating under OWTS criteria adopted in 1999. He indicated the County didn't have to follow Tier 1, because State Board policy states a county can operate under its existing program until it either adopts a Tier 1 or 2 program. (There is a 60-month grace period from the time of State Board OWTS policy adoption on May 13, 2013.) And, the county is currently developing a Tier 2 program.

But here's the problem: I have two documents from the County that indicate **the County is currently operating under Tier 1 standards:**

2-E Issue: Commenters reasserted earlier remarks alleging that the Project would violate requirements of the State Water Resources Control Board's (SWRCB) Onsite Water Treatment Systems (OWTS) standards for septic systems. The comment was addressed in the FEIR.

Response 2-E: El Dorado County is bound by the requirements of the State Board's OWTS standards. The County is currently drafting Tier 2 Local Agency Management Program for New or Replacement OWTS standards consistent with the SWRCB's OWTS policies for eventual approval by the SWRCB. **Until such time as those Local Agency Management Program Tier 2 standards are approved by the SWRCB, the County is bound by the requirements of the State Water Resources Control Board's OWTS Tier 1 standards for new or replacement systems.** The Tier 1 standards are more restrictive in certain respects than the Project policies, and will limit, for example, the types of uses and minimum lot sizes in subdivisions of land occurring on steep slopes. **The County will not approve development that violates the State Board's standards (FEIR Response to Comment O-1-114).**

Source: EDC Staff Memo 21 'O', December 15, 2015; page 12. (In response to questions raised by the public in response to the EDC Targeted General Plan Amendment / Zoning Ordinance Update [TGPA/ZOU] EIR.) Staff Memo available at: <https://eldorado.legistar.com/LegislationDetail.aspx?ID=2534630&GUID=349481A7-0533-4DEC-99C3-7CC9B82A8959>

This application of Tier 1 standards in the County is further implied in the following excerpt:

In addition, the SWRCB established new standards for Onsite Water Treatment Systems (e.g., septic systems) in 2012 that restrict the use of such systems on slopes exceeding 25% and that establish limits on the size of new parcels created by the subdivision of steep lands. (Board Resolution 12-0032 and OWTS Policy). Dorado County is responsible for implementing the Tier 1 standards set out in the OWTS Policy and will continue to do so.

Source: EDC TGPA/ZOU Final Program EIR, July, 2015; page 8-24. Available at:
http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_FEIR.aspx

So—what does this mean?

Is the County operating under Tier 1 standards or not? If so—if the prior two documents are to be accepted as presenting fact—the County is under Tier 1. And if it is, this septic system does not meet State Board standards. It is in violation in (at least) the following areas:

- **Percolation rates.** According to the State Board, under Tier 1, perc test results shall not be slower than 120 minutes per inch. Percolation tests revealed rates of *approximately 140 to 230 minutes per inch, with one boring registering 32 minutes per inch.*
- **Stream setback.** The County applies only a **50 foot septic system setback** from “seasonal streams”; the State Board prescribes **100 feet from springs and flowing surface water**, and **200 feet from wetlands** under Tier 1 standards.
- **Wetland protection.** Not only does the wetland setback appear to be violated, the project will be *filling* wetland to implement the project.
- **Groundwater protection.** No groundwater study was included.

In addition, the proposed septic system violates existing County policy:

- According to El Dorado County “*Minimum Setback Requirements*,” “**leach lines shall not be placed in fill material**,” and yet this system proposes just that. The subsurface drip system will disperse onto three zones; one of which is an **engineered fill slope**, about which the consultant states “*no testing of the perc response for this material has been conducted.*”

It appears as though your options are as follows:

- You can approve the project, based on the acceptance of the proposed septic system—under the assumption that the County is not operating under Tier 1 standards. You have the power to do so, even though I question your legal right to do so; or
- You can deny the project based on written evidence in the record that the County is bound to Tier 1 standards, because the system is in violation of those standards.

This is a difficult choice: Your approval of this project—with this septic system—will mean that responses to public comments on the TGPA/ZOU are false. It will mean that the staff memo that formed the factual basis for the Board of Supervisors approval of the TGPA/ZOU was false. It will mean that the County has willfully misled the public, the taxpayers, and the voters.

I strongly urge you to deny this project.

For Staff Memo 210 citation:
See Attachment 1

For TGPA/ZOU EIR citation:
See Attachment 2
(Excerpt: Master Response 5)



COMMUNITY DEVELOPMENT AGENCY
LONG RANGE PLANNING DIVISION

2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-4650, Fax (530) 642-0508

Date: December 15, 2015
To: Board of Supervisors
From: Shawna Purvines, Principal Planner
Subject: Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) Adoption

PURPOSE

The purpose of this memorandum is to provide the Board of Supervisors (Board) with final documents and information to assist with review and certification of the Final Environmental Impact Report (FEIR) and adoption of the TGPA-ZOU (the "Project"). This memo is organized as follows:

- A. Summary of Final Project Documents
- B. Response to Comments Received During Board Hearing on the Project and FEIR, and Related Information
- C. Board Action

A. Summary of Final Project Documents

The following documents have been modified as necessary to accommodate the Board's tentative actions taken on November 13, 2015 and are attached to Legistar File No. 11-0356:

1. Resolution certifying the Final Environmental Impact Report for the Targeted General Plan Amendment and Zoning Ordinance Update (Resolution No. 195-2015); Making Environmental Findings of Fact (Exhibit A); Adopting a Statement of Overriding Considerations (Exhibit B); and Approving the Mitigation Monitoring and Reporting Program (Exhibit C); *See Attachment 21A for the Resolution and Attachment 21I for the FEIR*; and
2. Resolution adopting a Targeted General Plan Amendment to the El Dorado County General Plan (Resolution No. 196-2015); Modification to Camino/Pollock Pines Community Region to Rural Centers of Camino, Cedar Grove and Pollock

Pines (Exhibit A); Agricultural District Boundary Amendment (Exhibit B); List of Limited Land Use Designation (LUD) Revisions (Exhibit C); *See Attachment 21B*; and

3. Resolution for adoption of Mixed Use Design Standards and Guidelines (Resolution 197-2015) found in the Mixed Use Design Manual (Exhibit A), *See Attachment 21C*; and
4. Zoning Ordinance Update including the Zoning Map; *See Attachments 21J and 21K*.

The following documents regarding community design standards did not need to be modified to accommodate the Board's tentative actions and are unchanged from the versions presented during the Board Hearing on the Project:

- Landscaping and Irrigation (Resolution 198-2015), *See Attachment 21D*
- Outdoor Lighting (Resolution 199-2015), *See Attachment 21E*
- Mobile Home Park Design (Resolution 200-2015), *See Attachment 21F*
- Research and Development Zone Design (Resolution 201-2015), *See Attachment 21G*; and
- Parking and Loading (Resolution 202-2015), *See Attachment 21H*.

B. Response to Comments Received During Board Hearing on the Project and FEIR, and Related Information

On November 10 and 12, 2015, the Board held a public hearing and received and considered additional written and oral public comments regarding both the FEIR and Project. The Chair closed the public hearing on November 12, 2015 and continued this matter to Friday, November 13, 2015. On November 13, 2015, the Board tentatively approved various actions and directed staff to revise draft documents as necessary pursuant to this tentative action and return on December 15, 2015 for final action.

As discussed in the November 10, 2015 Staff Report, all individuals, groups and agencies desiring to comment on the Project and environmental review documents have been given adequate opportunity to submit oral and written comments since 2011. These opportunities for comment far exceed the requirements of the California Environmental Quality Act (CEQA) and the County's Environmental Review procedures, including additional hearings and longer periods to review and provide comments on the documents.

Staff has received, reviewed, and considered both written and oral comments provided during the Board Hearing, and found that the issues raised were previously addressed during the procedural processing of this project. However, in light of the time that has elapsed between the inception of the project and the proposed final action, it seems

appropriate to include the County's previous responses to comments, where applicable, in this memo. In addition, if any further response or clarification was deemed warranted, it is also included in this memo.

1. General Plan Implementation Requirements and Development Review Process

1-A Issue: A commenter raised concerns about the prioritization of General Plan Implementation Measures.

Response 1-A: The 2004 General Plan Implementation Table, which was included with the adoption of the 2004 General Plan outlines the general timeline and action plan for General Plan implementation. *(See Attachment 5 to Staff Report #4 Final Adoption of the El Dorado County General Plan at the following link:)*

http://www.edcgov.us/Government/Planning/Staff_Report_4_Final_Adoption_of_the_El_Dorado_County_General_Plan.aspx

Specific implementation actions (implementation measures) and timeframes for those actions are contained within each General Plan Element. The 2014 General Plan Implementation Annual Progress Report noted that "the General Plan currently has a total of 230 implementation measures including 5 additional measures since the 2013 Annual Progress Report (APR), resulting from adoption of a new Housing Element on October 29, 2013. Implementation of these measures is the collective responsibility of several County departments, divisions and agencies. Overall, the County has made significant progress toward implementation of the General Plan since its adoption in 2004. Of the 230 total measures, 145 (63 percent) have been implemented, 68 (30 percent) are in progress, and 17 (7 percent) remain to be initiated and implemented." The timeframe for implementing the Zoning Ordinance Update (Implementation Measure LU-A) includes the following clear direction: "Begin Zoning Ordinance rewrite immediately upon adoption of General Plan. By tiering off the General Plan EIR and relying on previous work completed for 1996 General Plan, adoption should occur within one year of General Plan adoption." The following is the response to this comment (and similar comments) from the FEIR.

"The other land use standards (including the biological policies review) are proceeding on separate schedules from the TGPA-ZOU. These proposed standards are in the process of being drafted and are not ready for CEQA review. Government Code Section 65860, which provides that a zoning ordinance must be revised to conform to the General Plan "within a reasonable time" of General Plan adoption, clearly contemplates that the ordinances necessary to implement the General Plan need not be adopted at the same time as the General Plan. The El Dorado County General Plan's Implementation Plan sets out an ambitious list of regulations and standards that will need to be

prepared in order to fully implement the General Plan. The County has been diligently progressing toward completing the list since adoption of the General Plan in 2004, as more fully described in the June 2014 "2013 General Plan Annual Progress Report" presented to the Board of Supervisors by the Community Development Agency.

Both budget and staff limitations preclude the County from preparing and adopting all of the items identified in the [General Plan] Implementation Plan at the same time. In addition, the varying levels of public interest and controversy over different aspects of the Implementation Plan have resulted in some proposed programs, such as the proposed oak woodlands preservation fee program that was the subject of litigation, taking much longer than expected (FEIR, PP. 8-15 and 8-16)."

1-B Issue: A commenter contended that parcels currently zoned Exclusive Agricultural (AE) and designated with the IBC (Important Biological Corridor) overlay are being "up-zoned" under the ZOU. The commenter submitted a list of parcel numbers purported to represent parcels with current Agricultural (A) or AE zoning that are located within the IBC and are supposedly being "up-zoned".

Response 1-B: Staff has reviewed the list of parcels provided by the commenter and determined that much of the data in the list is inaccurate. For example, 75 of the parcels on the list are purportedly located in one of the Community Regions or Rural Centers. There is no IBC designated land within Community Regions and Rural Centers; IBCs are located within Rural Regions where less intensive development is planned. Further, the table also indicates that more than 70 parcels are currently zoned A with the IBC overlay; in fact, there are only 7 such parcels. Whatever the cause, the data supplied by the commenter appears inaccurate.

1-C Issue: Commenters expressed concerns that the ZOU expands the uses allowed by right in various zones. Others assert that the ZOU contains new provisions not found in the current ordinance that are being "hidden" from the public, such as the Bass Lake Hills (BLH) reimbursement fee.

Response 1-C: The comments suggest that the commenter may be unfamiliar with the County's existing zoning code, including uses currently allowed by right or by permit under the code, or uses allowed as a matter of right under state law. Most expanded uses allowed under the ZOU are subject to standards designed to minimize environmental effects and impacts on surrounding properties. Uses not meeting those standards are subject to further review or are prohibited.

For example:

- The BLH reimbursement fee is found in the existing County Zoning Code at Title 17.21.010, et seq. It has been transferred into the ZOU with only non-substantive changes.
- Vacation rentals in the unincorporated areas of the County are currently allowed by an administrative process under Title 5 of the County Ordinance Code.
- The Mobile Home Park (MP) zone is being eliminated, and land currently zoned MP is rezoned consistent with the underlying land use. Land designated Multi-Family Residential (MFR) is rezoned to the Multi-Unit Residential (RM) zone; within the High Density Residential (HDR) and Medium Density Residential (MDR) land uses, MP zoned sites will be rezoned to Single-Unit Residential (R1) or Residential One Acre (R1A) respectively. It is the land use designation, and not the current zoning, that drives the consistency rezone.

1-D Issue: A commenter expressed concern that ranch marketing activities, including special events, are being expanded under the ZOU, that these uses will be allowed on parcels electing to “opt-in” to agricultural zoning, and that the 2004 General Plan mitigation measure limiting ranch marketing is “undone” by the ZOU.

Response 1-D: The 2004 General Plan incorporated a policy recommended as a mitigation measure in the 2004 General Plan EIR to limit the potentially significant effect of unrestricted ranch marketing uses on agricultural operations:

Policy 8.2.4.4 – “Ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties. Such ranch marketing uses must be on parcels of 10 acres or more; the parcel must have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production that are properly maintained. These uses cannot occupy more than 5 acres or 50 percent of the parcel, whichever is less.”

This policy (incorrectly referenced as Measure AF-I in the comment letter) is not changed or “undone” by the TGPA or ZOU. The ZOU implements this policy by limiting the scope of uses allowed by right, ensuring that ranch marketing is subordinate to agricultural production by requiring minimum parcel sizes of 10, 20 or 40 acres, restricting acreage that can be devoted to ranch marketing uses, and requiring that the agricultural operation is a condition precedent to the ranch marketing activity. Review by either the Agricultural Commissioner or

Agricultural Commission is provided for both uses allowed "by right" and those requiring an additional permit.

The commenter refers to 2004 General Plan Draft EIR (DEIR) Mitigation Measure AF-I as requiring the limiting of ranch marketing activities. No such mitigation measure exists in that document. Although staff notes that there is a 2004 General Plan Implementation Measure AF-I, that measure does not refer to ranch marketing activities. Further, page 5.2-63 of the 2004 General Plan DEIR, as referenced by the commenter, refers to Impact No. 5.2-2, not Mitigation Measure 5.2-2. The 2004 General Plan DEIR Mitigation Measure 5.2-2 (pp. 5.2-64 and p. 5.2-69): "Limit Extent of Ranch Marketing Activities, Wineries, and Other Agricultural Promotional Uses within Agricultural Designations and Require Compatibility Review", is being implemented through the Project, not removed or eliminated as suggested by comments received.

Marketing/promotional and special events are currently allowed by right for up to 250 persons and up to 24 times per year in certain agricultural zones under both the adopted General Plan and the adopted Zoning Ordinance (Ranch Marketing and Wineries). Special events are allowed "by right" only when they are: in compliance with defined standards, within specific zone designations, meet minimum parcel size requirements, and requirements for direct access to County maintained roads or an agreement that the operator will participate in the costs of road maintenance is in place. If these standards are not met, ranch marketing uses would require additional permits, up to and including a Conditional Use Permit (CUP). Ranch marketing uses for most agriculture "opt-in" parcels would require approval of a CUP if they do not meet the standards described above.

1-E Issue: Commenters expressed concern regarding Parcel Specific Rezones

Response 1-E: As addressed in the FEIR and in numerous other staff reports and presentations, the County applied a set of general mapping rules authorized by the Board when determining if or how parcels should be rezoned to bring them consistent with the General Plan and Project Objectives.

A commenter raised a concern about parcels APN 327-211-14, 327-211-16 and 327-211-25 associated with a Rezone and Planned Development Application approved in 2012. The subject Planned Development Application approval was rescinded (Resolution No. 149-2012) by the Board following a challenge on the Mitigated Negative Declaration that was certified with the approval of the project. In conjunction with that Board action, the applicant agreed to resubmit the application and fund the cost of preparation of an EIR for the project. As of the date of this memo, a new application is being processed by the County. All three parcels have a General Plan designation of Commercial and a current inconsistent zone of R1A. The private applicant proposed a rezone to General

Commercial (GC) which differs from the TGPA-ZOU proposed zone of Community Commercial (CC). The proposed rezoning of the three parcels from an inconsistent residential zone (R1A) to a consistent commercial zone (CC) as part of the ZOU complies with the Project objectives.

The commenter also expressed concern that the previous project would be able to proceed "by right", without addressing the issues that were raised with the legal challenge. However, the parcels identified are within a Design Control (-DC) area requiring a discretionary review, and the site is currently constrained by other General Plan policy and County ordinances (e.g. oak woodlands, wetlands, traffic, encroachment permits, etc.) that would need to be addressed and subject to environmental review under CEQA prior to approval of any project on the site. The Project does not relinquish or waive the County's authority to address site planning issues as a result of having a consistent zone and land use designation.

Other commenters expressed concerns regarding individual parcels similar to what was discussed above. These parcels were reviewed and found to be consistent with the mapping rules (criteria) applied at the direction of the Board, necessary to meet the Project Objectives.

2. Adequacy of the FEIR

2-A Issue: Commenters reasserted previous claims that the Project would cause 38 new significant and unavoidable environmental impacts.

Response 2-A: Because the Project amends and implements the 2004 General Plan, the FEIR considered specific impacts related to the Project as well as the overall impact of future development according to the General Plan (FEIR p. 8-5). While there are 38 significant unavoidable impacts identified in the FEIR, most of these are associated with implementation of the 2004 General Plan and will occur with or without adoption of the Project. Five of these significant and unavoidable impacts are attributable solely to the Project (i.e., they would not occur if the Project were denied); they are primarily related to allowed uses on agricultural and natural resource lands to implement Project Objectives, including, but not limited to promoting and protecting agriculture, the creation of jobs and improving sales tax revenues. The remaining significant and unavoidable impacts are associated with implementation of the General Plan or include impacts related to greenhouse gasses which were not required to be analyzed at the time of the 2004 General Plan EIR, and would still occur regardless of any action on the TGPA-ZOU.

2-B Issue: Commenters reasserted concern that the EIR made findings that the Project further depletes groundwater resources and recommended the mitigation be revised to require the County to adopt a Countywide Groundwater Management Plan (GWMP) and implementing ordinance before any further implementation of the County's General Plan.

Response 2-B: Staff reviewed GWMPs for Butte (2004), Colusa (2008), Lassen (2007), and Sutter (2012) Counties. None extend beyond alluvial groundwater basins and none contain mandatory regulations. In addition, staff followed up with Water Resource and Information Management Engineering, Inc. (RIME), the firm that prepared the Calaveras County's GWMP for the Water District to discuss their findings for Calaveras County's GWMP. Based on staff's research, GWMPs were found to be generally:

- Voluntary, unenforceable plans that identify suggested means of managing groundwater supplies and best practices.
- Prepared for alluvial basin aquifers primarily, not on fractured rock aquifers similar to El Dorado County.
- Costs varied, depending on the scope of the GWMP, availability of groundwater data, and other variables, ranging from \$100,000 to \$500,000 not including an implementing ordinance.

These plans were prepared under 1992 Assembly Bill AB 3030. However, the authority of AB 3030 has been eliminated in favor of the regional sustainable groundwater plans described in the recently enacted Sustainable Groundwater Management Act of 2014. Current state law only requires groundwater management plans for groundwater basins, not for fractured rock aquifers similar to what exists in El Dorado County. The California Department of Water Resources (DWR) has focused on high and moderate priority areas and has not yet identified all of the state's low or very low priority basins

http://www.water.ca.gov/groundwater/casgem/basin_prioritization.cfm

The only DWR-identified basin in El Dorado County is a moderate priority basin on the south side of Lake Tahoe. The comment was addressed in the FEIR (p. 3.10-32) as follows:

"Adoption of a groundwater management plan would be infeasible within a reasonable period of time due to the current lack of the baseline data necessary to develop such a plan. Necessary baseline data would include multi-year sampling of water levels in groundwater wells on a countywide basis in sufficient sample numbers (i.e., data points) to be able to describe the outlines of the county's numerous fractured, non-contiguous aquifers, understand

the variations in groundwater supply during wet and dry years within those aquifers, and project the aquifers' safe yield rates."

In response to several public comments received during both the September/October 2015 Planning Commission Hearing and the November 2015 Board Hearing asserting that preparation of a GWMP in a fractured rock aquifer is a "common" and "feasible" mitigation for the TGPA-ZOU's impacts to groundwater, ICF International (ICF) staff conducted detailed research on existing GWMP's for fractured rock aquifers in the northern California region. After extensive research, ICF staff could not identify any fractured rock aquifer GWMP's in the Northern California region. Based on ICF staff's research, it appears existing adopted GWMP's within northern California primarily address alluvial groundwater basins, not fractured rock aquifers; (*See ICF memo to staff dated November 23, 2015, Attachment 21L*). Therefore, public comments asserting that fractured rock aquifer GWMP's are "common" are inaccurate.

As to the feasibility of preparing a GWMP for the County's fractured rock aquifer, ICF hydrologist, Alexa La Plante, prepared a sample scope and cost estimate for preparation of an appropriate GWMP (*See Attachment 21L*). This document describes the copious amount of detailed technical data that would be required for preparation of a County GWMP, and outlines prescribed methods for collecting this data over a period of at least several years. The sample scope uses the best available science to illustrate why a GWMP would be infeasible for the western slope of El Dorado County due to intensive labor requirements, long timeframes (at minimum several years), high project cost, and unpredictable results of the groundwater monitoring process in fractured rock aquifers. A summary of the scope and cost of preparing a GWMP for western El Dorado County is described below.

This Scope of Work summary provides a practical example of the complex and technical effort required for development of a GWMP, including intensive neighborhood-level well monitoring requiring private landowner permission and assessment for each fractured rock aquifer (Task 1), using monitoring data to develop a groundwater management model and report (Task 1d), preparation of a GWMP (Task 2) and development of a Groundwater Management Ordinance to implement the adopted GWMP (Task 3, Part 1). The Scope would also include extensive public outreach, Planning Commission Hearings and Board Hearings at the end of the process (Task 3, Part 2).

If implemented, the GWMP would be the documentary basis for a groundwater management ordinance establishing new regulations for future development, including groundwater management measures to be imposed on property owners throughout the western slope of the County. The sample scope of developing a GWMP anticipates the need for at least six technical specialists to conduct an extensive, multi-year monitoring of groundwater wells within the

rock aquifers in order to develop a database necessary to support a groundwater model.

The cost of the GWMP, model development, and ordinance is estimated to be approximately \$2.6 million. As there are no examples of adopted and implemented GWMP's in the northern California region for jurisdictions such as El Dorado County which is primarily located on fractured rock aquifers, it is not readily known what is the practical worth, reliability or dependability a GWMP would provide.

2-C Issue: Commenters questioned the adequacy of the EIR analysis and findings of surface water supplies to support development under the TGPA-ZOU, as well as additional development planned for under the General Plan.

Response 2-C: "...The increase in [surface] water demand attributable solely to the TGPA is not substantial because the TGPA would not result in a substantial increase in the level of development analyzed in the 2004 General Plan EIR [already deemed a Significant and Unavoidable impact] and therefore the overall impact on supplies (FEIR Response to Comment O-1-410, p. 9-188)."

In the short term, the three west slope water purveyors forecast sufficient supplies, with incorporation of existing drought contingency plans, to meet near-term demand (FEIR, pp. 3.10-20 through 3.10-26). The FEIR also concludes that the El Dorado Irrigation District (EID), in particular, will have sufficient surface water supplies to meet cumulative needs to 2035, including proposed development projects within EID's district boundaries (FEIR, pp. 5-29 and 5-30). However, as the west slope water purveyors [EID, the Georgetown Divide Public Utilities District (GDPUD) and the Grizzly Flats Community Services District (GFCSD)] are responsible for providing surface water to meet projected future demands, each water purveyor must forecast, using the best available data, when demand for surface water could exceed available supply, and incorporate those forecasts into their water supply planning efforts.

For purposes of long-term water supply planning, the El Dorado County Water Agency (EDCWA) was created in 1959 to ensure that the County as a whole has adequate water to serve current and future needs. As the boundaries of the water purveyors do not cover the entire County, the EDCWA works to develop and update countywide water supply plans and also participates in long-term water supply acquisition efforts. The EDCWA is empowered to negotiate water supply contracts from state and federal agencies for both water management and new facility construction (El Dorado County Water Agency website: <http://www.edcgov.us/water.aspx>, last accessed 11/24/15). However, as an application for use of additional water rights typically takes several years to negotiate, a demonstrated need for additional supply must first be established.

The FEIR states: "EDCWA's *Water Resources Development and Management Plan, 2014 West Slope Update* ("2014 Update") examines the long-term availability of surface water to supply the forecasted future needs of customers in EID, GDPUD, and GFCSD." In addition, "The 2014 Update's forecast goes substantially beyond 2030 to offer an estimate of demand and supply under what it considers to be 'build-out' conditions, in which the maximum density of land uses permitted under the 2004 General Plan have been achieved." (FEIR, p. 3.10-26).

2-D Issue: A comment was received related to groundwater supply as it relates to permits that have already been granted. The commenter stated that the Project will deplete groundwater supplies to the extent that the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted.

Response 2-D: The Commenter's statement that there is not enough water to supply permitted uses misconstrues the intent of FEIR Impact No. WS-2: "Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)".

Given that the General Plan anticipates additional development, it cannot be said with certainty that there is sufficient groundwater to support full build-out in all areas of the County that are outside of the water districts. Hence, the FEIR conservatively concluded that this will be a significant and unavoidable impact. To do otherwise would not meet the intent of CEQA to disclose potential future impacts. Conversely, at the scale of a Program EIR, "impacts on individual property owners cannot be determined with any certainty due to the complexity of the groundwater aquifers underlying the western slope and the lack of available information on groundwater supplies within those aquifers (FEIR Response to Comment R-3-18, p. 9-20)." As Terry Rivasplata of ICF stated at the Board Hearing on November 10, 2015, this conclusion regarding the Significant and Unavoidable finding in the FEIR stands whether the TGPA-ZOU is approved or not. The 2004 General Plan EIR reached the same conclusion regarding groundwater.

The TGPA would result in only a marginal increase in the development potential under the existing General Plan. The small amount of additional development authorized by the TGPA (primarily an increase due to mixed use development densities) and the increased demand from conditional uses under the ZOU (ski resort, for example) are not tipping points. They will simply contribute to the existing potential for localized impacts on aquifers.

There is water to support existing permitted uses. In addition, due to the complexity of the groundwater aquifers underlying the western slope (see above), there are several General Plan policies that act to restrict development in areas where public water supplies are not available. These include Policy 5.2.3.4, which states: "...The County shall not approve any discretionary or ministerial projects unless the County finds, based on evidence provided by the applicant, or other evidence that may be provided, that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question (FEIR, p. 8-27)."

2-E Issue: Commenters reasserted earlier remarks alleging that the Project would violate requirements of the State Water Resources Control Board's (SWRCB) Onsite Water Treatment Systems (OWTS) standards for septic systems. The comment was addressed in the FEIR.

Response 2-E: El Dorado County is bound by the requirements of the State Board's OWTS standards. The County is currently drafting Tier 2 Local Agency Management Program for New or Replacement OWTS standards consistent with the SWRCB's OWTS policies for eventual approval by the SWRCB. Until such time as those Local Agency Management Program Tier 2 standards are approved by the SWRCB, the County is bound by the requirements of the State Water Resources Control Board's OWTS Tier 1 standards for new or replacement systems. The Tier 1 standards are more restrictive in certain respects than the Project policies, and will limit, for example, the types of uses and minimum lot sizes in subdivisions of land occurring on steep slopes. The County will not approve development that violates the State Board's standards (FEIR Response to Comment O-1-114).

2-F Issue: A comment was received related to degraded water quality due to aquifers being easily contaminated by septic systems. The commenter cited a report and claimed that 63,000 people in the County rely on public well systems with contaminated groundwater and stated that "out of approximately 175 community water systems in the County, many small water system operators fail to comply with monitoring requirements". The comment was addressed in the FEIR.

Response 2-F: The 2013 report referenced was prepared by the SWRCB. Where this report refers to communities that rely on a contaminated groundwater source, it is referring to community public water systems that draw water from a contaminated groundwater source prior to any treatment. The findings in this report do not reflect private domestic wells or other unregulated water systems. The study notes that the State does not require these groundwater users to sample their wells, and consequently a comprehensive database for these groundwater sources does not exist. This study, which can be found at the link below, indicates that there are two public water systems in El Dorado County, South Tahoe Public Utilities District (STPUD) and Tahoe Keys Water District,

which serve all but 100 of the 63,000 people cited by the commenter. The third public water system, Gold Beach Mobile Home Park in Nashville, California serves 100 people. Subsequent reports by these public water systems have indicated the water quality meets drinking water standards. For example, STPUD publishes annual reports on drinking water quality. These reports have repeatedly indicated the water quality meets all EPA drinking water standards. http://d3n8a8pro7vhmx.cloudfront.net/communitywatercenter/pages/38/attachments/original/1394272808/xaxvc1nv_compressPdf.pdf?1394272808

As a final point, a majority of the affected areas served by the identified public water systems in the report are located within the City of South Lake Tahoe, not under the County's jurisdiction; therefore the concern raised would not be further affected by the Project as proposed. The County has adopted detailed regulations for the installation and maintenance of septic systems that avoid the potential for contaminating ground and surface waters (FEIR, p. 8-29, Section 8.7.3 – Water Quality).

2-G Issue: A commenter stated that a "recent study by the State Board of nearly 400 private wells revealed 30% failed primary drinking water standards."

Response 2-G: The Voluntary Domestic Well Assessment Project El Dorado County Data Summary Report September 2005 study prepared by the SWRCB Division of Water Quality (DWQ) was addressed and comments submitted in a letter prepared by the County's Environmental Management Department at the AB 885 Workshop held on December 9, 2005. (See Attachment 21M).

Environmental Management staff found that the results of the Voluntary Domestic Well Assessment Project, as well as other available data, does not support DWQ staff's claim that Onsite Water Treatment Systems (OWTS) are contaminating groundwater in El Dorado County. The response goes on to state:

"The data collected for the Voluntary Project does not indicate the global cause and affect between OWTS and groundwater contamination that is being asserted by DWQ staff. In fact, DWQ staff has ignored some of the Voluntary Project findings in pursuit of an agenda rather than conduct an open-minded analysis".

Environmental Management staff affirmed that the results of the Voluntary Project potentially makes the argument against the link between the degradation of groundwater quality and OWTS in the County, and determined that there is no correlation of, or a problem that exists between, a properly sited and constructed septic system and groundwater integrity, as suggested by the SWRCB. A connection has not been proven and the analysis prepared by SWRCB is fundamentally flawed.

On February 3, 2009, the Environmental Management Department provided additional information to the Board regarding AB 885. Following the discussion, the Board authorized the Board Chair to sign a letter for submittal to the SWRCB regarding the AB 885 onsite OWTS proposed regulations and "requested that the SWRCB work with the State Legislature to repeal AB 885. Should the repeal process fail, the Board requested that the legislation be amended to revert back to the original intent to protect the coastal zones or other known areas of impaired surface water or ground water where it has been scientifically proven that OWTS are the source of the water quality degradation" (*See Attachment 21N*).

3. Adequacy of the Travel Demand Model (TDM)

3-A Issue: A commenter provided the Caltrans letter dated March 16, 2015 as evidence that operational analysis should have been completed. The FEIR notes that Caltrans rescinded the referenced March 16, 2015 letter and replaced it with a letter dated May 5, 2015. The County's responses are in reference to the May 5, 2015 letter.

Response 3-A: The FEIR previously addressed this issue as part of 8.15 Master Response 14: Traffic Analysis Methodology, TDM and U.S. Highway 50 LOS Calculations, 8.15.1 Traffic Analysis Methodology.

As noted at the November 10, 2015 Board Hearing, this comment contradicts guidance from the Federal Highway Administration (FHWA), Highway Capacity Manual (HCM), and the Institute of Transportation Engineers (ITE). The FHWA Traffic Analysis Toolbox provides guidance on the appropriateness of methods for a given analytical context. Based on the size of the study area (El Dorado County covers nearly 1,800 square miles) and the nature of the project, a Planning context reliant on the application of a TDM is identified by this industry standard as being the most appropriate approach.

3-B Issue: A commenter indicated that General Plan Policy TC-Xa requires that operational analysis be completed for the EIR.

Response 3-B: The FEIR includes discussion specific to this issue on pages 3.9-10 to 3.9-14 and on pages 3.9-16 to 3.9-17. As discussed on page 3.9-12, Board adopted Resolution No. 194-2008 specifically clarifies the timing of the Capital Improvement Program and traffic improvement concurrency requirements related to TC-Xa. As described, TC-Xa requires analysis be performed during the approval process for a single family residential subdivision of five or more parcels. TC-Xa does not address the analysis requirements for a programmatic EIR. Separately, *El Dorado County's Transportation Impact Guidelines, November 2014* addresses the use of operational analysis for specific development projects.

Likewise this Traffic Impact Guidelines do not address the analysis requirements for a programmatic EIR.

3-C Issue: The Caltrans letter dated March 16, 2015 has been provided by commenters as evidence that U.S. Highway 50 currently operates at LOS F. This letter specifically refers to Westbound AM Peak Hour volumes just west of Latrobe Road. The FEIR notes that Caltrans rescinded the referenced March 16, 2015 letter and replaced it with a letter dated May 5, 2015. The County's responses are in reference to the May 5, 2015 letter.

Response 3-C: The FEIR previously addressed this issue as part of 8.15 Master Response 14: Traffic Analysis Methodology, TDM and U.S. Highway 50 LOS Calculations, 8.15.3 U.S. Highway 50 Westbound LOS Calculations.

In the May 5, 2015 letter, Caltrans specifically recommends the use of an existing traffic volume that it recognizes will "result in an existing LOS D, which is appropriate for this analysis." County staff have updated the TDM post-processor spreadsheets with volumes based on data attached to the May 5, 2015 letter and are in agreement with Caltrans that analysis of this Freeway segment results in LOS D during the AM Peak Hour.

3-D Issue: The 2014 Caltrans *Transportation Concept Report and Corridor System Management Plan United State Route 50* (2014 TCR/CSMP) has been provided by commenters as evidence that U.S. Highway 50 currently operates at LOS F.

Response 3-D: The FEIR previously addressed this issue as part of 8.15 Master Response 14: Traffic Analysis Methodology, TDM and U.S. Highway 50 LOS Calculations, 8.15.3 U.S. Highway 50 Westbound LOS Calculations.

Based on the description of analysis methods provided in Appendix C of the 2014 TCR/CSMP, it is understood the LOS analysis was completed using the Peak Hour traffic data provided in Table 15 of this report. Table 15 includes estimated volumes from the *2012 Traffic Volumes on the California State Highway System*. These estimates are markedly higher than actual count data from Caltrans Performance Measurement System (PeMS), which collects real-time data from over 39,000 individual detectors across all major metropolitan areas of the State of California, and have remained largely unchanged since estimates for U.S. Highway 50 freeway segments in El Dorado County were first published by Caltrans in 2006. As an example, the U.S. Highway 50 segment west of Latrobe was estimated to have 8,600 vehicles in the peak hour for 2006, 2008, 2010, 2011, 2012, 2013, and 2014, respectively. Considering known variations in traffic volumes during these years (the Great Recession and subsequent recovery) and that these estimates contradict available Caltrans PeMS data for typical commute peak hours, it was determined that these estimates were not

appropriate for determining LOS within the EIR. Instead EIR freeway analysis relied on data obtained from the Caltrans PeMS system.

3-E Issue: A commenter provided the Caltrans letter dated March 16, 2015 as evidence that future traffic conditions have been understated on U.S. Highway 50. The FEIR notes that Caltrans rescinded the referenced March 16, 2015 letter and replaced it with a letter dated May 5, 2015. The County's responses are in reference to the May 5, 2015 letter.

Response 3-E: The FEIR previously addressed this issue as part of 8.15 Master Response 14: Traffic Analysis Methodology, TDM and U.S. Highway 50 LOS Calculations, 8.15.3 U.S. Highway 50 Westbound LOS Calculations.

3-F Issue: The 2014 Caltrans *Transportation Concept Report and Corridor System Management Plan United State Route 50* (2014 TCR/CSMP) has been provided by commenters as evidence that U.S. Highway 50 will operate at LOS F in the future.

Response 3-F: The FEIR previously addressed this issue as part of 8.15 Master Response 14: Traffic Analysis Methodology, TDM and U.S. Highway 50 LOS Calculations, 8.15.3 U.S. Highway 50 Westbound LOS Calculations.

In addition to the differences in data, methods and analysis approaches discussed in the master comment response and Issue Response 3-D, the 2035 LOS as provided in the 2014 TCR/CSMP relies on a growth rate (percentage) applied to a 2012 traffic estimate (*See Issue Response 3-D regarding the basis for these estimates*), which is considered a less preferential analysis method than adding estimated growth (an absolute value) to an actual traffic count, such as those based on Caltrans PeMS data as was done for the EIR. Furthermore, as the SACSIM model on which the growth rate is based does not include a peak hour model (the County model does), the daily growth rate was used as a proxy for peak hour growth in the future. Considering that peak hours/periods do not always grow at a rate consistent with daily growth and that this analysis relies on the use of a base year peak hour estimate, it would be commonly considered to result in a less robust forecast than that prepared for the EIR. Unlike the El Dorado County forecast which is based on post-processed TDM volumes, the Caltrans analysis includes methods that are more commonly considered to be "sketch planning" techniques. As noted in Issue Response 3-A, the FHWA Traffic Analysis Toolbox suggests that the direct application of a TDM is preferential for planning analysis at a regional scale.

If an analysis is performed for the freeway segment west of Latrobe Road using the same growth rate and methodology utilized by Caltrans in the 2014 TCR/CSMP, but actual 2010 count data (Caltrans PeMS data obtained by the County) is used instead of estimated Peak Hour values (*See Issue Response 3-D*), this exercise results in a 2035 Caltrans Peak Hour estimate within 1% of the

County's estimate. Based on this analysis, it is assumed that if the 2014 TCR/CSMP baseline was updated using the Caltrans PeMS data obtained by the County, that its results would be consistent with the LOS findings provided in the EIR.

3-G Issue: A commenter indicated that U.S. Highway 50 traffic volumes were not analyzed or documented on a directional basis.

Response 3-G: U.S. Highway 50 analysis was analyzed and documented on a directional basis. Table 3.9-3 shows the directional service volumes used to determine LOS. Table 3.9-3 Footnote (c) specifically indicates "Service volumes are for a single direction." Additionally, analysis volumes for U.S. Highway 50 are presented on a directional basis in Table 3.9-13 (note that both general purpose lanes and high occupancy vehicles lanes are reported separately for each direction).

3-H Issue: A commenter indicated that non-freeway traffic volumes were averaged and then analyzed in a manner that does not account for traffic flow directionality (during the peak hour traffic volumes are typically higher in one direction).

Response 3-H: All 2-way LOS service volumes included in Table 3.9-3 reflect the effect of directionality during the Peak Hour. As described in the footnotes to this table, the 2010 HCM was used as a primary source, including LOS service volume thresholds that specifically account for D-factors (directionality factors) as provided for in Chapters 10, 15, and 16 of the 2010 HCM.

3-I Issue: A commenter provided photos as evidence that traffic operations are LOS F on U.S. Highway 50 and elsewhere in the County.

Response 3-I: The static nature and a lack of context related to these photos does not provide sufficient information to determine if they are representative of reoccurring congestion. Incidents or atypical occurrences (construction activity, crashes, special events, etc.) often result in non-reoccurring congestion. Given that the time of day, location, and other factors are unknown it is not possible to ascertain LOS from the provided photos.

3-J Issue: A commenter indicated that the improvements included in future analysis scenarios for U.S. Highway 50 are more extensive than those planned by Caltrans.

Response 3-J: U.S. Highway 50 improvements included in the analysis are based on those provided for in Sacramento Area Council of Governments (SACOG) *2012 Metropolitan Transportation Plan/Sustainable Communities Strategy* (2012 MTP/SCS). As this document is required to consider financial constraints and Caltrans is a member of SACOG and provides direct input into its preparation it is

understood that it is consistent with Caltrans' stated plans for future improvements.

County staff also reviewed EIR assumptions for consistency with U.S. Highway 50 improvements as identified in the 2014 TCR/CSMP. This review noted the following facilities were missing from the existing facilities description on page 7 (they are constructed today): (1) Segments 7 and 8 under "Existing Facility" do not include the eastbound auxiliary lanes (or "transition lane") from E. Bidwell to Bass Lake Road; and (2) Segment 13 does not include the auxiliary lanes in the westbound and eastbound directions between Missouri Flat Road and Forni/Placerville Drive. On page 7, under the "20-year Build Facility" it was noted that the 2014 TCR/CSMP includes auxiliary lanes from Greenstone to Missouri Flat which are not included in the County CIP or in the 2012 MTP/SCS.

3-K Issue: A commenter indicated that the model inputs were not appropriately reviewed.

Response 3-K: The FEIR previously addressed this issue as part of 8.15 Master Response 14: Traffic Analysis Methodology, TDM and U.S. Highway 50 LOS Calculations 8.15.3 U.S. Highway 50 Westbound LOS Calculations.

As discussed in this Master response, letters of concurrence for the travel demand base model were received by both SACOG (February 3, 2014) and Caltrans (February 4, 2014 and September 22, 2014), a consultant peer review was completed (May 2013). Additionally, the TDM has been applied by multiple accredited transportation professionals (who are not employed by El Dorado County and are not members of the project team that developed the model) since its public release in 2013 without the identification of an error substantive enough that it would require altering the fundamental methodologies on which Caltrans and SACOG based their concurrence.

3-L Issue: A commenter indicated that the land use and circulation elements are inconsistent as General Plan land use designations are an input rather than outcome of traffic analysis.

Response 3-L: Travel demand models are based on the fundamental presumption that traffic is the result not the cause of trips being made. Given that the County's TDM requires land use related assumptions on which to base model inputs, it is not possible to determine traffic estimates without first making assumptions regarding the location and intensity of uses. The TDM scenarios prepared for this EIR are based on detailed land use analysis that was prepared and documented as part its development. All land use scenarios prepared for the EIR have as a baseline requirement that the assumed intensity and location of uses must be consistent with their underlying General Plan land

use designation (General Plan land use designations were not changed during the course of the analysis).

The commenter implies that the traffic analysis should be completed first and then an acceptable land use determined. The TDM included detailed land use analysis prepared as part of its development. For the Community Regions, land use was analyzed and future scenarios were prepared with data at the parcel level. This level of detail significantly exceeds many jurisdictions that still rely on more gross approaches to aggregate and forecasting future land use inputs.

4. Project Cost and Timeline

4-A Issue: Comments received included concerns about the staff and resources that have been expended on the Project while simultaneously requesting additional analysis and new studies to be completed.

Response 4-A: The Program has consumed significant resources to date. The approximate total cost of the TGPA-ZOU project beginning on July 1, 2008 and including budgeted amounts through June 30, 2016 is conservatively \$3,400,000. Of this amount, approximately \$830,000 will have been spent on Professional Services, and \$2,570,000 on County staff charges. Staff costs include Community Development Agency staff (Development Services, Long Range Planning, Transportation), as well as staff from County Counsel, Agriculture Department, Surveyor's Office and the Chief Administrative Office. The total cost for staff time does not include upper management and the majority of administrative functions.

Professional Services agreements include:

- 1) **ICF International:** Agreement to complete an environmental review of the TGPA-ZOU with a not-to-exceed amount of \$460,101.
- 2) **Kimley Horn and Associates, Inc.:** A portion of an agreement with Kimley Horn and Associates, Inc. to complete the El Dorado County traffic model update was used for this project, in the amount of \$178,618. Kimley Horn and Associates, Inc. participated in the environmental review of the TGPA-ZOU, and integrated the land use forecast update and rural land use area forecasting into the traffic model.
- 3) **Abbott and Kindermann:** Agreement to perform legal services with a not-to-exceed amount of \$150,000.
- 4) **Bay Area Economics:** Agreement to complete an existing conditions analysis with a not-to-exceed amount of \$60,000.
- 5) **Kittelson and Associates, Inc.:** Approximately \$16,000 of an existing contract with Kittelson and Associates, Inc. was used to prepare a response to comments on the transportation related sections of the TGPA-ZOU.

5. California Supreme Court CEQA Case (*Center for Biological Diversity v. California Department of Fish and Wildlife*)

On November 30, 2015, the California Supreme issued a new CEQA decision addressing greenhouse gas analysis as required by CEQA. This decision is not considered final until December 30, 2015, and is subject to a petition for reconsideration. This new decision (*Center for Biological Diversity v. California Department of Fish and Wildlife* or "*CBD v DFW*") addresses the sufficiency of the analysis of climate change in an EIR prepared for a specific development project. The Supreme Court did not address the specifics of climate change analysis for a Program level EIR, like that prepared for the TGPA-ZOU Project, other than to affirm the use of the state Scoping Plan as a legitimate analytical tool. The CBD decision recognizes that compliance with a Sustainable Communities Strategy ("SCS"), along with numerical standards, is a legitimate tool for evaluating significance. The Project EIR discusses extensively the empirical evaluation measured against the El Dorado County Air Quality Management District (EDCAQMD) formulated standards, as well as the relationship of the County's General Plan (pre and post Project) with the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan (MTP)/SCS. The methodology and protocols employed by the County in the Project EIR followed the recommendation of the EDCAQMD and statewide practices. The conclusions in the Project EIR remain unaffected by the CBD decision.

C. Board Action

The Board is responsible for certifying the FEIR, making the CEQA Environmental Findings of Fact, adopting the CEQA Statement of Overriding Considerations, and approving the Mitigation Monitoring and Reporting Program. The action of certifying the EIR does not approve or deny the Project; it finds that the EIR adequately analyzed the Project as described in the Project Description. The CEQA document must be certified before the Project is approved.

As the County's legislative body, the Board is responsible for project adoption and may consider a range of action(s) on the Project including, but not limited to: 1) approval of the Project as scoped, 2) approval of the Project with the revisions recommended by the Planning Commission and/or as deemed necessary by the Board, 3) selective approval of specific Project components, 4) revisions to the Project outside of the scope of the FEIR, or 5) denial of the Project.

On November 13, 2015, the Board tentatively approved various actions and directed staff to revise draft documents as necessary pursuant to this tentative action and return on December 15, 2015 for final action.

Pursuant to the Board's tentative action, staff recommends that the Board take the following final actions:

1. Adopt Resolution certifying the Final Environmental Impact Report for the Targeted General Plan Amendment and Zoning Ordinance Update (Resolution No. 195-2015); Making Environmental Findings of Fact (Exhibit A); Adopting a Statement of Overriding Considerations (Exhibit B); and Approving the Mitigation Monitoring and Reporting Program (Exhibit C); *See Attachment 21A for the Resolution and Attachment 21I for the FEIR*; and
2. Adopt Resolution adopting a Targeted General Plan Amendment to the El Dorado County General Plan (Resolution No. 196-2015); Modification to Camino/Pollock Pines Community Region to Rural Centers of Camino, Cedar Grove and Pollock Pines (Exhibit A); Agricultural District Boundary Amendment (Exhibit B); List of Limited Land Use Designation (LUD) Revisions (Exhibit C); *See Attachment 21B*; and
3. Adopt Resolutions to approve community design standards for:
a) Mixed Use Design (Resolution 197-2015), b) Landscaping and Irrigation (Resolution 198-2015), c) Outdoor Lighting (Resolution 199-2015), d) Mobile Home Park Design (Resolution 200-2015), e) Research and Development Zone Design (Resolution 201-2015), and f) Parking and Loading (Resolution 202-2015); *(See Attachments 21C – 21H)*; and
4. Adopt the Zoning Ordinance Update including the Zoning Map, *(See Attachments 21J and 21K)*.
5. Direct staff to return to the Planning Commission and Board within approximately one year of adoption or earlier, if necessary, to review implementation of the Project.

Attachments/Exhibits (Legistar File 11-0356)

- 21AResolution – Certifying the Final EIR; Making Environmental Findings of Fact (Exhibit A); Adopting a Statement of Overriding Considerations (Exhibit B); and Approving Mitigation Monitoring and Reporting Program (Exhibit C)
- 21BResolution – Adoption of a Targeted General Plan Amendment to the El Dorado County General Plan (inclusive of proposed General Plan amendments shown on Exhibits A, B, C)
- 21CResolution for Mixed Use Design Standards
- 21DResolution for Landscaping and Irrigation Design Standards
- 21E.....Resolution for Outdoor Lighting Standards
- 21F.....Resolution for Mobile Home Park Design Standards
- 21GResolution for Research and Development Zone Design Standards
- 21H.....Resolution for Parking and Loading Design Standards
- 21IFinal Environmental Impact Report**
- 21JZoning Ordinance Update 12/15/2015
- 21KZoning Ordinance Map 12/15/2015
- 21L.....ICF International memo to staff dated November 23, 2015
- 21MLetter to State Water Resources Control Board dated December 15, 2015
- 21N.....Letter to State Water Resources Control Board dated February 9, 2009
- 21O.....Staff Memo – Targeted General Plan and Zoning Ordinance Update

**Due to the large file size of the entire FEIR, the FEIR is posted on the Long Range Planning webpage on the County website at:
http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_FEIR.aspx

proposed programs, such as the proposed oak woodlands preservation fee program that was the subject of litigation, taking much longer than expected.

8.6 Master Response 5: Practical Constraints on Future Development under the TGPA/ZOU

8.6.1 Practical Considerations

Commenters have suggested that the proposed increases in maximum residential density, particularly relating to development in Community Regions and Rural Centers when no public water or sewer is available, will result in new development at those maximum densities. The commenters ask that the TGPA/ZOU EIR assume that build-out will occur in this manner.

The TGPA/ZOU EIR does not assume full build-out because there are practical constraints on development that make such an assumption unreasonable. Neither the General Plan designation nor zoning that is applied to any given parcel confers a vested right to develop that parcel at the maximum density provided for under the designation or zone. For example, the statement proposed to be added to Policy 2.1.1.3 regarding mixed use development density (i.e., "The maximum residential density of 20 dwelling units per acre may only be achieved where adequate infrastructure, such as water, sewer and roadway area available or can be provided concurrent with the development.") is intended to reflect that fact by use of the term "may." Whether a site can be developed at its maximum allowable density depends on numerous factors that affect the design of the development, including regulatory limitations.

The TGPA includes provisions for increasing the maximum allowable residential density within Community Regions and Rural Communities. Commenters have suggested that this would result in substantial increases in allowable development, thereby creating significant impacts on a variety of environmental resources. At issue are the proposed components of the TGPA: Goal 2.1.4 and Policies 2.1.4.1-2.1.4.4 (encouraging development in "Opportunity Areas"); Policy 2.1.1.3 (increase maximum density for mixed use development to 20 du/ac in Community Regions); Policy 2.1.2.5 (increase maximum density for mixed use development to 10 du/ac in Rural Communities); Policy 2.2.4.1 (establish a 30% open space incentive for residential density bonuses); Policy 2.4.1.5 (establish a program to encourage infill in existing communities); Policy 5.2.1.3 (making connection to public sewer and water systems optional for higher intensity land uses in Community Regions); and Policy 5.3.1.1 (making connection to public wastewater collections systems optional, when not reasonably available, for higher intensity land uses). As discussed below, most of these policy changes either would not affect the level of planned development or would actually constrain development. The remainder of the changes would have only a limited potential to increase development beyond the levels examined and disclosed in the 2004 General Plan EIR.

The TGPA/ZOU EIR examined the potential for the Project to result in significant environmental effects. A substantial change in the existing environment is considered a significant environmental effect. The TGPA/ZOU does not propose any discrete development projects. Accordingly, the EIR's examination is limited to the prospective effects of future development that would occur in compliance with the General Plan and Zoning Ordinance, as proposed to be amended and updated. The 2004 General Plan EIR analyzes the impacts of development to the level of the existing General Plan. The TGPA/ZOU EIR updates that analysis as necessary to account for existing conditions and

examines how amending the General Plan and updating the Zoning Ordinance would change existing conditions. Because the TGPA/ZOU EIR examines the prospective impacts of development pursuant to the TGPA and ZOU, one indicator of a significant effect is the extent to which prospective development under the TGPA and ZOU would result in a greater level of development (i.e., density or intensity) than that anticipated in the 2004 General Plan EIR.

8.6.2 Constraints on Development at Maximum Density and Intensity

Sites that are located in areas that are not served by public water and sewer systems have a lower development potential than those that are served by public water and sewer. This is evidenced by both County policy and development standards.

General Plan Policy 5.2.3.5, which is not proposed for amendment, limits subdivisions as follows:

The average residential density shall not be greater than one dwelling unit per five acres in proposed groundwater dependent developments except in areas known to have groundwater supply limitations. In those areas, a minimum parcel size of ten acres or larger may be required if it is demonstrated such larger parcels are necessary to limit the impact on groundwater supply in the area.

General Plan Policy 5.3.1.2, which is not proposed for amendment, similarly limits the creation of new lots in certain areas without public water supply:

The creation of lots less than five acres in size in Medium-Density Residential areas relying on on-site septic systems shall only occur when a public water supply is available for domestic use. If public water is not available, such lots shall not be less than five acres.

General Plan Policy 5.3.1.7, which is not proposed for amendment, limits new development in areas without public sewers:

In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.

El Dorado County Code requires plumbing to be connected to a public sewer unless such sewer is not available (Code Section 110.32.000[f]). Public sewer "may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet (60.8 m) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer." (Code Section 110.32.000[d]) As a result, where sewer is available within 200 feet of the proposed development, it must be used and reliance on a septic system would not be allowed.

Projects are subject to regulatory standards and site constraints that may limit their density and intensity to less than the maximum allowable. For both discretionary (e.g. projects requiring a use permit) and ministerial projects, these include compliance with the Building Code, well drilling ordinance, setback requirements, and other regulations. In addition, where the development project is subject to a discretionary permit, CEQA review will be required and may further limit development.

Required minimum parcel sizes, setbacks and replacement area regulations for wells and onsite sewage disposal systems effectively reduce both the number of developable parcels and the developable area(s) within each parcel. As a result, not allowing new development to proceed without public water and sewer connections is a practical limitation on the density and intensity of development, not an allowance for higher density or intensity land uses to be built in underserved areas.

As stated above, under General Plan Policy 5.2.3.5, average residential density shall not be greater than one dwelling unit per five acres in proposed groundwater dependent developments except in areas known to have groundwater supply limitations (where minimum lot sizes may be much greater). Therefore, new private wells are not allowed on existing or proposed residential lots of less than five acres. Similarly, new private wells are not allowed on all other non-residential lots of less than 4.5 acres (County Design and Improvement Standards Manual Volume II, Section 7, p. 37). Due to these parcel size constraints, less than 275 lots, or approximately 5% of the vacant land within Community Regions would be eligible to request permits for private wells.

Both El Dorado County Code Chapter 110.32 and the County Design and Improvement Standards Manual (DISM) regulate private onsite sewage disposal systems. Existing code requires each residential site (parcel) to include sufficient open area to allow for the necessary septic disposal system (including leach fields) and 100% replacement area. This effectively means that each lot must contain sufficient open area to support 200% of the area needed for the septic disposal system. In addition, for commercial, agricultural, industrial, recreational, and multi-family residential projects, the site (parcel) must be of sufficient size to accommodate the septic system and 300% of the area necessary for expansion. (County Code Section 110.32.010[e]) The area necessary for leach fields depends upon the soil's porosity characteristics, depth to groundwater, and the expected volume of effluent from the development. The amount of land needed to meet the private sewage disposal system requirement increases in direct proportion to the density or intensity of the residential, commercial, or industrial development occurring on a given site.

Further, the County DISM provides additional development standards for onsite waste disposal, affecting development projects on both existing and future lots. DISM standards are based on unique site characteristics such as percolation rate, groundwater depth, soil depth, slope, distance to existing or proposed wells (including existing wells on adjacent lots), distance to water features (intermittent/permanent streams, ponds, irrigation canals, etc.), distance to property lines, distance to soil grading, and distance to public water pipes. As an example of a typical standard, the DISM contains a sliding scale for required sewage disposal area based on site (parcel) percolation rate. A development site (parcel) with a percolation rate of 11-20 minutes/inch would require a minimum of 8,000 square feet of disposal area, while a development site (parcel) with a percolation rate of 221-240 minutes/inch would require a minimum of 30,000 square feet of disposal area (Design and Improvement Standards Manual Volume I, Section 6, pp. 5-8).

Exceptions can be made to these standard code requirements only upon approval of the Director of Environmental Management after review of engineered system plans that will ensure adequate disposal of sewage. (County Code Section 110.32.010[j]) Otherwise, no building permit can be issued. Code Section 110.32.010(h) states:

When there is insufficient lot area or improper soil conditions for adequate sewer disposal for the building or land use proposed, and the Director of Environmental Management so finds, no building permit shall be issued and no private sewage disposal system shall be permitted.

Where space or soil conditions are critical, no building permit shall be issued until engineered data and test reports satisfactory to the Director of Environmental Management have been submitted and approved.

In addition, El Dorado County is responsible for implementing the State Water Resources Control Board's (SWRCB's) policy and standards for Onsite Water Treatment Systems (OWTS). (Board Resolution 12-0032 and OWTS Policy) These "Tier 1" (low-risk new or replacements OWTS) standards were adopted in 2012. Section 7 of the SWRCB's "Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Water Treatment Systems" establishes minimum site evaluation and siting standards for OWTS. Section 8 establishes minimum OWTS design and construction standards. The following excerpts from Sections 7 and 8 illustrate the site development limitations that accompany the use of an OWTS.

7.1. A qualified professional shall perform all necessary soil and site evaluations for all new OWTS and for existing OWTS where the treatment or dispersal system will be replaced or expanded. [Note: "Qualified professional" is defined as "an individual licensed or certified by a State of California agency to design OWTS and practice as professionals for other associated reports, as allowed under their license or registration."]

7.5. Minimum horizontal setbacks from any OWTS treatment component and dispersal systems shall be as follows:

7.5.1. 5 feet from parcel property lines and structures;

7.5.2. 100 feet from water wells and monitoring wells, unless regulatory or legitimate data requirements necessitate that monitoring wells be located closer;

7.5.3. 100 feet from any unstable land mass or any areas subject to earth slides identified by a registered engineer or registered geologist; other setback distance are allowed, if recommended by a geotechnical report prepared by a qualified professional.

7.5.4. 100 feet from springs and flowing surface water bodies where the edge of that water body is the natural or levied bank for creeks and rivers, or may be less where site conditions prevent migration of wastewater to the water body;

7.5.5. 200 feet from vernal pools, wetlands, lakes, ponds, or other surface water bodies where the edge of that water body is the high water mark for lakes and reservoirs, and the mean high tide line for tidally influenced water bodies;

7.5.6. 150 feet from a public water well where the depth of the effluent dispersal system does not exceed 10 feet;

7.5.7. Where the effluent dispersal system is within 1,200 feet from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies, the dispersal system shall be no less than 400 feet from the high water mark of the reservoir, lake or flowing water body.

7.5.8. Where the effluent dispersal system is located more than 1,200 feet but less than 2,500 feet from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as

upstream of the intake point for flowing water bodies, the dispersal system shall be no less than 200 feet from the high water mark of the reservoir, lake or flowing water body.

7.7. Natural ground slope in all areas used for effluent disposal shall not be greater than 25 percent.

8.1 OWTS Design Requirements

8.1.1. A qualified professional shall design all new OWTS and modifications to existing OWTS where the treatment or dispersal system will be replaced or expanded. A qualified professional employed by a local agency, while acting in that capacity, may design, review, and approve a design for a proposed OWTS, if authorized by the local agency.

8.1.2. OWTS shall be located, designed, and constructed in a manner to ensure that effluent does not surface at any time, and that percolation of effluent will not adversely affect beneficial uses of waters of the State.

8.1.3. The design of new and replacement OWTS shall be based on the expected influent wastewater quality with a projected flow not to exceed 3,500 gallons per day, the peak wastewater flow rates for purposes of sizing hydraulic components, the projected average daily flow for purposes of sizing the dispersal system, the characteristics of the site, and the required level of treatment for protection of water quality and public health.

8.1.5. The minimum depth to the anticipated highest level of groundwater below the bottom of the leaching trench, and the native soil depth immediately below the leaching trench, shall not be less than prescribed in Table 2. [Note: Table 2 of the SWRCB's "Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Water Treatment Systems" sets minimum depth based on rate of percolation, with greater depth required as percolation rate increases.]

8.1.6. Dispersal systems shall be a leachfield, designed using not more than 4 square-feet of infiltrative area per linear foot of trench as the infiltrative surface, and with trench width no wider than 3 feet. Seepage pits and other dispersal systems may only be authorized for repairs where siting limitations require a variance. Maximum application rates shall be determined from stabilized percolation rate as provided in Table 3 [Note: Table 3 of the SWRCB's "Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Water Treatment Systems" sets application rates as determined from stabilized percolation rate, requiring a greater area of application as percolation rate decreases], or from soil texture and structure determination as provided in Table 4 [Note: Table 4 of the SWRCB's "Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Water Treatment Systems" sets rates based on soil types].

8.1.8. All new dispersal systems shall have 100 percent replacement area that is equivalent and separate, and available for future use.

8.1.9. No dispersal systems or replacement areas shall be covered by an impermeable surface, such as paving, building foundation slabs, plastic sheeting, or any other material that prevents oxygen transfer to the soil.

8.1.10. Rock fragment content of native soil surrounding the dispersal system shall not exceed 50 percent by volume for rock fragments sized as cobbles or larger and shall be estimated using either the point-count or line-intercept methods.

El Dorado County is currently in the process of drafting Tier 2 (Local Agency Management Program for New or Replacement OWTS) standards consistent with the SWRCB's OWTS policies for eventual approval by the SWRCB.

Reliance on well water will eventually lead to a cumulative impact on groundwater as new development increases demands on the fractured rock aquifers that provide groundwater in most of the county. It also imposes limitations on new development. County Policy 800-2 prohibits the issuance of a building permit for a building having plumbing facilities without proof of an adequate water supply. This policy further prohibits construction of any building with plumbing facilities served by a private water well unless that well is capable of producing at least 5 gallons per minute, either from the well itself or from a combination of the well and storage. It prohibits construction where the well cannot produce at least one gallon per minute. Under the California Building Code, as adopted by the County, a one- or two-family dwelling must have a minimum fire flow of 1,000 gallons per minute for a period of one hour (this may be reduced to 500 gallons per minute when the home includes internal sprinklers). On a site that is dependent on a low producing well, this can translate to the need for a 30-60,000 gallon storage tank that will take up additional space on the development site.

County Code Chapter 8.39 further regulates the installation of water wells. Pursuant to this chapter, wells are to be installed in conformance with Department of Water Resources Bulletins 74-81 and 74-90. These provide that no well can be installed within 100 feet of a septic tank or leach field.

As a result of these requirements, although the TGPA proposes to increase maximum densities for certain land use designations and for mixed use development in Community Regions and Rural Communities, those changes would not result in a substantial increase in future development density where public water and sewer service is not available.

8.6.3 No Change to Planned Development Level

The following proposed policies would not change allowable density under the General Plan and therefore would not result in a prospective physical change in the environment:

Goal 2.1.4 and Policies 2.1.4.1 through 2.1.4.4 – these proposed new goal and policies “encourage development and revitalization within designated opportunity areas.” The County proposes to adopt this goal and policy, but no Opportunity Areas have been identified. The Implementation Measure under this goal specifies that the County will establish a program by which Opportunity Areas will be identified in the future. No program is being proposed at this time, so the extent to which such a program might increase density, what lands would be identified as Opportunity Areas, and what standards would be applied to reduce potential impacts of the program. At this time, there is insufficient information to assess whether the prospective program would have a significant effect on the environment. Keep in mind that the development of this program will be a public process and subject to CEQA analysis at such time as a draft program is developed.

Policy 2.2.4.1 – the proposed amendments to this Density Bonus policy would identify residential planned developments that provide a minimum of 30% open space as being eligible for consideration of a residential density bonus. Existing Policy 2.2.4.1 offers a density bonus as an incentive for setting aside an unspecified portion of a project site for “open space areas, parks, and wildlife habitat areas.” California law requires the County to grant a density bonus and additional incentives that it may choose to projects that meet the requirements of Government Code Section 65915-65918. The amendment to this policy would specify the proportion of a property that would

be retained as open space, however it does not increase the residential density that may be allowed upon approval of a density bonus.

Policy 2.4.1.5 – this new policy would commit the County to implementing “a program to promote infill development in existing communities.” The policy identifies a number of limitations on sites that might qualify for infill development. The Implementation Measure under this policy lists six characteristics that such a future program will include, however no program is being proposed at this time. The limitations include that the project site must be consistent with the applicable general plan land use designation and policies, and with the applicable zoning. This means that the infill policy will not change the potential residential density or level of development of any site to which it may be applied in the future. As with Goal 2.1.4 and Policies 2.1.4.1-2.1.4.4, there is insufficient information to assess whether the prospective program would have a significant effect on the environment. None is obvious at this time.

Constraint to Planned Development Level

The following proposed policies would remove requirements for public water or sewer service. However, as explained below, rather than increasing development potential, this acts as a constraint on development such that it could not achieve the density or intensity currently established under the General Plan. The proposed policies do not increase the prospective level of development beyond that analyzed in the 2004 General Plan EIR and the TGPA/ZOU EIR.

TGPA/ZOU EIR discloses the potential impact of implementation of the TGPA based on prospective changes from existing conditions, referencing the impact findings of the 2004 General Plan EIR as one element of determining the significance of the prospective changes. Part of this analysis is to examine whether the changes to existing policies embodied in the TGPA would result in impacts that are different than those found in the 2004 General Plan EIR.

Policy 5.2.1.3 – this policy currently requires that all projects designated either MDR, HDR, MFR, C, I, or R&D projects proposed within Community Regions to connect to public water systems. In Rural Centers, this policy offers the option to connect either to a public water system or an approved private water system. The proposed amendment would make connection to a public water system in Community Regions optional.

This amendment is a constraint on the potential density and intensity of development that could occur in Community Regions. As discussed above, a site that is not served with public water would require an individual well. Water wells, related infrastructure, and setback requirements impose cost and design restrictions that would not apply to a similar development that is served with public water (although such development would be subject to connection fees). In no case would more development be allowed than provided for in the General Plan.

Policy 5.3.1.1 – this policy currently requires that all projects designated either HDR, MFR, C, or I are required to connect to wastewater collection facilities as a condition of approval. An exception is provided for lands in Rural Centers or designated at Platted Lands. The policy also encourages the long-term development of a public sewer in Camino/Pollock Pines, but does not require sewer connections. The proposed amendment would make connection of these types of project optional.

This amendment is a constraint on the potential density and intensity of development for the reasons discussed above. Requirements for private wastewater disposal systems, including the need to dedicate a portion of the project site exclusively to that use, impose a design constraint that does

not apply to projects that are connected to public sewers. In no case would more development be allowed than provided for in the General Plan.

8.6.4 Limited Potential to Increase Development

The proposed amendments to the density limits for mixed use development have the potential to result in a greater level of development than anticipated under the existing General Plan and disclosed in the 2004 General Plan EIR. As its name implies, "mixed use development" describes development that includes both residential and commercial uses on one site. Existing Policy 2.2.1.2 limits the opportunities for mixed use development projects to C (Commercial) designations where allowed by the particular zoning in Community Regions and Rural Centers, and MFR (Multifamily Residential) designations within Community Regions and Rural Centers.

As discussed in this Master Response, there are practical constraints on the ability of future development to reach the proposed residential densities in mixed use developments. For example, approximately 85% of all vacant commercial lots are 1 acre or less in area. Unless served by sewer, they could not support development at 20 du/acre. Section 3.8 of the TGPA/ZOU EIR points out that the County historically has processed very few requests for mixed use development. In the past 10 years, for example, the County has considered a maximum of three applications for mixed use permits, totaling about 15 dwelling units. So, a reasonable assumption is that most available parcels that are designated C or MFR in Community Regions and Rural Centers will probably not be developed with mixed use projects at the proposed residential densities.

Policy 2.1.1.3 - this existing policy related to mixed use development currently limits the maximum residential density for mixed use development in a Community Region to 16 dwelling units per acre (du/ac). The Project would increase the maximum density to 20 du/acre and would note that this maximum density may only be achieved where there is adequate infrastructure.

Where there is vacant land designated C or MFR that is served by public sewer and water, it is possible that mixed use development could be built at a residential density of 20 du/ac. However, where no public sewer and water is available, the design constraints described above would effectively make that maximum density unachievable. The proposed statement that maximum density may only be achieved where infrastructure is available is intended to advise property owners that 20 du/ac density is not always possible.

Policy 2.1.2.5 - this existing policy related to mixed use development currently limits the maximum residential density for mixed use development in a Rural Center to 4 du/ac. The Project would increase the maximum density to 10 du/ac.

Vacant land designated C or MFR in a Rural Center is unlikely to reach a residential density of 10 du/ac when the design constraints inherent to development that relies on onsite wastewater disposal and a private well are taken into account. Because of its commercial component, the leach field requirement will be larger than for a residential development by itself.

Policy 2.2.3.1 would change the way in which the 30% open space requirement within the Planned Development (PD) Combining Zone District is calculated. In addition, it would remove the requirement to provide 30% open space from some types of development.

As discussed in Section 3.4.2 of the DEIR, this will reduce the open space area available for wildlife habitat in -PD zones and thereby increase the potential to convert or fragment existing habitat.

General Plan Policy 7.4.1.6 requires discretionary projects to avoid fragmenting habitat when feasible or to mitigate for the loss if avoidance is not feasible. Discretionary projects would also be subject to CEQA review that would specify the necessary mitigation in order to comply with this policy. This would be sufficient to protect habitat from fragmentation. The impact would be less than significant.

Policy 7.1.2.1 would change the prohibition on development on slopes exceeding 30% to a restriction. This would allow limited development on steep slopes pursuant to proposed zoning ordinance Section 17.30.060.

Development on steep slopes poses design challenges in comparison to development on shallower grades. For example, septic systems, if proposed, must be specially engineered and would not be allowed on 30% slopes, pursuant to the State Water Resources Control Board (SWRCB) restrictions described below. Similarly, foundations must be specially engineered, and if Section 17.30.060 is approved, erosion control plans would be required in addition to grading permits. These all increase the cost of development on these slopes.

In addition, the SWRCB established new standards for Onsite Water Treatment Systems (e.g., septic systems) in 2012 that restrict the use of such systems on slopes exceeding 25% and that establish limits on the size of new parcels created by the subdivision of steep lands. (Board Resolution 12-0032 and OWTS Policy) El Dorado County is responsible for implementing the Tier 1 standards set out in the OWTS Policy and will continue to do so.

However, it is reasonable to assume that some limited amount of development will nonetheless occur under the TGPA/ZOU. The amount of this development cannot be known with any certainty because it is dependent upon individual property owners' decisions, on the physical characteristics of the particular site, and the ability of site design to successfully meet all regulatory requirements to allow a building permit to issue. As disclosed in the TGPA/ZOU EIR, developing on steep slopes would have impacts on aesthetics and biological resources.

8.7 Master Response 6: Groundwater Supply and Water Quality

The Recirculated Partial DEIR included an expanded discussion of groundwater supply in Chapter 3.10, Water Supply. The following response is consistent with Chapter 3.10.

8.7.1 Public Water Supply

Water supply within the service areas of the El Dorado Irrigation District (EID), Georgetown Divide Public Utilities District (GDPUD), and Grizzly Flats Community Services District (GFCSD) is discussed in Chapter 3.10 of the TGPA/ZOU EIR. None of these districts relies on groundwater for its water supply. Based on the Urban Water Master Plans of the water districts and EID's Integrated Water Resources Management Plan, the TGPA/ZOU EIR concludes that the project will have a less than significant impact on water supply in EID to the year 2035, and a significant and unavoidable impact on water supply within the GDPUD and GFCSD by that time. As discussed in the Recirculated Partial Draft EIR, the El Dorado County Water Agency's *2014 Water Resources Development and Management Plan, West Slope Update (2014 Update)* forecasts that there will be a significant effect on water supply within all three water districts after 2035. That information has been incorporated

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Charlene Tim <charlene.tim@edcgov.us>

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Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Fri, Feb 26, 2016 at 8:06 AM

Please see public comment email.

----- Forwarded message -----
From: **Erica Blevins** <egblevins4@gmail.com>
Date: Fri, Feb 26, 2016 at 5:32 AM
Subject: NO DOLLAR GENERAL
To: planning@edcgov.us

NO Dollar General in Georgetown CA. 2 votes
Greggory Blevins
Erica Blevins

2/29/2016

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#5



Charlene Tim <charlene.tim@edcgov.us>

Fwd: Dollar general

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Fri, Feb 26, 2016 at 8:06 AM

Please see public comment email.

----- Forwarded message -----

From: **Jessica Vernon** <rock.a.byeriley@gmail.com>
Date: Thu, Feb 25, 2016 at 6:29 PM
Subject: Dollar general
To: planning@edcgov.us

Dear planning commission, I urge you to please vote no on the dollar general coming to Georgetown. I feel very strongly that it will ruin the old time feel of our historic little town. In the summer time our streets are full of cars. People come from all over to get away from the hustle and bustle of city life and submerge themselves in the historic atmosphere that is our town. I feel that sticking a corporate retailer like dollar general in the heart of main Street will have a detrimental effect on the overall charm of our town. Please don't allow our unique community to fall victim to corporate takeover like so many other communities have. Thank you.
Sincerely, Jessica Esquenazi