

**RESOLUTION NO. _____
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
WESTERN SLOPE ROADWAY CAPITAL IMPROVEMENT PROGRAM AND
TRAFFIC IMPACT MITIGATION FEE PROGRAM UPDATE; MAKING
ENVIRONMENTAL FINDINGS OF FACT; ADOPTING A STATEMENT OF
OVERRIDING CONSIDERATIONS; AND APPROVING THE MITIGATION
MONITORING AND REPORTING PROGRAM**

Exhibit B

CEQA Statement of Overriding Considerations

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SECTION A.

INTRODUCTION

When approving a project that is evaluated in a Final Environmental Impact Report (EIR) and that would result in significant, unavoidable environmental impacts, the County must adopt a Statement of Overriding Considerations that balances the project's economic, legal, social, technological, or other benefits against its unavoidable environmental risks. (CEQA Guidelines Section 15093)

The Western Slope Roadway CIP and TIM Fee Program Update does not propose any site-specific development projects. It is analyzed at a program level from the point of view of the future implementation of the General Plan. The baseline for the analysis uses existing conditions, in accordance with CEQA Guidelines Section 15125. This section states that: "(the) environmental setting will normally constitute the baseline physical conditions by which a lead agency determines when an impact is significant." Accordingly, the Western Slope Roadway CIP and TIM Fee Program Update EIR has examined the potential impacts in comparison to existing conditions.

The Board of Supervisors has considered the information contained in the Final EIR prepared for this project, and has fully reviewed and considered the public testimony and record of this proceeding. The Board of Supervisors has carefully balanced the benefits of adoption of the Western Slope Roadway CIP and TIM Fee Program Update against the unavoidable adverse impact identified in the Final EIR. It has also adopted as part of the project the mitigation measures identified in the Final EIR. Notwithstanding the disclosure of impacts identified in the Final EIR as significant and potentially significant, which have not been eliminated or mitigated to a less-than-significant level, the Board of Supervisors, acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the project outweigh the significant unmitigated adverse environmental impacts.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Western Slope Roadway CIP and TIM Fee Program Update Final EIR identified one significant environmental impact that cannot be mitigated to a less than significant level. This impact is listed below and described in Section 4.4 of the Final EIR.

Cultural Resources (Section 4.4)

- CR-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

SECTION B.

SPECIFIC FINDINGS

Project Benefits Outweigh Unavoidable Impacts

The unavoidable and irreversible impacts of the project are acceptable in light of the legal and social considerations set forth herein because the benefits of the project outweigh its significant and unavoidable or irreversible adverse environmental impact.

Balancing Competing Goals

In its role as the County's legislative body, the Board of Supervisors balances competing goals in approving the Western Slope Roadway CIP and TIM Fee Program Update. The project identifies and prioritizes future transportation investments that will be required to meet El Dorado County's existing and future transportation needs for the next 20 years in light of the anticipated growth and planned development assumed to occur in the County's General Plan. The project also ensures that TIM Fees are

based on the total cost of transportation improvements needed to accommodate this growth and assumed local/state/federal revenue streams anticipated to be available to the County for transportation improvements. The proposed CIP and TIM Fee Update would provide funding for traffic improvements necessary for all roadways in the County to operate at an acceptable Level of Service (LOS) under the 2035 General Plan 20-year time horizon conditions, in accordance with the existing General Plan.

SECTION C.

OVERRIDING CONSIDERATIONS

The Board of Supervisors adopts and makes this statement of overriding considerations concerning the project's unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts. The EIR has identified and discussed significant effects that may occur as a result of the project. As set forth in the CEQA Findings (Exhibit A), the County has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project and has made specific findings on each of the project's significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the EIR, most of the project's effects can be mitigated to a level of less than significant. However, even with implementation of all feasible mitigation, the project will result in one significant and unavoidable impact:

1. Implementation of the Western Slope Roadway CIP and TIM Fee Program Update would impact historic structures. (Impact CR-1)

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the adverse significant environmental effects of the project to the extent feasible, having considered the entire administrative record on the project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, the Board of Supervisors hereby finds that the following legal, economic, and social benefits of the project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, the unavoidable impact to historic structures.

Legal

State Law and General Plan Consistency: Consistent with state law and General Plan policies (specifically General Plan Policy TC-Xb and Implementation Measure TC-A), the County completes minor updates to its CIP list every year and completes a major update approximately every five years to ensure that the CIP list is appropriate and reasonable based on current market conditions and costs of construction/investment. The project will finance and construct necessary roadway improvements to provide a safe and reliable transportation network to accommodate growth pursuant to the County General Plan while maintaining acceptable level of service standards as required by the General Plan.

Funding for most CIP projects is provided from a variety of sources including state and/or federal grants. However, funding for the portion of the CIP related to new development in the County is financed by the TIM Fee Program, which is required by County General Plan Policy TC-Xb and Implementation Measure TC-B (adopted in 2004). TIM Fees are collected by the County to offset the costs of impacts to the transportation system created by new development. Further, this update will develop a legally-defensive TIM Fee Program that supports CIP implementation and is consistent with the Mitigation Fee Act (AB 1600).

Measure Y and Measure E. El Dorado County's Measure Y, also known as the "The Control Traffic Congestion Initiative," was first approved by voters in 1998 with a subsequent Measure Y approved by voters in 2008. Measure Y along with General Plan policies that were adopted in conjunction with Measure Y allow two methods to mitigate a new project's traffic impacts: (1) condition the project to construct the necessary road improvements, or (2) ensure that construction of the necessary road improvements is in the 10-year CIP. The CIP and TIM Fee Program Update would ensure that the intent of Measure Y (to control traffic congestion in the County) is achieved by identifying and prioritizing future transportation investments that will be

required to meet El Dorado County's existing and future transportation needs for the next 20 years. Measure E, also known as the "Initiative to Reinstate Measure Y's original intent – no more paper roads," was passed by the voters on June 7, 2016. Measure E removed the second option of paying TIM fees and relying on the inclusion of road improvements in the 10-year CIP for residential projects to mitigate their impacts.

Social - Preferred Policy

The CIP and the TIM Fee Program identify the transportation projects needed to ensure that traffic congestion does not exceed the level allowed under the General Plan and fund those projects through development fee contributions, respectively. The CIP and TIM Fee Program Update will ensure that the County will continue to require qualifying new development to finance its share of the road improvements that are necessary to maintain the adequate levels of traffic circulation established by General Plan policy, Measure Y, and Measure E. Thus, the implementation of the Western Slope Roadway CIP and TIM Fee Program Update will provide a balanced transportation system that meets the needs of current and future County residents and visitors. Further, the project will manage and plan for an increase in vehicle trips on local and state roads and highways through the County to facilitate a safe, efficient flow of vehicle traffic.

Economic

The project will result in economic benefits. First, the transportation improvement projects that would result from the CIP and TIM Fee Program Update would create short-term economic growth in the County as a result of construction-related job opportunities. Accommodating growth with funding for proper planning and infrastructure will help the County of El Dorado sustain and effectively manage existing transportation networks without compromising the health and safety of future generations. Implementation of the CIP and TIM Fee Program Update would also generate additional employment opportunities for bicycle pathways, sidewalks, roadway, vehicle, landscape maintenance, and transportation facility clean-up. The potential employment increase may subsequently increase the demand for support services and utilities, which could generate secondary employment opportunities. This additional economic growth would likely raise the existing revenue base for the County.

Second, the project will reduce the TIM Fees compared to existing fees to the extent possible while still achieving the goals of the project. This would result in lower costs associated with new development in the County but would ensure that traffic congestion does not exceed the level allowed under the General Plan.

SECTION D.

CONCLUSION

The EIR for the County of El Dorado Western Slope Roadway CIP and TIM Fee Program Update was prepared pursuant to CEQA and the CEQA Guidelines. The Board of Supervisors has independently determined that the EIR fully and adequately addresses the impacts and mitigations of the proposed project.

The Board of Supervisors has balanced these project benefits and considerations against the unavoidable and irreversible environmental risks identified in the EIR and have concluded that those impacts are outweighed by the project benefits. In conclusion, the Board of Supervisors finds that any remaining (residual) effects on the environment attributable to the project, which are found to be unavoidable in the preceding Findings of Fact, are acceptable due to the overriding concerns set forth in Section B (Specific Findings) and C (Overriding Considerations) of this Statement of Overriding Considerations. Each finding and overriding consideration by itself constitute a separate, independent, and severable overriding consideration warranting approval of the project.

The Board concludes that the Western Slope Roadway CIP and TIM Fee Program Update should be adopted.