



## RESOLUTION XXX-2020

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

### **Adopting the El Dorado County “Vehicle Miles Traveled” Thresholds of Significance for Purposes of Analyzing Transportation Impacts 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**, LOS solely measures how project-generated traffic will increase delay at local and regional intersections and roadway segments consistent with the County’s voter approved General Plan, requiring mitigations for those impacts that prioritize the construction of capital improvements to facilitate automobile travel; and

**WHEREAS**, pursuant to establishment of LOS methodology, LOS is utilized to measure automobile delay at intersections and road segments and is represented as a letter grade A through F. LOS A represents little to no automobile delay, while LOS F represents congestion conditions with substantial amounts of automobile delay. Under the LOS methodology, a project causing the LOS at intersections or road segments to degrade below the LOS E in Community Regions or LOS D outside the Community Regions, unless the road segment is allowed to degrade per Table TC-2 in the County’s General Plan, previously represented a significant impact 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**, while LOS will no longer be utilized as the metric by which to measure traffic's impact on the environment for CEQA, LOS remains a relevant metric from which to assess a project's impacts to traffic under the County's General Plan and consideration of the overall consistency of a project with the County's General Plan and may also be used as a tool for transportation planning and operational analysis; and

**WHEREAS**, the El Dorado County Transportation Commission (EDCTC) contracted with the firm of Fehr & Peers to prepare the *El Dorado County and City of Placerville SB 743 Implementation Plan*. The purpose of this project was to help EDCTC partner agencies understand the specific questions that need to be addressed when making these determinations and to provide research, analysis, and other evidence to support their final SB 743 implementation decisions; and

**WHEREAS**, the data collected by the Fehr & Peers implementation plan indicates that the use of Community Region boundaries described in the El Dorado County General Plan supports the VMT reduction goals of SB 743 by promoting development in designated areas with facilities and services and thus would result in shortened trip lengths, lower VMT, and reduced GHG emissions. Setting boundaries consistent with the Sacramento Area Council of Governments (SACOG) metropolitan planning organization (MPO) jurisdiction would not accomplish those goals because of the unique rural nature of El Dorado County as compared to other jurisdictions that are part of SACOG; and

**WHEREAS**, the Board of Supervisors, following a public review process consisting of study sessions with the Board on June 30, 2020 and August 4, 2020; and a meeting with local representatives of the North State Building Industry Association on June 24, 2020, wishes to adopt the VMT thresholds of significance for determining the significance of transportation impacts; and

**WHEREAS**, in December 2018, OPR issued a *Technical Advisory on Evaluation Transportation Impacts in CEQA* ("Technical Advisory") and the County has reviewed and relies on the analysis therein and that analysis is adopted by reference and incorporated herein; 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 El Dorado County Travel Demand Model was updated and peer reviewed by an independent third party transportation firm in order to create a model that best reflects the unique conditions of El Dorado County, including being updated to prevent the truncation of trips outside the model limits. With these updates and review, El Dorado County Travel Demand Model is the most reliable model for establishing the significance thresholds and screening tools for the VMT transportation analysis for most projects; and

**WHEREAS**, there may be circumstances when a method other than the El Dorado County Travel Demand Model for calculating trips is more appropriate given the unique circumstances of a particular project or its use

that are not captured in the El Dorado County Travel Demand Model and thereby result in an underestimation or overestimation of VMT; and

**WHEREAS**, the Board of Supervisors adopts the following new thresholds of significance for purposes of analysis of VMT in compliance with CEQA.

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

1. The above recitals are incorporated herein as findings for the adoption of the VMT significance thresholds for land use projects. The Board finds that these thresholds set 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 these thresholds, 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 new CEQA thresholds of significance for transportation impacts is consistent with the goals and policies within the El Dorado County General Plan that are supportive of reducing VMT. Specifically, as described in Attachment A to this resolution, there are thirteen Land Use Element policies, sixteen Transportation and Circulation Element policies, and eight Public Health, Safety, and Noise Element policies that are supportive of VMT mitigation measures.
3. The County shall generally use the El Dorado County Travel Demand Model for establishing the baseline VMT for the Community Regions and County wide and calculating the VMT for specific projects in order to apply the significance thresholds and screening tools adopted herein. However, a different method of calculating VMT may be used if, in the exercise of sound engineering judgment, a different method is determined to be more accurate because the unique circumstances of a particular project or particular use that are not captured in the El Dorado County Travel Demand Model result in an underestimation or overestimation of VMT. Any such deviations in calculating VMT shall be explained in the written analysis relied on in the environmental analysis for CEQA.
4. The County shall use the VMT averages for the Community Region boundaries for projects within the particular Community Regions or the Countywide VMT average for projects outside of the Community Regions.
5. There is a presumption of less than significant impacts for:
  - a. Projects that generate or attract less than 100 trips per day, consistent with OPR's determination of projects that generate or attract fewer than 110 trips per day and further reduced to 100 to remain consistent with the existing threshold in General Plan Policy TC-Xe;
  - b. Projects that are within ½ mile of either a major transit stop, as defined in Public Resources Code Section 21064.3, or a high quality transit corridor, as defined in Public Resources Section 21155. Consistent with CEQA Guidelines section 15064.3(b)(1) and OPR's conclusions in its Technical Advisory; and
  - c. 100% affordable residential development, including moderate, low, and very low categories as defined in the Regional Housing Needs Assessment (RHNA), consistent with OPR's conclusions in its Technical Advisory.

6. The County shall apply the significant threshold of 15%, as recommended by OPR’s Technical Advisory, below baseline for residential and office land use and no net increase for retail projects. Consistent with OPR’s Technical Advisory, the Board finds that a proposed project exceeding a level of 15 percent below the existing VMT per capita may indicate a significant transportation impact.
7. 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 within 90 days of 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.
8. Setting thresholds of significance for transportation impacts is not a “project” within the meaning of Public Resources Code Section 21065 and CEQA Guidelines section 15378 because the adoption of 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 development and therefore would not lead to a direct or a reasonably foreseeable indirect change in the physical environment. Instead, the thresholds are 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 land use projects under CEQA. The thresholds were also adopted pursuant to a public review process. Even if the adoption of the 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 the use of VMT to analysis impacts to traffic in order to protect the environment. Accordingly, the thresholds are not subject to further environmental review under CEQA.
9. 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 \_\_\_\_\_ 2020, 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