



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Adopting the Tahoe Regional Planning Agency's Project Impact Assessment Guidelines as El Dorado County Vehicle Miles Traveled Threshold of Significance and for Evaluation of Project Impacts in the Tahoe Basin Under the California Environmental Quality Act

WHEREAS, the California Environmental Quality Act (CEQA) was enacted by the State of California in 1970 to ensure the long-term protection of the environment and requires public agencies to analyze and disclose the potential effects of their actions on the environment; and

WHEREAS, the California Office of Planning and Research develops the CEQA Guidelines to interpret CEQA statutes and published court decisions, including several appendices to the CEQA Guidelines that contain forms and guidance for lead agencies when performing environmental review; and

WHEREAS, in order to carry out their mandate under CEQA, public agencies are encouraged to develop standards and procedures necessary to evaluate their actions, including thresholds of significance; and

WHEREAS, thresholds of significance are identifiable quantitative, qualitative, or performance level measures of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant, and compliance with which means the effect normally will be determined to be less than significant; and

WHEREAS, in circumstances where public agencies decide to develop their own thresholds of significance for general use, the CEQA Guidelines section 15064.7 provides that thresholds of significance must be formally adopted through a public review process and supported by substantial evidence; and

WHEREAS, the County of El Dorado ("County"), as a lead agency on certain projects, implements CEQA; and

WHEREAS, public agencies in California have historically relied on a metric known as "Level of Service" (LOS) to evaluate the transportation impacts of development projects under CEQA; and

WHEREAS, Senate Bill 743, enacted in 2013 and codified in Public Resources Code Section 21099, directed the Governor's Office of Planning and Development (OPR) to develop new CEQA Guidelines to replace LOS with metrics that, in the State's determination, more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions; and

WHEREAS, in 2018, OPR proposed, and the California Natural Resources Agency certified and adopted, new CEQA Guidelines section 15064.3 that identifies vehicle miles traveled (VMT), meaning the amount and distance of automobile travel attributable to a project, as the most appropriate metric to evaluate a project's transportation impacts on the environment; and

WHEREAS, CEQA Guidelines section 15064.3 went into effect on July 1, 2020, and pursuant to Public Resources Code section 21099(b) (2), "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" and thus LOS no longer constitutes a significant environmental effect under CEQA; and

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is established through a bi-state compact and the consent of U.S. Congress as the recognized regional environmental planning agency for the Tahoe Basin; and

WHEREAS, TRPA prepares a Regional Transportation Plan (RTP) which functions as the transportation element of the TRPA Regional Plan, and establishes regulations through the adopted TRPA Code of Ordinances; and

WHEREAS, TRPA developed a Project Impact Assessment (PIA) process and a PIA tool for evaluating VMT impacts to the transportation network by proposed projects, and subsequently published the TRPA PIA Guidelines; and

WHEREAS, on October 6, 2020, the Board of Supervisors adopted Resolution 141-2020, adopting the El Dorado County VMT Thresholds of Significance for purposes of analyzing transportation impacts under CEQA for land use projects on the west slope; and

WHEREAS, on July 20, 2021, the Board of Supervisors adopted Resolution 088-2021, adopting the El Dorado County VMT Thresholds of Significance for evaluation of west slope transportation project impacts under CEQA; and

WHEREAS, the Board of Supervisors recognizes the rapidly changing direction on implementation requires the utmost flexibility for staff to appropriately execute the goals of SB 743; and

WHEREAS, the Board of Supervisors adopts for projects within the unincorporated El Dorado County portion of the Tahoe Basin, the latest approved version of the TRPA PIA Guidelines and tool to determine compliance with the TRPA Code of Ordinances and VMT thresholds of significance for land use and transportation project impacts in compliance with CEQA; and

WHEREAS, El Dorado County does not maintain a Travel Demand Model within the Tahoe basin and thusly relies on TRPA's Travel Demand Model for determining the sub-regional VMT and standards of significance; and

WHEREAS, the latest approved version of the TRPA PIA Guidelines are incorporated by reference to this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF EL DORADO COUNTY THAT:

1. The above recitals are incorporated herein as findings for the adoption of a VMT threshold of significance for project impacts under CEQA. The Board finds that this threshold sets the identifiable metric by which a project's effect on VMT will normally be determined significant by the agency and compliance with which means the effect normally will be determined to be less than significant. When using this threshold, the environmental document "should briefly explain how compliance with the threshold means the project's impacts are less than significant," as required by CEQA Guidelines section 15064.
2. The adoption of a new CEQA threshold of significance for transportation impacts in the Tahoe Basin is consistent with the goals and policies within the TRPA Regional Plan that are supportive of reducing VMT. Specifically, as described in Appendix A to the TRPA PIA Guidelines, the goals and policies relate to Connectivity, Safety, Operations and Congestion Management, Economic Vitality and Quality of Life and System Preservation.
3. In the Tahoe basin, the method of calculating VMT put forth in the PIA Guidelines shall be used to determine transportation impacts for CEQA.

4. There is a presumption of less than significant impacts for project types listed below and therefore generally should not require an induced travel analysis:
 - Deed-restricted affordable, moderate, and achievable housing;
 - Low VMT generating projects;
 - Certain kinds of transportation projects; and
 - Projects fully analyzed in an area plan.

Projects not meeting the criteria for the screens list above shall have an analysis performed to determine if the project-generated VMT exceeds the standard of significance. In cases where the project’s impact is less than the standard of significance, no mitigation is required beyond payment of the mobility mitigation fee. Projects that exceed the standard of significance must provide sufficient mitigation to reduce project VMT to the standard of significance.

5. The Department of Transportation shall incorporate the requirements of this resolution, including any necessary rule changes, into the Department of Transportation’s Transportation Impact Study Guidelines after adoption of this resolution. The Department of Transportation may modify the Transportation Impact Study Guidelines as necessary to reflect the latest research, data, and substantial evidence appropriate to facilitate implementation of the SB 743 requirements. However, any major policy or procedural changes that affect the basic thresholds or methodology approved herein shall be brought to the Board of Supervisors for review and approval prior to incorporation into the Transportation Impact Study guidelines.
6. Setting a threshold of significance for project impacts is not a “project” within the meaning of Public Resources Code Section 21065 and CEQA Guidelines section 15378 because the adoption of the thresholds does not have the potential of resulting in a direct physical change to the environment or reasonably foreseeable indirect physical change in the environment. The thresholds do not approve any specific project and therefore would not lead to a direct or a reasonably foreseeable indirect change in the physical environment. Instead, the threshold is an administrative activity that provides guidance to the County as the lead agency and property owners, project developers, applicants, and proponents for determining the significance of transportation impacts of transportation projects under CEQA. The threshold was also adopted pursuant to a public review process. Even if the adoption of thresholds were a project, they would be categorically exempt from CEQA in accordance with CEQA Guidelines section 15308 because they are adopted pursuant in a regulatory process to establish thresholds consistent with the use of VMT to analyze impacts to traffic in order to protect the environment. Accordingly, the thresholds are not subject to further environmental review under CEQA.

7. This resolution shall become effective upon adoption by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Clerk

_____ Chair, Board of Supervisors