

**DRAFT CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE DIAMOND DORADO RETAIL CENTER AND THE COUNTY'S FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE APPROVAL OF THE DIAMOND DORADO RETAIL CENTER PROJECT**

**I. INTRODUCTION**

The County of El Dorado, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387) (collectively, "CEQA"), has completed the Final Environmental Impact Report ("Final EIR" or "EIR") for the Diamond Dorado Retail Center (DDRC). On [MONTH DAY, YEAR] at a duly noticed public meeting, the Board of Supervisors ("BOS"), as the decision-making body of the County, considered the Project and the associated discretionary approvals: General Plan Amendment (A 07-0018), Rezone (Z 07-0054), and Preliminary Planned Development (PD) (PD 07-0034), Development Agreement (DA11-0003), and Tentative Parcel Map (TPM) P08-0017 ("Associated Approvals"). At the [MONTH DAY] hearing, the BOS voted to certify the Final EIR and approve the Project's Planned Development Permit as proposed under Alternative 5: Existing MRF Access (Existing MRF Access Alternative) and the Associated Approvals. References to the Project hereafter refer to the Existing MRF Access Alternative. References to the originally Proposed Project refer to the project as originally proposed in the Draft EIR.

This document embodies the County's approval of the Existing MRF Access Alternative and contains the County's Findings of Fact, its certification of the Final EIR, and its Statement of Overriding Considerations in approving the Project.

The document is organized into the following sections:

- A. Section I, "**Introduction**," provides an Introduction to the Document.
- B. Section II, "**Project Description**," provides a summary of the Project, a statement of the Project objectives, the alternatives considered in the Final EIR, and an overview of the Record of Proceedings for approval of the Project.
- C. Section III, "**Certification of the Final EIR**," provides an overview of the EIR process and sets forth the County's findings in support of certification of the Final EIR.
- D. Section IV sets forth the **Findings** required under CEQA, as follows:
  1. Part IV.A: Findings regarding the environmental review process and the contents of the Final EIR.
  2. Part IV.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval. As described in Part IV.B, the County hereby adopts the impact findings as set forth in Exhibit A to these findings.
  3. Part IV.C: Findings regarding alternatives and the reasons that such alternatives to the Project are not approved.

**E.** Section V, “Statement of Overriding Considerations,” sets forth the substantial benefits of the Project that outweigh and override the Project’s significant unavoidable impacts, such that the impacts are considered acceptable.

## **II. PROJECT DESCRIPTION**

### **A. Development of the Project.**

The project site is located within unincorporated El Dorado County, California, south of the Missouri Flat Road/US-50 Interchange, west of the City of Placerville, and north of the town of Diamond Springs. The Project site abuts Diamond Road/ State Route 49 (SR-49) to the east, the separately proposed Diamond Springs Parkway (Parkway) and Bradley Drive to the north, and Lime Kiln Road to the south. The project study area includes all or portions of Assessor’s Parcel Numbers (APNs) 051-250-12, 051-250-46, 051-250-47, 051-250-51, and 051-250-54 and totals approximately 30.63 acres. Of the total 30.63 acres, 27.61 acres would be developed as the proposed Diamond Dorado Retail Center.

The project site includes areas of highly disturbed land, weedy vegetation, and large shrubs and trees. Large portions of the project site are currently used or have been used in the past for storage and parking for the nearby industrial land uses. Much of the project site consists of disturbed soils, and large areas of grading are evident. Stockpiles of soil or gravel are present in several locations. The average elevation of the site is approximately 1,800 feet above mean sea level. Throwita Way traverses the middle of the project site from north to south.

The Project proposes a General Plan Amendment (GPA) of underlying land use to Commercial and Rezone to General Commercial - Planned Development (CG-PD) with the intent to establish a Development Plan for the proposed construction of a 241,0415-square-foot commercial shopping center within unincorporated El Dorado County. It is assumed that the separately approved Diamond Springs Parkway would be completed prior to the construction of the Project.

### **B. Project Characteristics.**

The Project consists of the construction of the 241,415-square-foot Diamond Dorado Retail Center while maintaining the Throwita Way access route for the adjacent Material Recovery Facility. The Project applicant has submitted applications for a General Plan Amendment (A 07-0018), Rezone (Z 07-0054), Preliminary Planned Development (PD) (PD 07-0034), Development Agreement (DA11-003), and a Commercial Tentative Parcel Map (TPM) (P 08-0017). The Diamond Dorado Retail Center and the related previously mentioned applications are discussed below.

The Existing MRF Access Alternative would construct up to seven commercial/retail buildings and 1,228 grade-level vehicular parking spaces on approximately 27.61 acres of 30.63 acre project site. The DDRC would be developed in two distinct portions: the eastern portion, containing a single building of 160,572 square feet, and the western portion, containing six building pads ranging in area from 3,300 square feet to 38,843 square feet. The

buildings would be connected by pedestrian walkways accessible from Diamond Road/SR-49 and the Parkway. The Existing MRF Access Alternative's square footage would result in a Floor Area Ratio of 0.20 (241,415 square feet ÷ 27.61 acres [1,202,691.6 square feet]).

No structural components associated with the Project would exceed a maximum height of 50 feet above the onsite grade.

The Project has the potential to operate 24 hours a day, 7 days a week, depending upon the tenant types. However, 24-hour operation would likely be limited to the proposed gas station and possibly a restaurant.

## **1. Design Features.**

The retail buildings would consist of single-story structures of varying heights not to exceed 50 feet. The architectural theme would be consistent with rural structures commonly found in this area, mixing modern uses and configurations while borrowing stylistic characteristics from El Dorado County's history. The buildings would have a combination of gable or shed roofs with cornice-topped walls and utilize rust accented metal roofing, stucco, vertical siding, and board and batten siding. Pedestrian plazas with trellises, accent planting, and seating, would provide meeting or resting places and opportunities for outdoor dining. The proposed pedestrian plazas would be connected to the buildings via well-defined pedestrian routes. Low walls would visually screen cart storage areas. Rooftop equipment would be screened from offsite view by the building's parapet walls. Layers of trees, accent vegetation, and fencing would screen the view into the adjacent MRF site.

### **a. Site Access**

The retail center's main entrance would be from one signalized intersection situated along the separately proposed Parkway at its intersection with the existing Throwita Way. The Existing MRF Access Alternative includes two right-in/right-out access points, and a third right-in-only access point on the Parkway. Two full access driveways forming a four-way intersection on Throwita Way are provided. In addition, a right-in/right-out on Diamond Road (SR-49) is included. Truck access to the project site would be provided from the separately proposed Parkway.

### **b. Truck Loading and Circulation**

Trucks would typically deliver merchandise to the DDRC project site between the hours of 7 a.m. and 10 p.m. Smaller vendor trucks would make deliveries 5 days a week between the hours of 5 a.m. and 10 p.m.

Trucks delivering to the western portion of the project site would enter the site at the westernmost access point from the separately proposed Parkway and continue south along the site's western boundary to access the loading areas. Trucks would then exit the DDRC site via Throwita Way and the Parkway. Trucks delivering to the eastern portion of the project

site would enter the site from the separately proposed Parkway via Throwita Way, utilize the truck turn area to access the loading docks, and then return to the Parkway via the same route.

**c. Parking**

The Project would include 1,228 total parking spaces thereby complying with the El Dorado County Zoning Ordinance's parking standards of one parking space for every 300 square feet of gross floor area.

**d. Pedestrian and Bicycle Amenities**

Well-defined pedestrian routes would be located throughout the project site. Patterned paving would be used to demarcate pedestrian crossing areas in front of the retail buildings. Pedestrian movement in front of the retail stores would also be protected with decorative bollards. Sidewalks would be constructed along the Project's frontages with Diamond Springs Parkway and Diamond Road (SR-49) and be designed to County standards.

Parking for bicycles would be included as part of the Project. The El Dorado Multi-Use Trail (EDMUT) is a Class I bicycle/pedestrian trail located north of the proposed project site. As a part of the Proposed Project, a path would be constructed between the EDMUT and the Diamond Springs Parkway along the western side of Parcel 11. Pedestrians and bicyclists would be able to exit the EDMUT via the proposed path on Parcel 11, connect to the sidewalk on the northern side of the Diamond Springs Parkway, and then use the crosswalk at the intersection of Diamond Springs Parkway and Throwita Way to access the DDRC. Provision of this connection to the EDMUT would be consistent with several El Dorado County General Plan policies, including 2.5.2.1, 2.5.2.2, TC-3c, TC-4i, and 9.1.2.5. As a condition of approval for the Proposed Project, a bus turnout would be provided at the northwest corner of the Diamond Road (SR-49) and Lime Kiln Road intersection.

**e. Utilities**

Water service for the Project would be provided by the El Dorado Irrigation District (EID) via the construction of water line extensions connecting to existing water lines located in Truck Street, Throwita Way, Diamond Road (SR-49), and the MRF property. The Project would comply with EID's regulations regarding water service extensions and water system improvements, engineering and construction standards, and approved materials. A minimum of nine fire hydrants would be located throughout the project site in order to provide sufficient fire water flow.

All wastewater generated from the Project would be conveyed to, and processed at, EID's Deer Creek Wastewater Treatment Plant. The Project would require the extension of a sanitary sewer collection line from an existing trunk line located within the Diamond Road (SR-49) right-of-way south of the Lime Kiln Road intersection. The Project applicant would coordinate the pipeline extension with EID.

Local providers offer utilities including power, telephone, cable TV, and internet. Infrastructure for these utilities is already present in the project area, and several power poles are currently located within the project site. Accordingly, the Project would coordinate

with PG&E and other local utility providers to accommodate relocation of the existing power poles. In accordance with General Plan Policy 5.6.1.1, the Project would coordinate efforts with utilities for the undergrounding of existing and new utility distribution lines in accordance with current rules and regulations of the California Public Utility Commission. Relocation of power lines would be coordinated with the relocation of pipelines occurring as a part of the Diamond Springs Parkway Project.

Propane may be used onsite and propane tanks may be located above or below ground in locations throughout the project site as needed. All utilities, including propane equipment, would be constructed in accordance with applicable regulations.

The Project would include the creation of new drainage infrastructure facilities to attenuate post-development runoff volumes to pre-development levels. The site drainage consists of an underground conduit system with water quality manholes (the quantity of which to be determined upon completion of the final drainage study). A detention basin may be constructed on the north side of the separately proposed Parkway in a remnant of APN 051-250-54. The detention basin would be designed to ensure that post-development flows do not exceed the pre-development flows at the point of discharge. This detention basin would discharge to the ephemeral drainage that borders the western boundary. A portion of the ephemeral drainage located along the western boundary of the project site would be channelized and connected to the culvert crossing Diamond Springs Parkway regardless of detention basin implementation.

#### **f. Landscaping Features**

The Project would include the establishment of landscaping around most of the project perimeter, throughout the parking areas, and in front of the retail buildings. In addition, landscape planters would be located near the primary entries of the stores and integrated into the cart storage screening walls. Tree species would include those currently approved by El Dorado County. A variety of shrubs, groundcovers, grasses, and perennials would be planted at the tree bases. Vegetative species included in the project landscaping are generally native to the region or are drought-tolerant, and they include a number of flowering varieties. All landscaping would conform to the Missouri Flat Design Guidelines. The onsite and offsite irrigation system will use recycled irrigation water as soon as recycled water becomes available to the project site.

#### **g. External Lighting**

Lighting in the Project's parking areas would include 25-foot-high, 400-watt, single- and dual-headed fixtures. In addition, lighting consisting of 12-foot-high, 175-watt, accent-style luminaires would be located along the Project's frontage to the Parkway. Wall sconces would be mounted at intervals around each of the retail buildings. Both the parking lot and building lighting fixtures would be designed to cast light downward, thereby providing lighting at the ground level for pedestrian safety while reducing glare to adjacent properties. All lighting would be compatible with Missouri Flat Design Guidelines.

## **h. Signage**

Project signage would be developed consistent with the Missouri Flat Design Guidelines. The Project would include up to 11 freestanding signs located throughout the project site and along the Project's road frontages. The largest freestanding sign would be approximately 30 feet tall and would be located at the main entrance to the Center on Diamond Springs Parkway. Other freestanding signs would be located at the corner of the Parkway and Diamond Road/SR-49 at Lime Kiln Road and Diamond Road/SR-49 and at the westernmost access point on the separately proposed Parkway. Approximately 78 wall-mounted signs would be located on the front, side, and rear elevations of the proposed buildings. Wall-mounted signs would consist of light emitting diode (LED)-illuminated channel letters. The exact number and size of wall-mounted signage would depend on the types of businesses leasing retail space at the DDRC. The wall sign criteria will meet all current County sign ordinances and requirements. Appendix B of the Draft EIR includes the proposed signage plans.

## **2. Offsite Roadway Improvements.**

In addition to the onsite improvements associated with the Project, this document discusses offsite roadway improvements, which are required by mitigation measures contained in Section 4.11, Transportation, of the Draft EIR. Impact discussions of offsite roadway improvements are limited to the short-term physical impacts of constructing the improvements. Operational impacts are not discussed because the proposed offsite improvements are designed to alleviate congestion and improve safety and access for drivers in the project area. As such, impacts resulting from offsite improvements would only occur during construction.

## **C. Project Objectives**

The basic objectives ("Project Objectives") of the Project are:

- Develop a new retail center that serves local residents and visitors with essential goods and services.
- Create new job opportunities for local residents.
- Promote increased economic growth and development that is consistent with the policies of the El Dorado County General Plan.
- Generate additional sales tax and property tax revenues for El Dorado County.
- Utilize existing infrastructure by developing a retail center on an infill site in the vicinity of existing commercial uses.

#### **D. Summary of Alternatives in the Final EIR**

The Final EIR evaluates the following five potential alternatives to the proposed Project:

- 1. No Project Alternative:** The project site would remain in its existing condition and no new development would occur. A General Plan Amendment and rezone would not occur.
- 2. Industrial Project Alternative:** The project site would be developed with a 280,000-square-foot industrial complex consisting of nine buildings. The industrial complex would be constructed in accordance with the existing Industrial zone development standards regarding parking, landscaping, and setbacks. The floor-area ratio (FAR) would be 0.21. Proposed uses would include storage; manufacturing, processing, and repair services; general office; and wholesale/sales floor/showroom.
- 3. Reduced Density Alternative:** The project site would be developed with 210,386 square feet of retail space representing a 25-percent reduction relative to the Proposed Project. The Reduced Density Alternative is identified as the Environmentally Superior Alternative.
- 4. Mixed-Use Center Alternative:** The Proposed Project would consist of a 280,000-square-foot mixed-use center featuring 140,000 square feet of retail uses, 35,000 square feet of office uses, and 105 apartments (1,000 square feet each). The Major 1 retail space would not be developed under this alternative. A new land use designation and rezone would be requested to Commercial (C).
- 5. Existing MRF Access Alternative:** The project site would be developed with 241,415 square feet of retail space to accommodate the retention of the existing MRF access on Throwita Way. Throwita Way would be slightly realigned and widened to four lanes. The existing MRF scale and scale house would be maintained, and additional MRF-entry queuing space would be provided via the widening of adjacent portions of Throwita Way. The DDRC would be developed in two distinct portions: the eastern portion, containing a single building of 160,572 square feet, and the western portion, containing six building pads ranging in area from 3,300 square feet to 38,843 square feet. This alternative was identified as the Environmentally Superior Alternative and the applicant is seeking approval of the Project's Planned Development Permit based on this alternative.

#### **E. Record of Proceedings**

Various documents and other materials constitute the record upon which the County bases these findings and the approvals contained herein. The location and custodian of these documents and materials is the County of El Dorado Planning Services, located at 2850 Fairlane Court, Building C Placerville, CA 95667.

## **F. Environmental Review and Public Participation**

On January 4, 2008, the County issued a Notice of Preparation. The NOP included a description of the Project, its location and the Project's probable environmental effects, and was circulated to the public, local state, and federal agencies, and other interested parties as required under law to solicit comments on the Project and the scope of the environmental review.

The County held two public scoping meetings on January 24, 2008 at the El Dorado County Planning Commission Hearing Room to provide opportunities for interested parties to learn about the Project and to provide input as to the scope of environmental review. The County also indicated that written comments would be accepted by letter and email. No written comments were received.

A Draft Environmental Report ("Draft EIR") was released for public and agency review on December 23, 2011. Volume 1 of the Draft EIR assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives. Volume 2 of the Draft EIR consists of Appendices referred to in Volume 1.

The public comment period on the Draft EIR closed on December 23, 2011, which resulted in an review period of 45 days. A Notice of Completion was provided to the State Clearinghouse on December 23, 2011 and the Notice of Availability was published on December 23, 2011, in the Mountain Democrat.

The Final EIR is comprised of the Draft EIR together with one additional volume ("Volume 3") that includes the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; a list of refinements to and clarifications to the Draft EIR and revisions to the text of the Draft EIR reflecting changes made in response to comments and other information. The Final EIR is hereby incorporated in this document by reference.

The County received 13 public written comments on the Draft EIR that were included in the Final EIR. Of these comments, nine were from public agencies (five state and four local agencies). The remaining four comments were received from private individuals and organizations. All written comments on the Draft EIR are responded to in the Final EIR.

The Final EIR was officially released on July 26, 2012 via posting of the Final EIR and the County's Notice of Availability online at the County's website. The Notice of Availability indicated that the EIR was available for public review in print form at the following locations: County of El Dorado Development Services Department, Planning Services, 2850 Fairlane Court, Placerville, CA 95667; and El Dorado County Main Library, 345 Fair Lane, Placerville, CA 95667; and was available to review online at the County of El Dorado's website: <http://www.edcgov.us/DevServices/>. The nine public agencies that submitted comments each were distributed a copy of the Final EIR. Delivery confirmations are on file with the County of El Dorado. The County sent each individual that commented on the Draft EIR a copy of the Notice of Availability.

The County of El Dorado Planning Commission (“Planning Commission”) considered the Final EIR and Associated Actions defined below, at its public hearing at 9 AM on August 9, 2012 and unanimously recommended to the County Board of Supervisors that it certify the Final EIR and approve the Project and the Associated Actions based on the Existing MRF Access Alternative.

### **III. CERTIFICATION OF THE FINAL EIR**

The Final EIR comprises a project-level analysis that contains the environmental review evaluating the impacts of approval of the Project and a number of associated, discretionary actions (“Associated Actions”) that include General Plan Amendment (A 07-0018), Rezone (Z 07-0054), Preliminary Planned Development (PD) (PD 07-0034), Development Agreement (DA11-003), and a Commercial Tentative Parcel Map (TPM) (P 08-0017). The Final EIR has State Clearinghouse No. 208012004. The Final EIR comprises the Draft EIR plus all of the comments received during the public comment period, together with written responses to those comments that raised environmental issues, which were prepared in accordance with CEQA and the CEQA Guidelines. The Final EIR also includes refinements to mitigation measures and clarifications.

The County hereby certifies as follows:

- (1) That it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following certifications and the findings in Section IV and the approvals in Section V, below;
- (2) That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final EIR has been completed in compliance with the CEQA and the State CEQA Guidelines; and
- (3) That the Final EIR reflects its independent judgment and analysis.

### **IV. CEQA FINDINGS**

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the County hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Part IV.A: Findings regarding the environmental review process and the contents of the Final EIR.

Part IV.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval. As described in Part IV.B, the County hereby adopts the impact findings as set forth in Exhibit A to these findings.

Part IV.C: Findings regarding alternatives and the reasons that such alternatives to the Project are approved or not approved.

Part IV.D: Statement of Overriding Considerations determining that the benefits of implementing the Project outweigh the significant unavoidable environmental impacts that will result and therefore justify approval of the Project despite those impacts.

The County certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings that concern the environmental issues identified and discussed in the Final EIR.

Part IV.E describes the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project. As described in Part IV.F, the County hereby adopts the MMRP as set forth in Exhibit B to these findings.

Part IV.F, summarizes the findings and determinations regarding the Project.

**The County finds and determines that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.**

#### **1. Absence of Significant New Information**

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR, but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard.

**The County recognizes that the Final EIR incorporates information obtained by the County since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. The County approves incorporation of each of the refinements into the Project and finds that the refinements do not cause the Project to result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the EIR.**

*Addition of Alternative 5: Existing MRF Access.* As described in Volume 3 of the Final EIR, Alternative 5: Existing MRF Access was added to the EIR. The new alternative was developed in response to comments made on the Draft EIR concerning impacts to MRF access and operations as well as concerns raised by El Dorado County regarding noise impacts to residential areas on Lime Kiln Road. The Existing MRF Access Alternative is substantially similar to the Proposed Project, but maintains the existing Throwita Way MRF access point and reduces the overall square-footage of the project. Consistent with CEQA Guidelines Section 15126.6, the Existing MRF Access Alternative has been analyzed to determine how its environmental impacts would compare to that of the Proposed Project. The analysis concluded

that the Existing MRF Access Alternative would result in fewer environmental impacts than the Proposed Project. Accordingly, it was concluded that the Existing MRF Access Alternative is the Environmentally Superior Alternative (other than the No Project Alternative). The project applicant now seeks preliminary approval of the Planned Development Permit based on the Existing MRF Access Alternative.

**The County finds that implementation of the Existing MRF Access Alternative would result in fewer environmental impacts than the Proposed Project. Because the applicant now seeks approval of the Planned Development Permit as proposed in the Existing MRF Access Alternative recirculation of the EIR is not necessary.**

*Changes to Mitigation Measures.* As described in Volume 3 of the Final EIR and in the responses to comments, several mitigation measures have been modified or deleted. Modified mitigation measures include BIO-2c, BIO-3a, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-3a, TRANS-3b, TRANS-3c, TRANS-3e, TRANS-3f, TRANS-3g, TRANS-3h, TRANS-3i, TRANS-5b, TRANS-5c, TRANS-5e, TRANS-5d and TRANS-5f. Deleted Mitigation Measures include TRANS-3d and TRANS-5a. Changes in the mitigation measures were, in some cases, minor typos, in other cases the mitigation measures have been revised as needed to clarify and strengthen the original intent and requirements. Furthermore, implementation of the Existing MRF Access alternative requires modifications of Mitigation Measures AES-1, NOI-4a, and TRANS-6 as provided in the Final EIR. Implementation of the Existing MRF Access alternative would not result in impacts requiring Mitigation Measure NOI-1, TRANS-3c, TRANS-3i, TRANS-5d, and TRANS-5e and therefore, these mitigation measures are no longer necessary.

**The County finds that the changes to the mitigation measures identified for the Project in the Final EIR augment the mitigation measures as proposed in the Draft EIR, strengthen the effectiveness of the proposed mitigation measures, better reflect the intentions and policies of the lead agency, respond to agency input, and enhance their clarity, but do not cause any new or substantially more severe significant adverse environmental impacts. No recirculation of the EIR is necessary based on the changes and additions to the mitigation measures in the Final EIR.**

*Addition of Mitigation Measure.* As described in Volume 3 of the Final EIR and in the master response, Mitigation Measure TRANS-3j, which was included in the Draft EIR's Appendix L as part of the original Traffic Impact Analysis, dated July 2010, would be required for the Existing MRF Access Alternative. Accordingly, this mitigation measure has been reinstated as part of the implementation of the Existing MRF Access Alternative.

**The County finds that the addition of the mitigation measure in the Final EIR is not a result of a new impact and that the impact was previously noted in the Draft EIR. No recirculation of the EIR is necessary based on the addition of the mitigation measure in the Final EIR.**

*Other Changes.* Various minor changes and edits have been made to the text and tables of the Draft EIR, as set forth in the Final EIR. These changes are generally of an

administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability.

**The County finds this additional information does not constitute significant new information requiring recirculation, but rather that the additional information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.**

In addition to the changes and corrections described above, the Final EIR provides additional information in response to comments and questions from agencies and the public.

**The County finds that information added in the Final EIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR. Specifically, the County finds that the additional information, including the changes described above, does not show that:**

- (1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

**Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of County's proceedings, including the comments on the Draft EIR and the responses thereto, and the above-described information, the County finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the Final EIR.**

## **2. Differences of Opinion Regarding the Impacts of the Project**

In making its determination to certify the Final EIR and to approve the Project, the County recognizes that the Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The County has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own

experience and expertise in assessing those issues. The County has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, the County's consultants, the applicants' consultants, and by staff, addressing those comments. The County has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the County to make its decisions after weighing and considering the various viewpoints on these important issues.

**Accordingly, the County certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.**

#### **B. Impacts and Mitigation Measures**

These findings provide the written analysis and conclusions of the County regarding the environmental impacts of the Project and the mitigation measures identified in the Final EIR and adopted by the County as conditions of approval for the Project. In making these findings, the County has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis used in the Final EIR.

**The County finds that the determination of significance thresholds is a judgment within the discretion of the County; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and County consultants and staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.**

Exhibit A attached to these findings and incorporated herein by reference summarizes the environmental determinations of the Final EIR about the Project's environmental impacts before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Exhibit A provides a summary description of each environmental impact, identifies the applicable mitigation measures described in the Final EIR, and states the County's findings on the significance of each environmental impact after imposition of the applicable mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the Project's environmental impacts and mitigation measures designed to address those impacts.

**The County approves the findings set forth in Exhibit A as its findings regarding the Project's environmental impacts before and after mitigation. In making these findings, the County ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation**

**measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.**

**The County adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the MMRP attached to these findings as Exhibit B to reduce or avoid the potentially significant and significant impacts of the Project, as well as certain less-than-significant impacts.**

In adopting these mitigation measures, the County intends to adopt each of the mitigation measures identified by the Final EIR and applicable to the Existing MRF Access Alternative. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

In comments on the Draft EIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. Some of the EIR's mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested modifications that were infeasible, requested mitigation measures for impacts that were less than significant, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary.

**With respect to the additional measures suggested by commenters that were not added to the Final EIR, the County adopts and incorporates by reference, separately and independently, the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting adoption of these mitigation measures.**

**C. Basis for the County's Decision to Approve the Existing MRF Access Alternative and Reject the Proposed Project and Other Alternatives**

**1. The County Findings Relating to Alternatives.**

In making these findings, the County certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The Final EIR's discussion and analysis of these alternatives is not repeated in total in these findings, but the discussion and analysis of the alternatives in the Final EIR are incorporated in these findings by reference to supplement the analysis here. The County also certifies that it has independently reviewed and considered all other information in the administrative record.

The County finds that the range of alternatives studied in the Final EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most of the Project Objectives. The County finds that the alternatives analysis is sufficient to inform the County, agencies, and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the achievement of the Project Objectives and other economic, environmental, social, technological, and legal considerations. In light of the alternatives analysis, the County requires implementation of the project as proposed in the Existing MRF Access Alternative which is the Environmentally Superior Alternative other than the No Project Alternative.

As set forth in Section B above, the County has adopted mitigation measures that avoid or reduce, to the extent feasible, the significant environmental effects of the Project. As explained in Section V of these findings, while these mitigation measures will not mitigate all Project impacts to a less-than-significant level, they will mitigate those impacts to a level that the County finds is acceptable. **The County finds the remaining alternatives infeasible. Accordingly, the County has determined to approve the Existing MRF Access Alternative instead of approving one of the remaining alternatives or Proposed Project, as follows:**

In making this determination, the County finds that when compared to the other alternatives or the Proposed Project described and evaluated in the Final EIR, the Existing MRF Access Alternative, as mitigated, provides a reasonable balance between satisfying the Project Objectives and reducing potential environmental impacts to an acceptable level. The County further finds and determines that the Existing MRF Access Alternative should be approved, rather than one of the other alternatives or the Proposed Project, for the reasons set forth below and in the Final EIR.

**a. Originally Proposed Project**

The originally Proposed Project consisted of the development of a 280,515-square-foot retail center, associated parking, on- and offsite infrastructure and roadway improvements required to support the originally Proposed Project. The originally Proposed Project consisted of up to nine commercial/retail buildings and 1,279 vehicular parking spaces on 27.61 acres and had a Floor Area Ratio (FAR) of 0.23. The originally Proposed Project included the realignment of the MRF access from Throwita Way to a new access road off Lime Kiln Road thereby providing a continuous project site for the construction of the retail center. The originally Proposed Project included a General Plan Amendment from Industrial (I) to Commercial (C); Rezone from Industrial (I) to General Commercial – Planned Development (CG-PD); a Planned Development; a Development Agreement; and a Commercial Tentative Parcel Map. The originally Proposed Project is fully described in the Draft EIR Section 3, Project Description. The originally Proposed Project is substantially similar to that of the now proposed Existing MRF Access Alternative, with the exceptions of a greater amount of building square footage, more parking, and realignment of the MRF access from Throwita Way.

The originally Proposed Project would have greater impacts than the now proposed Existing MRF Access Alternative with respect to air quality, biological

resources, cultural resources, geology soils and seismicity, hazards and hazardous materials, noise, public services and utilities, and transportation. The originally Proposed Project would have similar impacts as the now proposed Existing MRF Access Alternative with respect to aesthetics, light and glare, hydrology and water quality, and land use. The originally Proposed Project would have furthered all of the project objective's to the greatest degree. However, realignment of the MRF access is not feasible, and therefore the originally Proposed Project is no longer feasible.

**The County hereby rejects the originally Proposed Project as infeasible and indicates that it is not environmentally preferable.** The originally Proposed Project is considered environmentally inferior to the Existing MRF Access Alternative because it would result in a greater degree of environmental impacts. The originally Proposed Project would meet the Project Objectives to the greatest degree, however, the greater environmental impacts outweighs benefits of meeting the Project Objectives. In summary, the originally Proposed Project is less desirable than the Existing MRF Access Alternative because it has greater environmental impacts and fails to provide the same level of benefits as the Existing MRF Access Alternative, which is now the Project as proposed.

**b. No Project/No Build Alternative**

Under CEQA, a "No Project Alternative" compares the impacts of proceeding with a proposed Project with the impacts of not proceeding with the proposed Project. A No Project Alternative describes the environmental conditions in existence at the time the Notice of Preparation was published or some other supportable time period, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services.

Under the No Project Alternative, the proposed development would not occur. The separately proposed and approved Diamond Springs Parkway would be constructed north of the project site; however, no retail development would occur and the project site would remain in its existing condition.

**The County hereby rejects the No Project Alternative as infeasible.** While this alternative would avoid the Project's potentially significant and significant unavoidable impacts and have less impact on all environmental topical areas, this alternative would not advance any of the project objectives. Moreover, this alternative would not realize the Project's benefits of infill development, increased retail opportunities, and new tax revenues. On balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative's failure to achieve any of the Project Objectives, and its failure to effect the other beneficial attributes of the Project identified above and in Section V, below.

**c. Industrial Alternative**

Under the "Industrial Alternative," the project would consist a 280,000-square-foot industrial complex with a total of seven buildings. The industrial complex would be constructed in accordance with the existing Industrial zone development standards regarding

height, parking, landscaping, and setbacks. Similar to the Project, utility connections would be required, and the drainage to the west of the project site would be impacted. The MRF access realignment would be implemented as part of this alternative. The FAR would be 0.21. Proposed uses would include storage; manufacturing, processing, and repair services; general office; and wholesale/sales floor/showroom. The purpose of the Industrial Alternative is to provide an alternative comparable to the Project that would be constructed according to existing land use designations. This alternative would require a zone change from Industrial (I) to Industrial-Planned Development (I-PD).

The Industrial Alternative would have fewer impacts to land use, and greater impacts to aesthetics, light and glare, biological resources, cultural resources, geology, soils and seismicity, hazards and hazardous materials, hydrology and water quality, and public services and utilities as compared to the Project. However, this alternative would not further all of the project objectives to the same degree as the Project. For example, it would not develop a new retail center and would not be likely to generate the same level of additional sales tax as the Project.

**The County hereby rejects the Industrial Alternative as infeasible.** This alternative would not lessen many of the impacts and the Industrial Alternative would be inconsistent with some fundamental Project Objectives; with respect to those it satisfied, it would not satisfy them to the same extent as would the Project. Furthermore, this alternative would result in greater impacts related to aesthetics, light and glare, biological resources, cultural resources, geology, soils and seismicity, hazards and hazardous materials, hydrology and water quality, and public services and utilities. On balance, the alternative is less desirable than the Project and its environmental benefits that might be achieved are outweighed by its failure to provide the same level of benefits as the Project, as described above and in Section V.

#### **d. Reduced Density Alternative**

The Reduced Density Alternative consists of developing 210,386 square feet of retail space on the project site (31,029 square feet less than the Project as proposed under the Existing MRF Access Alternative). The reduction in square footage would be applied proportionately to each of the proposed retail pads. Additional landscaping and pedestrian facilities would be constructed in place of reduced retail and parking areas. Similar to the Project, utility connections would be required, and the drainage to the west of the project site would be impacted. The MRF access realignment would be implemented as a part of this alternative. This alternative would have vehicular access points identical to the originally Proposed Project. This alternative would provide 959 off-street parking spaces. The removed parking spaces would be replaced with additional landscaping and pedestrian facilities. The purpose of the Reduced Density Alternative is to reduce trip generation and building square footage, which would lessen potential impacts associated with air quality, noise, public services and utilities, and transportation.

The Reduced Density Alternative would have greater impacts to biological resources, cultural resources, geology, soils and seismicity, hazards and hazardous materials compared to the Project. This alternative would not further all of the project objectives to the

same degree as the Project. For example, the smaller square footage would create fewer job opportunities for local residents and would result in fewer sales; therefore, it would have less positive economic benefit.

**The County hereby rejects the Reduced Intensity Alternative as infeasible.**

The Reduced Density Alternative would be inconsistent with some fundamental Project Objectives, and would not fully meet other Project Objectives. On balance, this alternative is less desirable than the Project for the reasons described above, and fails to provide the same level of benefits as the Project, as described above and in Section V.

**e. Mixed-Use Center Alternative**

The Mixed-Use Center Alternative consists of the development of a 280,000-square-foot, mixed-use center on the project site. The mixed-use center would feature 140,000 square feet of retail uses, 35,000 square feet of office uses, and 105 apartments (1,000 square feet each). A gas station would not be developed as a part of this alternative. The Mixed-Use Center Alternative would require both a General Plan Amendment and rezone to Commercial (C) designations, each of which allows mixed-use developments. A Planned Development (PD) overlay and Tentative Parcel Map (TPM) would also be implemented. The purpose of the Mixed-Use Center Alternative is to develop a site use that would locate housing, jobs, and retail in a single location in order to promote trip reduction.

Overall, ten buildings would be developed under this alternative, all along the perimeter of the Project site: Two 20,000-square-foot, one-story retail structures would be located along Diamond Springs Parkway on the western half of the project site; two 50,000-square-foot, one-story retail buildings would be located along Diamond Springs Parkway on the eastern half of the project site; one 35,000 square-foot, two-story office building would be located adjacent to Diamond Road (SR-49); and, four 20,000 square-foot and one 25,000 square-foot, two-story residential buildings would be located along the southern portion of the project site. A row of single-car garages for use by tenants of the residential buildings would be located between the residential buildings and the southern perimeter of the project site to provide resident parking and act as a buffer between the residential units and the MRF.

The Mixed-Use Center Alternative would result in the same significant unavoidable impacts as the Project. In addition, the severity of impacts associated with cultural resources, geology, soils and seismicity, land use, noise, and public services and utilities would be increased by this alternative. This alternative would not further all project objectives to the same degree as the Proposed Project, because it would result in a smaller amount of retail space and provide fewer employment opportunities. Accordingly, this alternative would result in less contribution to the local economy, generation of less tax revenue for local agencies, and creation of fewer new job opportunities.

**The County hereby rejects the Mixed Use Center Alternative as infeasible.**

The Mixed-Use Alternative would be inconsistent with some fundamental Project Objectives, and would not fully meet other Project Objectives, and is less desirable than the Project. On balance, this alternative is less desirable than the Project for the reasons described above and

fails to provide the same level of benefits as the Project, as described above and in Section V, below.

## **2. Alternatives Rejected From Further Consideration**

### **a. Alternative Location**

As part of the Draft EIR, screening criteria were established for an alternative location and used to determine if a viable alternative site existed. Results of the search indicated that there were no properties of at least 25 contiguous acres that have a non-residential land use designation within 1.5 miles of US-50 and 0.25 miles of SR-49 within the Diamond Springs and Missouri Flat MC&FP areas. Accordingly, no viable alternative location exists.

### **b. Material Recovery Facility Relocation Alternative**

Relocation of the Material Recovery Facility (MRF) was initially considered as a project alternative, thereby allowing allow the DDRC to expand onto the MRF's parcel. Michael Brandman Associates prepared a Site Selection Analysis in 2008 that identified four potential MRF relocation sites. The site identified as most feasible is located approximately 0.75 mile to the west of the project site, and consists of a highly disturbed, undeveloped parcel at the end of Industrial Drive in the Diamond Springs area. Relocation of the MRF would allow the DDRC to be developed on a contiguous, 44.76-acre parcel. However, strong public opposition to the MRF relocation site halted any further consideration of this alternative because of its proximity to residences and the potential resulting environmental impacts.

**With respect to alternatives rejected from further consideration, the County hereby adopts and incorporates by reference the reasons set forth in the Final EIR as its grounds for finding infeasible rejecting those alternatives.**

## **3. Findings Regarding Adequacy of Range of Alternatives.**

The County finds that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the Project Objectives. The County finds that the alternatives analysis is sufficient to inform the County and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the County's ability to achieve most or all of its Project Objectives.

## **V. STATEMENT OF OVERRIDING CONSIDERATIONS**

### **A. Impacts That Remain Significant**

As discussed in Exhibit A and the EIR, the County has found the following impacts would remain significant following adoption and implementation of the mitigation measures described in the Final EIR:

**1. Air Quality Plan Consistency:** The Proposed Project is inconsistent with the applicable Air Quality Management Plan. Mitigation is identified that would reduce operational emissions of reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>); however, the necessary trip and vehicle miles traveled reductions are not feasible for the Project. Therefore, the residual significance would be significant and unavoidable.

**2. Regional Air Quality Impact Contribution:** The Proposed Project would also exceed the operational project-level threshold of significance for ROG and NO<sub>x</sub>, thereby contributing considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standards. Mitigation is identified that would reduce operational emissions of ROG and NO<sub>x</sub>; however, the necessary trip and vehicle miles traveled reductions are not feasible for the Project. Therefore, the residual significance would be significant and unavoidable.

**3. Greenhouse Gas Generation:** The Proposed Project would generate significant levels of greenhouse gases from project operations. Mitigation is identified that would reduce operational emissions of greenhouse gases; however, the necessary trip and vehicle miles traveled reductions are not feasible for the Project. Therefore, the residual significance would be significant and unavoidable.

**4. Greenhouse Gas Consistency:** The Proposed Project would conflict with California's Scoping Plan, adopted for the purposes of reducing greenhouse gas emissions in the state. Mitigation is identified that would reduce operational emissions of greenhouse gases; however, the necessary trip and vehicle miles traveled reductions are not feasible for the Project. Therefore, the residual significance would be significant and unavoidable.

**5. Cumulative (2025) Plus Project Intersection Conditions:** The Proposed Project would increase the delay for the eastbound approach at the Missouri Flat Road and Enterprise Drive intersection through the addition of traffic on Missouri Flat road, thereby confounding the existing unacceptable LOS F in the PM peak-hour. Construction of a signal at the intersection would mitigate the eastbound delay, but would result in a significant southbound queuing issue on Missouri Flat Road. As such, implementation of a signal at this intersection is not an acceptable option for mitigation and no other feasible mitigation is available. Therefore, impacts would be significant and unavoidable.

## **B. Overriding Considerations Justifying Project Approval**

**In accordance with CEQA Guidelines Section 15093, the County has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other Project benefits against its unavoidable environmental risks, and finds that each of the benefits of the Project set forth below outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels.**

This statement of overriding considerations is based on the County's review of the Final EIR and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Project are as follows:

**1.       *Creation of New Jobs***

The Project would generate both temporary construction jobs as well as full and part-time jobs resulting from the retail businesses expected to locate at the project site. It is expected that a majority of the retail jobs would be filled by existing local residents. Consequently, it is reasonably expected that the County of El Dorado and its residents will enjoy the economic and social benefits from added employment opportunities offered by the Project.

**2.       *Generation of County Sales Tax Revenues***

The El Dorado County Industry-Focused Economic Development Study (2010) concluded that "El Dorado County has a sizable retail gap where potential retail demand exceeds retail sales by about 47 percent, indicating that wealth is leaking out of the local economy across nearly every standard retail category." Accordingly, the Project, as a large retail establishment located in the County would assist in the capture of retail demand, thereby generating additional County sales tax revenues.

**3.       *Provision of Needed Source of Goods***

The Project will provide retail options that currently do not exist in the immediate area, with updated, modern, and energy efficient construction, in close proximity to local consumers and residents. The analysis of sales leakage and capture as well as detailed evidence in the record, demonstrates the County's need for a more convenient source of goods for which significant and vocal consumer demand exists, and which can serve customers during both daytime and nighttime in a safe and secure environment. In addition to convenience, the community will benefit insofar as this closer source of goods leads to less vehicle miles traveled overall and associated environmental impacts.

**4.       *Beneficial Traffic Improvements***

The Project will contribute its fair share through the payment of Traffic Impact Mitigation fees, provision of fees to fully fund necessary roadway improvements, and/or the construction of roadway improvements found necessary to service projected traffic volumes and ensure adequate levels of service both under existing plus approved projects (2015) conditions and cumulative (2025) build out conditions.

### **5. *High-Quality Aesthetically Pleasing Architectural Design.***

The architectural theme would be consistent with rural structures commonly found in the area, mixing modern uses and configurations while borrowing stylistic characteristics from El Dorado County's history. The buildings would have a combination of gable or shed roofs with cornice-topped walls and utilize rust accented metal roofing, stucco, vertical siding, and board and batten siding and would be consistent with the Missouri Flat Design Guidelines. The Project also has been designed for pedestrian scale. Pedestrian plazas with trellises, accent planting, and seating, would provide meeting or resting places and opportunities for outdoor dining. The proposed pedestrian plazas would be connected to the buildings via well-defined pedestrian routes.

### **6. *Utilization of Existing Infrastructure***

The Project would constitute infill development on a site surrounded by industrial and residential development, and located along the separately proposed and approved Diamond Springs Parkway and Diamond Road (SR-49), both major thoroughfares in the County. This use of the site would help to lower the number of vehicle miles traveled when compared to development of a site located on the periphery of the Diamond Springs community.

### **C. Mitigation Monitoring and Reporting Program**

In accordance with CEQA and the CEQA Guidelines, the County must adopt a mitigation monitoring and reporting program ("MMRP") to ensure that the mitigation measures adopted herein are implemented. The mitigation measures set forth in the MMRP will be enforced as outlined in MMRP, through imposition of mitigation milestones and definite mitigation obligations. At each milestone in the process (e.g., issuance of building permits, issuance of the final certificate of occupancy, etc.), County staff will verify that the Project applicant has satisfied all applicable mitigation obligations. **The County hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to these findings as attached Exhibit B.**

### **D. Summary**

1. Based on the foregoing findings and the information contained in the administrative record of proceedings, the County has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final EIR:

a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment and/or;

b. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR that would

otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

2. Based on the foregoing findings and information contained in the record, it is hereby determined that:

a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible; and

b. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section V, above.