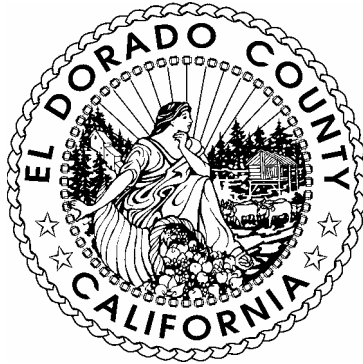


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# EL DORADO COUNTY GENERAL PLAN



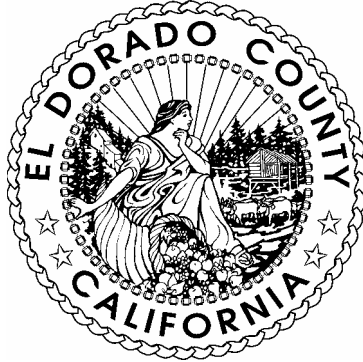
**ENVIRONMENTAL ASSESSMENT OF  
REVISIONS TO MITIGATION MEASURES  
AS PART OF THE  
FINAL ENVIRONMENTAL IMPACT REPORT**

State Clearinghouse No. 2001082030

**JULY 2004**

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# EL DORADO COUNTY GENERAL PLAN



## **ENVIRONMENTAL ASSESSMENT OF REVISIONS TO MITIGATION MEASURES**

**AS PART OF THE**

## **FINAL ENVIRONMENTAL IMPACT REPORT**

**STATE CLEARINGHOUSE NO. 2001082030**

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**JULY 2004**

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# INTRODUCTION

The El Dorado County General Plan proposed for adoption by the Board of Supervisors on June 17, 2004 is based primarily on the 1996 General Plan Alternative, with certain policies and land use designations taken from the Environmentally Constrained Alternative. The Board has proposed incorporating into the General Plan 68 of the 71 mitigation measures identified in the EIR to reduce or eliminate significant impacts. Of these, 21 contain substantive modifications proposed as a result of testimony during the hearings on the General Plan.

This assessment evaluates the potential effects of changes to these mitigation measures. The assessment identifies the potential environmental effects associated with each mitigation measure and evaluates the extent to which the proposed modification would render the mitigation measure more, less, or equally effective at avoiding or lessening the severity of the significant impact.

The modifications to mitigation measures are analyzed in the order in which the measures appear in the EIR. Only the policies or implementation measures affected by the modification are set forth. Each policy or implementation measure is set forth as it would appear if the related mitigation measure were proposed as proposed in the EIR. Text that the Board has proposed to add is shown in this assessment as underlined and text proposed to be deleted is shown in ~~strikeout~~. The assessment then describes how, if at all, this change will affect the efficacy of the mitigation measure.

## ASSESSMENT

### LAND USE

#### **IMPACT 5.1-2: SUBSTANTIAL ALTERATION OR DEGRADATION OF LAND USE CHARACTER IN THE COUNTY OR SUBAREAS**

##### **Change to Mitigation Measure 5.1-2: Create Distinct Community Separators**

**New Policy:** The County shall develop a program that allows the maintenance of distinct separators between developed areas (Community Regions and Rural Centers). This program shall include the following elements:

**Parcel Analysis:** Areas between developed areas (Community Regions and Rural Centers) shall be analyzed to determine if they create inefficiencies for ongoing rural land uses. For instance, parcels that may be too small to support long-term agricultural shall be identified for potential consolidation. Areas within Community Regions and Rural Centers shall also be analyzed to identify opportunity sites where clustering of development may be appropriate, including increases in the allowable floor-to-area building ratio (FAR) in Community ~~Centers~~Regions.

**Parcel Consolidation/Transfer of Development Rights (TDR):** A program to allow consolidation of parcels where appropriate shall be established. This shall include a TDR program that encourages transfer of development rights from the parcels to be consolidated to opportunity sites in Community ~~Centers~~Regions and Rural ~~Centers~~Regions. The TDR program shall also allow for consideration of increasing the FARs at specific sites in Community Centers, as deemed appropriate.

New Implementation Measure: Develop and implement a program that addresses preservation of community separation, as outlined in Policy 2.5.1.3. The program shall address provisions for a parcel analysis and parcel consolidation/transfer of development rights.

**Significance After Mitigation:** Significant and Unavoidable

### **Effect on Efficacy of Mitigation**

The modification to this policy corrects typographical errors and does not alter the effectiveness of this policy as a mitigation measure. The new implementation measure helps ensure implementation of Mitigation Measure 5.1-2 and will not reduce the effectiveness of this measure.

### **IMPACT 5.1-3: CREATION OF SUBSTANTIAL LAND USE INCOMPATIBILITY**

Mitigation Measure 5.1-3(a): Establish a General Plan Conformity Review Process for All Development Projects.

Accept Alternative 2 for Policy 2.2.5.20. Reject Alternative 1.

Accept Option 2 for Implementation Measure LU-C. Reject Option 1.

### **Change to Mitigation Measure 5.1-3(b): Require Development Projects to Be Located and Designed in a Manner That Avoids Adjacent Incompatible Land Uses**

New Policy 2.2.5.22: Schools and other public buildings and facilities shall be directed to Community Regions and Rural Centers where feasible and shall be considered compatible outside of Community Regions and Rural Centers when facilities will be located and designed in a manner that avoids any substantial incompatibility with land uses permitted on adjoining lands.

**Significance After Mitigation:** Less than Significant

### **Effect on Efficacy of Mitigation**

As explained in the EIR, Mitigation Measure 5.1-3(a) provided two options for a new General Plan policy and implementation measure, either of which would provide a mechanism to review projects for compliance with applicable General Plan and other County policies. The Board proposed the “alternative” new policy and implementation measure proposed by Mitigation Measure 5.1-3(a), which requires a General Plan consistency finding for projects involving structures of greater than 120 square feet or projects requiring a grading permit, the development of performance standards for ministerial projects to demonstrate such compliance, and an interim review process prior to the establishment of performance standards. The Board also proposed new Policy 2.2.5.22, which is based on proposed Mitigation Measure 5.1-3(d) for the Environmentally Constrained and Roadway Constrained Six-Lane “Plus” alternatives, as modified by the Planning Commission. The policy directs schools and other public buildings and facilities to Community Regions and Rural Centers where feasible, and considers them compatible in Rural Regions only if they can be located and designed in a manner that avoids substantial incompatibilities with adjoining land uses. This new policy would further mitigate impacts related to land use incompatibility.

## AGRICULTURE AND FORESTRY

### IMPACT 5.2-1: POTENTIAL FOR CONVERSION OF IMPORTANT FARMLAND, GRAZING LAND, LAND CURRENTLY IN AGRICULTURAL PRODUCTION OR FOR CONFLICT THAT RESULTS IN CANCELLATION OF A WILLIAMSON ACT CONTRACT

#### Change to Mitigation Measure 5.2-1(d): Provide Additional Protection of Agricultural Use

Revised Policy 8.1.3.2: Agriculturally incompatible uses adjacent to agricultural zoned lands ~~within designated agricultural districts~~ shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.

Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.

~~The County shall~~ The implementing ordinance shall contain provisions for Administrative relief to these setbacks, where appropriate, and may impose larger than 200-foot setbacks where needed to protect agricultural resources. Administrative relief to these setbacks may be granted when reasonable use of

#### Change to Mitigation Measure 5.2-1(f): Require Agricultural Fencing on Adjacent Residential Property

New Policy: Residential uses that are established adjoining grazing land shall have agricultural fencing per County Standards.

Review the Zoning Ordinance to identify revisions that accomplish the following:

New Implementation Measure AF-A(F): Standards for the construction of agricultural fencing on residential parcels adjacent to grazing lands.

**Significance After Mitigation:** Significant and Unavoidable

#### **Effect on Efficacy of Mitigation**

The setback requirement in Policy 8.1.3.2 was expanded to apply to all agricultural zoned lands and not only those within designated agricultural districts, which will improve its effectiveness. The provision for administrative relief in cases where reasonable use of the property would otherwise be denied was revised to recognize that there may be other circumstances (e.g., based on the nature of the agricultural use at issue, the particular adjacent land use proposed, the topography of the property, or other factors) in which the full 200 foot setback is not required to avoid compatibility impacts. The revisions do not alter the ability of the County to require setbacks sufficient to protect agricultural resources. Thus, the revisions made to Mitigation Measure 5.2-1(d) would not reduce the effectiveness of this measure. The revision made to Mitigation Measure 5.2-1(f) helps ensure its implementation and will not reduce the effectiveness of this measure.

**IMPACT 5.2-2: POTENTIAL FOR RANCH MARKETING, WINERY, AND VISITOR-SERVING ACTIVITIES TO REMOVE SUBSTANTIAL AREAS OF AGRICULTURAL LAND FROM PRODUCTION**

**Change to Mitigation Measure 5.2-2: Limit Extent of Ranch Marketing Activities, Wineries, and Other Agricultural Promotional Uses within Agricultural Designations and Require Compatibility Review**

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

New Policy: The County shall support visitor-serving ranch marketing activities on agricultural land, provided such uses do not detract from or diminish the agricultural use of said land.

**Significance After Mitigation:** Less than Significant.

**Effect on Efficacy of Mitigation**

The revisions made to the new policy set forth by Mitigation Measure 5.2-2 will not diminish and may improve the effectiveness of this measure by ensuring that marketing activities on agricultural land are secondary to agricultural uses, thereby protecting agricultural production.

**VISUAL RESOURCES**

**IMPACT 5.3-1: DEGRADATION OF THE QUALITY OF SCENIC VISTAS AND SCENIC RESOURCES**

**Change to Mitigation Measure 5.3-1(b): Protect Views from Scenic Corridors**

~~Revised Policy 2.6.1.3: Until such time as the Scenic Corridor Ordinance is adopted, the County shall review all projects within designated State Scenic Highway corridors for compliance with State criteria. Discretionary projects reviewed prior to the adoption of the Scenic Corridor Ordinance that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and all policies relating to the protection of scenic corridors Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established.~~

**Change to Mitigation Measure 5.3-1(d): Nominate SR 49 for Scenic Highway Designation**

~~New Policy. The County shall nominate SR 49 (segments in El Dorado County) for designation by Caltrans as a State Scenic Highway. In addition to the items referenced in Policy 2.6.1.1, the Scenic Corridor Ordinance shall consider those portions of Highway 49 through El Dorado County that are appropriate for scenic highway designation and pursue nomination as such by Caltrans.~~



New Implementation Measure LU-J Pursuant to the California Department of Transportation procedures, prepare documentation in support of having that segment of State Route 49 within El Dorado County identified as a State Scenic Highway.

**Significance After Mitigation -- Less Than Significant**

### **Effect on Efficacy of Mitigation**

The revisions made to the Policy 2.6.1.3 set forth by Mitigation Measure 5.3-1(b), together with new implementation measure LU-J, would not alter the effectiveness of this measure because they are editorial and provide clarification, eliminating redundancies with existing policies in the proposed General Plan. In addition, the revisions made to the new policy set forth in Mitigation Measure 5.3-1(d) would not alter the effectiveness of this measure. The modified policy preserves the measure's goal of ensuring that the County seek nomination of those portions of State Route 49 for State Scenic Highway designation that meet applicable scenic criteria for such nomination, but recognizes that there are several portions of the road that may not meet those criteria. Between the Town of El Dorado and the city limits of Placerville, for example, the road passes through several main street areas and areas that are predominantly residential, commercial, and industrial in nature. In view of these visual intrusions, these areas are unlikely to meet the Caltrans criteria for nomination. (See Guidelines for the Official Designation of Scenic Highways, California Department of Transportation, March 1996). On the other hand, north of Placerville, the highway could be considered scenic all the way through Coloma because it is predominantly rural/natural or agricultural, or it passes through the state historic park. Once across the South Fork of the American River, there is a short stretch of commercial development, but most of the view is of the Coloma Valley and may qualify as scenic. The highway also passes through Pilot Hill and Cool. The latter has a larger assemblage of commercial development, but over the length of highway between Placerville and the Placer County line, it is predominantly rural and undeveloped and may qualify. The revision to Measure 5.3-1(d) simply limits the requirement to seek nomination to those portions of SR 49 that are appropriate for scenic highway designation under applicable criteria and will not affect the ultimate extent of any designation that may be approved by Caltrans.

### **IMPACT 5.3-3: CREATION OF NEW SOURCES OF SUBSTANTIAL LIGHT OR GLARE THAT WOULD ADVERSELY AFFECT DAYTIME OR NIGHTTIME VIEWS**

#### **Change to Mitigation Measure 5.3-3(b): Consider Lighting Design Features to Reduce Effects of Nighttime Lighting**

~~Revised Policy 2.8.1.1. Include standards, consistent with prudent safety practices for outdoor lighting to reduce high intensity nighttime lighting and glare in the update of the County Zoning Ordinance. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, and other significant lighting sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light. Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural area to further reduce excess nighttime light.~~

**Significance After Mitigation -- Less Than Significant**

### Effect on Efficacy of Mitigation

The revisions made to the Policy 2.8.1.1 set forth by Mitigation Measure 5.3-3(b) would not alter the effectiveness of this measure. The revisions add a policy statement requiring development to limit excess nighttime light and glare. The revisions also add sport field lighting to the list of examples of “significant light sources” for which directional shielding and other design features are to be considered. The deleted language relating to updating the Zoning Ordinance is unnecessary in light of Implementation Measure LU-A, which is designed to strengthen limitations on light and glare. The remainder of the policy is unchanged. Thus, this modified policy is nearly identically worded as the policy it replaces, and would be equally effective at reducing related impacts.

## **TRAFFIC AND CIRCULATION**

### **IMPACT 5.4-1: POTENTIAL INCONSISTENCIES WITH LOS POLICIES**

Changes to Mitigation Measures 5.4-1(a) through (e)

~~Implement one or more of the following mitigation measures:~~

5.4-1(a): Amend the Circulation Diagram to Include a New Arterial Roadway from El Dorado Hills Business Park to U.S. 50

New Policy: The County shall amend the circulation diagram to include a new arterial roadway from the west side of the El Dorado Hills Business Park to U.S. 50.

New Implementation Measure: Work with the Sacramento Area Council of Governments (SACOG), Sacramento County and the City of Folsom to identify potential alignments for a new arterial roadway from the west side of El Dorado Hills Business Park to U.S. Highway 50.

~~OR~~

5.4-1(b): Add New Growth Control Implementation Measure

New Policy TC-1y: Development through 2025, within Traffic Analysis Zones 148 and 344, shall be conditioned so that a cap of 10,045 full-time employees is not exceeded, unless it can be demonstrated that a higher number of employees would not violate established level of service standards.

New Implementation Measure: The County shall implement a ~~growth control~~ mechanism for all new discretionary and ministerial development (which includes approved development that has not yet been built) that would access Latrobe Road or White Rock Road. This mechanism shall be designed to ensure that the 2025 p.m. peak-hour volumes on El Dorado Hills Boulevard, Latrobe Road, and White Rock Road do not exceed the minimum acceptable LOS thresholds defined in Policies ~~TC-1e, TC-1d, TC-Xa through TC-Xc, and TC-1f~~ with the circulation diagram improvements assumed in place. As such, the measure should consider a variety of methods that control or limit ~~growth and the resulting traffic, including, but not limited to, the acquisition of development rights, incentives or disincentives not to travel during peak hours on affected roadways, and changes in allowed development intensities.~~ The County shall monitor peak-hour traffic volumes and LOS beyond 2025 and, if necessary, shall implement growth control mechanisms in any part of the county where the LOS thresholds defined in the General Plan policies listed above cannot be maintained.

OR

5.4-1(c): Expand List of Roadway Segments Operating at LOS F

~~Revised Policy TC 1c: The County shall adopt a roadway plan consistent with planned land use and shall maintain an operating Level of Service of "E" or better on all roadways, consistent with Objective 3.5.1.~~

~~New Implementation Measure: Amend Table TC 2 to include the following roadway segments, which are projected to operate at LOS F in 2025:~~

~~**Latrobe Road (PM Peak Hour)**~~

~~Carson Creek to White Rock Road (Max. V/C 1.19)~~

~~White Rock Road to U.S. Highway 50 (Max V/C 1.20)~~

~~**White Rock Road (PM Peak Hour)**~~

~~Manchester Drive to Latrobe Road (Max V/C 1.13)~~

OR

5.4-1(d): Amend the Circulation Diagram to Include a Frequent Transit Service on Exclusive Right-of-Way to the El Dorado Hills Business Park

New Policy: The County shall ~~modify~~ consider modification of the circulation diagram to include a frequent transit service operating on exclusive right-of-way to the El Dorado Hills Business Park from residential communities in El Dorado County and from the City of Folsom.

New Implementation Measure: Identify right-of-way needed for potential establishment of a frequent transit service operating on exclusive right-of-way to the El Dorado Hills Business Park from residential communities in El Dorado County and from the City of Folsom. Consider modification of the ~~Modify~~ Circulation Map to include the identified right-of-way.

OR

5.4-1(e): Amend the General Plan Circulation Element in each of the General Plan alternatives to: (1) apply Measure Y policies through 2008; (2) provide for the possible readoption of those policies in 2008; (3) provide alternative level of service and concurrency policies that will take effect in 2009 if the Measure Y policies are not extended; and (4) require a detailed traffic monitoring and development review program to ensure that new development does not lead to traffic levels that violate the applicable level of service standards.

New Policy: In the Goals and Policies section, delete policies TC-1c through TC-1j (including Table TC-2).

New Goal and Policies: Insert the following after policy TC-1t:

## **LEVELS OF SERVICE AND CONCURRENCY**

In 1998 El Dorado County voters adopted an initiative measure known as Measure Y, the “Control Traffic Congestion Initiative.” The initiative added several policies to the former General Plan intended to require new development to fully pay its way to prevent traffic congestion from worsening in the County. The initiative provided that the new policies should remain in effect for ten years and that the voters should be given the opportunity to readopt those policies for an additional 10 years. The policies in this section reflect the voters’ intent in adopting Measure Y by (1) applying the Measure Y policies through 2008, (2) providing for the possible readoption of those policies in 2008, and (3) providing alternative policies that will take effect in 2009 if the Measure Y policies are not extended.

**GOAL TC-X:** To coordinate planning and implementation of roadway improvements with new development to maintain adequate levels of service on County roads.

**Policy TC-Xa:** The following policies shall remain in effect until December 31, 2008 unless extended by the voters prior to that time

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.
2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County’s list of roads (shown in Table TC-2) that are allowed to operate at Level of Service F without first getting the voters’ approval.
3. Developer-paid traffic impact fees shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.
4. County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Exceptions are allowed if county voters first give their approval.
5. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public’s health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

<b>TABLE TC-2</b>		
<b>El Dorado County Roads Allowed to Operate at Level of Service F<sup>1</sup></b>		
<b>Road Segment(s)</b>		<b>Max. V/C<sup>2</sup></b>
Cambridge Road	Country Club Drive to Oxford Road	1.07
Cameron Park Drive	Robin Lane to Coach Lane	1.11
Missouri Flat Road	U.S. Highway 50 to Mother Lode Drive	1.12
	Mother Lode Drive to China Garden Road	1.20
Pleasant Valley Road	El Dorado Road to State Route 49	1.28
U.S. Highway 50	Canal Street to junction of State Route 49 (Spring Street)	1.25
	Junction of State Route 49 (Spring Street) to Coloma Street	1.59
	Coloma Street to Bedford Avenue	1.61
	Bedford Avenue to beginning of freeway	1.73
	Beginning of freeway to Washington overhead	1.16
State Route 49	Ice House Road to Echo Lake	1.16
	Pacific/Sacramento Street to new four-lane section	1.31
	U.S. Highway 50 to State Route 193	1.32
	State Route 193 to county line	1.51
<b>Notes:</b>		
<sup>1</sup> Roads improved to their maximum width given right-of-way and physical limitations.		
<sup>2</sup> Volume to Capacity ratio.		

Policy TC-Xb: To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Prepare an annual Capital Improvement Program (CIP) specifying roadway improvements to be completed within the next 10 years to ensure compliance with all applicable level of service and other standards in this plan, identifying improvements expected to be required within the next 20 years, and specifying funding sources sufficient to develop the improvements identified in the 10 year plan;
- B. Annually monitor traffic volumes on the county's major roadway system depicted in the Circulation Diagram; and
- C. Review development proposals to ensure that the development would not generate traffic in excess of that contemplated by the Capital Improvement Program for the next ten years or cause levels of service on any affected roadway segments to fall below the levels specified in this plan.

Policy TC-Xc: The following policies shall take effect upon the expiration of the policies in Policy TC-Xa

1. Traffic from residential development projects shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county except as specified in Table TC-3.
2. Additional segments of U.S. Highway 50 and other highways and roads may be added to Table TC-3 only upon approval of a majority of the Board of Supervisors.

3. Developer-paid traffic impact fees shall pay for the portion of road capacity improvements, which would not be paid for through other County revenue sources, necessary to offset and mitigate the traffic impacts reasonably attributable to new development upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.
4. County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Exceptions are allowed if county voters first give their approval.

<b>TABLE TC-3</b>		
<b>El Dorado County Roads Allowed to Operate at Level of Service F<sup>1</sup></b>		
<b>Road Segment(s)</b>		<b>Max. V/C<sup>2</sup></b>
<b>Latrobe Road</b>	<b>Carson Creek to White Rock Road</b>	<b>1.19</b>
	<b>White Rock Road to U.S. Highway 50</b>	<b>1.20</b>
<b>White Rock Road</b>	<b>County Line to Latrobe Road</b>	<b>1.13</b>
<b>U.S. Highway 50</b>	<b>Canal Street to junction of State Route 49 (Spring Street)</b>	<b>1.23</b>
	<b>Bedford Avenue to beginning of freeway</b>	<b>1.13</b>
	<b>Beginning of freeway to Washington overhead</b>	<b>1.13</b>
	<b>Ice House Road to Echo Lake</b>	<b>1.03</b>
<b>Notes:</b>		
<sup>1</sup> Roads improved to their maximum width given right-of-way and physical limitations.		
<sup>2</sup> Volume to Capacity ratio.		

Policy TC-Xd: Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2 or, after December 31, 2008 per Table TC-3. The volume to capacity ratio of the roadway segments listed in Tables TC-2 and TC-3 as applicable shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the *Highway Capacity Manual* (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Policy TC-Xe: For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. a 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. the addition of 100 or more daily trips, or
- C. the addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Policy TC-Xf: ~~Prior to issuance of any building permits~~ occupancy for development that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the developer shall do one of the following: (1) construct all road improvements necessary to regional and local roads needed to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure adequate funding is ~~enumerated~~ identified and available for the necessary road improvements and those projects are

programmed. The determination of compliance with this requirement shall be based on existing traffic plus traffic generated from the project and from other reasonably foreseeable projects.

Policy TC-Xg: Each development project shall dedicate right-of-way and construct or fund improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. For road improvements that provide significant benefit to other development, the County may allow a project to fund its fair share of improvement costs through traffic impact fees or receive reimbursement from impact fees for construction of improvements beyond the project's fair share. The amount and timing of reimbursements shall be determined by the County.

Policy TC-Xh: All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision. Until such time as updated traffic impact fees are adopted pursuant to this General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been issued or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.

Policy TC-Xi: The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento and Sacramento Area Council Of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule to meet the requirements of the policies of this General Plan.

#### **Significance After Mitigation – Less than Significant**

##### **Effect on Efficacy of Mitigation**

The Circulation Element in the proposed General Plan is based on the policies set forth in the Circulation Element of the Environmentally Constrained alternative. These policies contain a number of differences with the policies in the 1996 General Plan alternative Circulation Element, including different LOS standards. The LOS standards in the proposed General Plan are LOS E in Community Regions and LOS D in rural areas, whereas the 1996 General Plan alternative had required that certain roadways maintain an LOS of C or better. The 1996 General Plan alternative LOS policies would have required the widening of a greater number of roadway segments, resulting in an increase in infrastructure costs as well as secondary impacts associated with such widening. In addition, a number of new policies were added to the Circulation Element of the proposed General Plan, including Policy TC-1y, which conditions new development in Traffic Analysis Zones 148 and 344 on a cap of 10,045 full-time employees. This policy is designed to limit traffic on Latrobe Road and White Rock Road generated by the El Dorado Hills Business Park to levels that can be accommodated by those roads consistent with LOS standards.

To determine the circulation diagram needed for the proposed General Plan in light of the proposed LOS standards and Business Park cap, additional traffic modeling and analysis was performed. (See Ronald T. Milam, Fehr & Peers, Technical Memorandum re: Modified 1996 General Plan Alternative Modeling (July 7, 2004) attached to EDAW, Environmental Assessment of Policy Modifications, July 12, 2004). This analysis concluded that, compared with the circulation diagram in the 1996 General Plan Alternative, the number of lanes required to meet the adopted LOS policies could be reduced for 20 roadway segments, and one additional segment could be altered from a 4-lane Divided to a 4-lane Undivided road. The analysis further

determined that the LOS standard exceedances identified in the EIR for the 1996 General Plan alternative and the Environmentally Constrained alternative, including exceedances on three segments of Latrobe Road and White Rock Road that were common to both alternatives, would be eliminated with the proposed policy changes and revised circulation diagram. The circulation diagram recommended in the analysis, which included reduced lanes on 15 of the 20 identified roadway segments, was incorporated into the proposed General Plan.

The DEIR proposed four alternative mitigation measures to reduce potentially significant impacts related to potential inconsistencies with LOS policies (Impact 5.4-1), and a fifth measure was proposed in the Response to Comments document. Three of the five measures (Mitigation Measures 5.4-1(b), (c), and (e)) were found to be sufficient by themselves to reduce Impact 5.4-1 to a less-than-significant level under both the 1996 General Plan alternative and the Environmentally Constrained alternative. The proposed General Plan incorporates Mitigation Measure 5.4-1(a) and modified versions of 5.4-1(b), 5.4-1(d) and 5.4-1(e), as set forth above. The Board chose not to adopt Mitigation Measure 5.4-1(c), which would have revised the LOS policies to allow more roadway segments to decline to LOS F.

In adopting a modified version of Mitigation Measure 5.4-1(b), which calls for a mechanism to ensure that new discretionary and ministerial development do not result in traffic on El Dorado Hills Boulevard, Latrobe Road, and White Rock Road in excess of that allowed by applicable LOS standards, the Board added New Policy TC-1y. As discussed above, with the inclusion of the employee cap imposed by New Policy TC-1y, the proposed General Plan will not result in any exceedances of applicable LOS standards. The cap would result in less traffic on Latrobe and White Rock Roads, changing their projected 2025 LOS ratings from LOS F to LOS D, and would eliminate all other exceedances of LOS standards. Accordingly, this measure would eliminate the significant impact. The incorporation of the other proposed measures (Mitigation Measure 5.4-1(a) and modified Mitigation Measures 5.4-1(d) and (e)), though not required to mitigate the impact, will further reduce traffic impacts.

## **IMPACT 5.4-2: INCREASE IN DAILY AND PEAK HOUR TRAFFIC**

### **Change to Mitigation Measure 5.4-2: Implement 1996 General Plan Alternative Mitigation Measures 5.4-1(a), 5.4-1(b), or 5.4-1(d)**

**Significance After Mitigation** – Significant and Unavoidable

#### **Effect on Efficacy of Mitigation**

To reduce traffic impacts, the EIR proposed the same mitigation measures proposed for Impact 5.4-1 (see Mitigation Measure 5.4-2), with the exception of Mitigation Measure 5.4-1(c). As discussed above, Mitigation Measure 5.4-1(b) (implement mechanism to limit traffic on Latrobe Road and White Rock Road) is proposed with modifications to clarify that the mechanisms need not be limited to growth control and may include any methods to control or limit traffic. These modifications do not alter the efficacy of the measure.

Mitigation Measure 5.4-1(d) (frequent transit service on an exclusive right of way to El Dorado Hills Business Park) was also proposed, with modifications. The measure was revised to require that the transit service and its associated exclusive right of way be considered, rather than mandated, for inclusion in the circulation diagram. Under this modification, the County could decide not to implement frequent transit service. However, the efficacy of such a transit system depends on a number of factors, such as the patterns of future development and population densities in the County and neighboring jurisdictions, levels of business park usage by the public and resulting travel patterns, and the public demand for transit. In addition, implementation of the other proposed mitigation measures is already projected to result in traffic levels that are consistent with the proposed LOS standards through 2025, including on roads serving the business park.



The effect of not mandating transit service to the Business Park is therefore uncertain, although it could reduce the efficacy of the measure if transit became a viable option and the County declined to implement the service. The construction of the roadway for this service would have additional environmental impacts associated with road construction, which could be avoided under the proposed modification if the transit system was not a necessary or viable.

The revisions made to Mitigation Measure 5.4-1(e) (providing concurrency and LOS policies following expiration of Measure Y and requiring traffic monitoring and development review program) as incorporated into the proposed General Plan will improve the effectiveness of that measure. The modifications (1) provide that Measure Y's prohibition on use of County tax revenues to fund certain road capacity improvements will continue after the expiration of Measure Y and (2) eliminate three roadway segments from the list of roads allowed to operate at LOS F after 2008 (Table TC-3). The first modification may affect the ability of the County to obtain funds for roadway capacity improvements, but will not lessen the LOS requirements imposed on new development. In addition, the modification is consistent with the expressed intent of the voters reflected in Measure Y. The second modification strengthens the mitigation by reducing the number of roadway segments that may operate at LOS F after 2008 from seven to four.

### **IMPACT 5.4-3: SHORT-TERM UNACCEPTABLE LOS CONDITIONS RELATED TO GENERATION OF NEW TRAFFIC IN ADVANCE OF TRANSPORTATION IMPROVEMENTS**

#### **Change to Mitigation Measure 5.4-3(a):      Modify Concurrency and Tax Revenue Policies and Transportation Financing Implementation Measures**

~~Revised Policy TC-1h: County tax revenues may be used to pay for building road capacity improvements to offset traffic impacts from new development projects.~~

Revised Implementation Measure TC-B: ~~The County shall r~~Revise and adopt traffic impact fee program(s) for unincorporated areas of the county and adopt additional funding mechanisms necessary to ensure that improvements contained in the fee programs are fully funded and capable of being implemented concurrently with new development as defined by Policy ~~TC-4~~ TC-Xf. The traffic fees should be designed to achieve the adopted level of service standards and preserve the integrity of the circulation system. The fee program(s) shall be updated annually with revised growth forecasts and construction cost estimates to ensure the programs continue to meet the requirements contained in the policies of this General Plan.

**Significance After Mitigation** – Significant and Unavoidable

#### **Effect on Efficacy of Mitigation**

Mitigation Measure 5.4-3(a) proposed two revisions to the concurrency policies. One, the revision of implementation measure TC-B to provide for the adoption of additional funding mechanisms necessary to ensure that improvements contained in County roadway fee programs are fully funded and capable of being implemented concurrently with new development, was incorporated into the proposed General Plan. The measure was further revised to require an annual update of the fee program(s) with revised growth forecasts and construction cost estimates, and to conform the policy reference in the measure. These modifications will improve the efficacy of the policy by ensuring that fee levels are annually adjusted to cover increases in the costs of constructing needed improvements.

The other policy change proposed by Mitigation Measure 5.4-3(a), the revision of Policy TC-1h to allow the County to use tax revenues to pay for capacity improvements necessitated by new development, was rejected.

This change will decrease the effectiveness of this mitigation measure by precluding the County from helping to pay for improvements necessitated by future development .

## **WATER RESOURCES**

### **IMPACT 5.5-1: INCREASED WATER DEMAND AND LIKELIHOOD OF SURFACE WATER SHORTAGES RESULTING FROM EXPECTED DEVELOPMENT**

#### **Change to Mitigation Measure 5.5-1(b): Ensure that Surface Water Supplies are Adequate and Physically Available Before Any New Development Occurs**

New Policy: ~~Prior to granting any tentative map or building permit approval in~~ In an area served by a public water purveyor or an approved private water system, the applicant for a tentative map or for a building permit on a parcel that has not previously complied with this requirement must provide a Water Supply Assessment that meets contains the criteria of information that would be required if a water supply assessment were prepared pursuant to Water Code section 10910 and. ~~In order to approve the tentative map or building permit for which the assessment was prepared the County (a) must find that by the time the first grading or building permit is issued in connection with the approval the surface water supply from existing water supply facilities is will be adequate and physically available to meet the highest projected demand that could be permitted by associated with the approval on the lands in question and (b) require that before the first grading permit or building permit is issued in connection with the approval, the applicant will have received sufficient water meters or a comparable supply guarantee to provide adequate water supply to meet the projected demand associated with the entire approval.~~ A water supply is adequate if the total entitled water supplies available during normal, single, dry, and multiple dry years within a 20-year projection will meet the highest projected demand associated with the approval, in addition to existing and 20-year projected planned future uses within the area served by the water supplier, including but not limited to, fire protection, agricultural and industrial uses, 95% of the time, with cutbacks calculated not to exceed 20% in the remaining 5% of the time. A water supply is “physically available” if sufficient infrastructure is in place to deliver adequate water supplies to the project or will be in place and the applicant has received a water meter by the time the first grading or building permit is issued in connection with the approval.

#### **Change to Mitigation Measure 5.5-1(c): Support Development of Water Conservation and Recycling Projects that Can Help Reduce Water Demand and Projected Shortages**

New Implementation Measure PS-H: (1) Work with all water purveyors the Water Agency and water service providers to develop and implement a program for application of water conservation Best Management Practices already being implemented by the El Dorado Irrigation District (EID) and in compliance with the related criteria established by the U.S. Bureau of Reclamation (USBR); and

~~(2) Develop~~ and implement a water use efficiency program for application to existing and new municipal residential, commercial/industrial, and agricultural water users for those areas not served by a water purveyor with an existing water use efficiency program. The program shall include identification of the types of programs that must utilize reclaimed water and address the feasibility of such use, consistent with Policy 5.2.1.10; ~~and~~

~~(3)~~ Amend the County Code to include water use efficiency requirements, which may include:

- Water-conserving design and equipment in new construction, including single-family residential developments.
- Water-conserving landscaping and other conservation measures for new residential development.
- Retrofitting existing development with water conserving devices.
- Water-conserving agricultural irrigation practices.
- Provide information/educational materials regarding water usage and conservation to the public.

~~Program development will require coordination with water service providers.~~

**Significance After Mitigation** – Significant and Unavoidable

**Effect on Efficacy of Mitigation**

The revisions made to the new policy set forth by Mitigation Measure 5.5-1(b) will not alter the effectiveness of this measure. The modification clarifies how the measure will be applied, and expressly includes fire protection as one of the water uses that must be considered in projecting available water supplies, but does not alter the substance of the measure, which is to establish a water assessment requirement for tentative map and building permit applications that will ensure that water supply is available to serve the proposed development as well as other existing and planned future uses within the area served by the water purveyor.

The revisions to the new implementation measure set forth by Mitigation Measure 5.5-1(c) would not alter the effectiveness of the measure. The modification merely deletes language that is redundant with Policy 5.2.1.10 and adds clarifying language, and does not make any substantive changes to the measure.

**IMPACT 5.5-3: INCREASE IN GROUNDWATER DEMAND AND RELATED IMPACTS**

**Change to Mitigation Measure 5.5-3: Increase the Likelihood that Groundwater Supplies are Conserved and Physically Available to Meet the Needs of Future Development**

Revised Policy 5.2.3.4: All applications for divisions of land and other discretionary or ministerial land uses which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process. The County shall not approve any discretionary or ministerial projects unless the County finds, based on evidence provided by the applicant, or other evidence that may be provided, that the groundwater ~~demand supply~~ for the project in question is adequate to meet the highest demand ~~of the proposed development~~ associated with the approval on the lands in question.

**Significance After Mitigation** – Significant and Unavoidable

**Effect on Efficacy of Mitigation**

The modifications to Mitigation Measure 5.5-3 correct an error in the original text of Revised Policy 5.2.3.4 and add make non-substantive clarifications to the text, but do not affect the intended substance of the measure or its efficacy.

#### **IMPACT 5.5-4: INCREASE IN WASTEWATER FLOWS AND RELATED INFRASTRUCTURE IMPACTS**

##### **Change to Mitigation Measure 5.5-4: Encourage Mitigation of the Environmental Impacts Related to Future Expansion of Wastewater Treatment Capacity**

New Policy: The County shall encourage ~~EID~~ wastewater treatment operators to design and implement future wastewater treatment capacity expansions in a manner that avoids or minimizes associated environmental impacts to the extent feasible.

**Significance After Mitigation** – Significant and Unavoidable

##### **Effect on Efficacy of Mitigation**

The revision made to the new policy set forth by Mitigation Measure 5.5-4 will not alter the effectiveness of this measure; the revision clarifies that the policy applies to all wastewater treatment operators and not only EID.

#### **IMPACT 5.5-8: INCREASE IN GROUNDWATER POLLUTANTS FROM ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS) (SEPTIC SYSTEMS)**

##### **Change to Mitigation Measure 5.5-8: Monitor Performance of Septic Systems Annually**

New Policy: ~~EMD shall conduct an annual monitoring program of all septic systems installed since implementation of Ordinance 4542, Chapter 15.32. The program shall include visual inspection of the port/riser facility on each leach field. If the inspection program detects operational problems, an order shall be issued to the system owner to fix the problem within a reasonable time to protect ground and surface water resources, as determined by the Director of EMD. The Environmental Management Department (EMD) shall develop a septic system monitoring program.~~

New Measure PS-K: Develop and implement a monitoring program for septic systems. The program shall include guidelines for inspection of experimental systems, known or suspected problem areas, countywide spot site inspections, and remediation of operational problems identified during monitoring. Responsibility: Environmental Management Department. Timeframe: Develop and implement program within three years of General Plan adoption.

**Significance After Mitigation** – Less than Significant

##### **Effect on Efficacy of Mitigation**

The revisions made to this Mitigation Measure 5.5-8 will not diminish and may improve its effectiveness. The revisions to the policy require the Environmental Management Department to develop a monitoring program, and new Implementation Measure PS-K establishes minimum criteria for that program. The new measure expands the scope of the required monitoring program to cover existing septic systems, not just newer ones. As discussed in the EIR, septic systems installed after the County's adoption of Ordinance 4542 in 1999, are unlikely to fail if monitored and maintained properly by their owners. Expansion of the monitoring program to include older systems will allow for the detection of problems in systems that are more likely to fail. The new measure eliminates the requirement for annual monitoring that was in the mitigation measure proposed in the EIR, but requires that the program at a minimum provide for spot site inspections. Because the vast majority of septic systems are functioning properly, the annual monitoring requirement would yield little or no benefits over a monitoring program that allows the County to target its monitoring resources to the most likely problem areas, combined with a spot site inspection program. Such a

program is expected to achieve a comparable level of homeowner maintenance and compliance with County standards as annual monitoring. The Department retains discretion under the policy to expand the monitoring program if needed to include broader monitoring requirements or other enforcement strategies.

## UTILITIES

### IMPACT 5.6-5: POTENTIAL FOR LAND USE INCOMPATIBILITY AND OTHER IMPACTS OF NEW AND EXPANDED SOLID WASTE AND HAZARDOUS-WASTE FACILITIES

#### Change to Mitigation Measure 5.6-5(b): Implement Mitigation Measure 5.1-3(d)

**Significance After Mitigation** – Significant and Unavoidable

#### Effect on Efficacy of Mitigation

The EIR proposed Mitigation Measures 5.6-5(a) (implement Mitigation Measure 5.1-3(b)) and 5.6-5(b) (implement Mitigation Measure 5.1-3(d)) to mitigate impacts relating to the potential for land use incompatibility arising from new or expanded waste facilities. As discussed below in the findings for Impact 5.7-1, the modifications to Mitigation Measure 5.1-3(d) do not affect its efficacy.

## PUBLIC SERVICES

### IMPACT 5.7-1: POTENTIAL LAND USE INCOMPATIBILITY ASSOCIATED WITH DEVELOPMENT AND EXPANSION OF LAW ENFORCEMENT FACILITIES

#### Change to Mitigation Measure 5.7-1(b): Implement Mitigation Measure 5.1-3(d)

Revise the Land Use Element of the General Plan as follows:

~~Revised New Policy 2.2.5.22 LU 3n [Policy LU 3o for the Environmentally Constrained Alternative]: To promote land use compatibility, Schools and other public buildings and facilities shall be directed to Community Regions or and Rural Centers where feasible and shall be considered compatible outside of Community Regions and Rural Centers when facilities will be located and designed in a manner that avoids any substantial incompatibility with land uses permitted on adjoining lands. The following shall be considered when reviewing capital improvement plans and proposals for new facilities by other agencies:~~

- ~~A. Schools shall be considered incompatible on land designated Industrial, Research and Development, Agriculture, Natural Resources and Open Space;~~
- ~~B. Active parkland (i.e., playgrounds and ball fields) shall be considered incompatible on land designated Natural Resources and Open Space;~~
- ~~C. Fire stations, public service buildings, and other similar public facilities shall be considered appropriate in all land use designations except Natural Resources and Open Space.~~
- ~~D. Industrial public facility uses such as wastewater treatment facilities shall be considered appropriate in the Industrial and Natural Resources land use designations. Water storage facilities shall be considered appropriate in all land use designations where size and design are compatible with the setting.~~

In Implementation Measure LU-A, include the following in the list of items to be included in the Zoning Ordinance update:

- Identify the zoning districts in which government facilities are appropriate.

**Significance After Mitigation -- Less Than Significant**

**Effect on Efficacy of Mitigation**

The modifications will not affect the efficacy of this mitigation measure. As originally proposed, the policy directed new public facilities to Community Regions and Rural Centers, and set forth designations that would be deemed compatible for certain types of facilities, and incompatible for other types of facilities. The modifications recognize that compatibility depends on a case-by-case analysis of the particular uses and conditions at issue. Accordingly, they eliminate the automatic compatibility and incompatibility status of certain facilities in the enumerated designations, and do not automatically preclude new facilities in Rural Regions. Instead, compatibility will be determined based the location and design of a particular facility and its compatibility with permitted uses on adjoining lands. The modified policy will ensure the compatibility of new public facilities as well as the policy proposed in the EIR.

**IMPACT 5.7-2: POTENTIAL LAND USE INCOMPATIBILITY ASSOCIATED WITH DEVELOPMENT AND EXPANSION OF FIRE PROTECTION AND EMERGENCY SERVICES AND MEDICAL FACILITIES**

**Change to Mitigation Measure 5.7-2(b): Implement Mitigation Measure 5.1-3(d)**

**Significance After Mitigation -- Less Than Significant**

**Effect on Efficacy of Mitigation**

The EIR proposed Mitigation Measures 5.7-2(a) (implement Mitigation Measure 5.1-3(b)) and 5.7-2(b) (implement Mitigation Measure 5.1-3(d)) to mitigate impacts relating to the potential for land use incompatibility arising from new or expanded fire protection, emergency services, and medical facilities. As discussed above in the findings for Impact 5.7-1, the modifications to Mitigation Measure 5.1-3(d) do not affect its efficacy.

**IMPACT 5.7-3: POTENTIAL LAND USE INCOMPATIBILITY ASSOCIATED WITH DEVELOPMENT AND EXPANSION OF PUBLIC SCHOOL FACILITIES**

**Change to Mitigation Measure 5.7-3(b): Implement Mitigation Measure 5.1-3(d)**

**Significance After Mitigation – Significant and Unavoidable**

**Effect on Efficacy of Mitigation**

The EIR proposed Mitigation Measures 5.7-3(a) (implement Mitigation Measure 5.1-3(b)) and 5.7-3(b) (implement Mitigation Measure 5.1-3(d)) to mitigate impacts relating to the potential for land use incompatibility arising from new or expanded public school facilities. The EIR identified no other mitigation measures to reduce this impact. As discussed above in the findings for Impact 5.7-1, the modifications to Mitigation Measure 5.1-3(d) do not affect its efficacy.

**IMPACT 5.7-4: POTENTIAL LAND USE INCOMPATIBILITY ASSOCIATED WITH DEVELOPMENT AND EXPANSION OF LIBRARY FACILITIES**

**Change to Mitigation Measure 5.7-4(b):      Implement Mitigation Measure 5.1-3(d)**

**Significance After Mitigation -- Less Than Significant**

**Effect on Efficacy of Mitigation**

The EIR proposed Mitigation Measures 5.7-4(a) (implement Mitigation Measure 5.1-3(b)) and 5.7-4(b) (implement Mitigation Measure 5.1-3(d)) to mitigate impacts relating to the potential for land use incompatibility arising from new or expanded library facilities. As discussed above in the findings for Impact 5.7-1, the modifications to Mitigation Measure 5.1-3(d) do not affect its efficacy.

**IMPACT 5.7-5: DETERIORATION OF EXISTING PARK AND RECREATION FACILITIES AND NEED FOR NEW FACILITIES**

**Change to Mitigation Measure 5.7-5: Provide Funding Mechanisms for New Park Development**

New (Replacement) Policy 9.2.2.5: The County shall establish a ~~countywide~~ development fee program applicable to all new development to fund park and recreation improvements and acquisition of parklands such that minimum neighborhood, community, and regional park standards are achieved. This fee is in addition to Quimby Act requirements that address parkland acquisition only. The fee will be adjusted periodically to fully fund the improvements identified in the Parks and Capital Improvement Program concurrent with development over a five-year period.

**Significance After Mitigation -- Less Than Significant**

**Effect on Efficacy of Mitigation**

The revision made to Policy 9.2.2.5 in Mitigation Measure 5.7-5 would not reduce its effectiveness. The change is necessary to clarify that the fee program need not be uniform throughout the County, and that the County may tailor the program to address the differing needs of different parts of the County. The modification does not change the requirement to establish a fee program that is sufficient to fund necessary park development.

**IMPACT 5.7-6: POTENTIAL LAND USE INCOMPATIBILITY ASSOCIATED WITH DEVELOPMENT OF PARK AND RECREATION FACILITIES**

**Change to Mitigation Measure 5.7-6(b):      Implement Mitigation Measure 5.1-3(d)**

**Significance After Mitigation -- Less Than Significant**

**Effect on Efficacy of Mitigation**

The EIR proposed Mitigation Measures 5.7-6(a) (implement Mitigation Measure 5.1-3(b)) and 5.7-6(b) (implement Mitigation Measure 5.1-3(d)) to mitigate impacts relating to the potential for land use incompatibility arising from new or expanded park and recreation facilities. As discussed above in the findings for Impact 5.7-1, the modifications to Mitigation Measure 5.1-3(d) do not affect its efficacy.

## HUMAN HEALTH AND SAFETY

### IMPACT 5.8-9: PUBLIC EXPOSURE TO ASBESTOS

#### Change to Mitigation Measure 5.8-9(b): Strengthen Naturally Occurring Asbestos and Dust Protection Standards

New Policy: The County shall require that all discretionary projects and all projects requiring a grading permit, or a building permit that would result in earth disturbance, that are located in areas likely to contain naturally occurring asbestos (based on mapping developed by the Department of Conservation [DOC]) have a California-registered geologist knowledgeable about asbestos-containing formations inspect the project area for the presence of asbestos using appropriate test methods. The County shall amend the Erosion and Sediment Control Ordinance to include a section that addresses the reduction of thresholds to an appropriate level for grading permits in areas likely to contain naturally occurring asbestos (based on mapping developed by the DOC California Department of Conservation). Department of Transportation DOT and the County Air Quality Management District shall consider the requirement of posting a “Hazardous Conditions” “Warning” sign at the work site in areas likely to contain naturally occurring asbestos based on the mapping developed by the DOC. if the site has been determined to contain harmful levels of asbestos material.

#### Change to Mitigation Measure 5.8-9(c): Provide Disclosure of Naturally Occurring Asbestos on Properties

New Policy: The County shall establish a property deed notification mandatory disclosure program, where potential buyers and sellers of real property in all areas likely to contain naturally occurring asbestos (based on mapping developed by the DOC) are provided information regarding the potential presence of asbestos on properties subject to sale. Information shall include potential for exposure from access roads and from disturbance activities (e.g., landscaping). Disclosure of the potential for asbestos must be placed on the deed and notification provided through title.

**Significance After Mitigation -- Less Than Significant**

#### Effect on Efficacy of Mitigation

The revisions made to the new policy set forth by Mitigation Measure 5.8-9(b) would improve the effectiveness of this measure because it adds all discretionary projects to the scope of the policy and clarifies that the warning sign requirement applies to all areas likely to have to asbestos according to DOC mapping, rather than only to those lands for which an asbestos-related determination has been made. In addition, the revisions made to the new policy set forth by Mitigation Measure 5.8-9(c) would not diminish and may improve the effectiveness of this measure because the mandatory disclosure program would serve as an equal or better form of notice to potential purchasers of property than deed notice, without encumbering title.

### IMPACT 5.8-10: INCREASED POTENTIAL FOR FIRE INCIDENTS AND FIRE HAZARDS

#### Change to Mitigation Measure 5.8-10(b): Preclude Development in Areas of High Wildland Fire Hazard

New Policy: The County shall preclude development in areas of high and very high wildland fire hazard unless it can be demonstrated that the hazard can be reduced to a moderate or better level



~~as determined by the local fire protection district and the California Department of Forestry and Fire Protection.~~ or in areas identified as “urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire,” as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.

**Significance After Mitigation** – Significant and Unavoidable

### **Effect on Efficacy of Mitigation**

The revisions made to the new policy set forth by Mitigation Measure 5.8-10(b) would improve the effectiveness of this measure by expanding the areas in which development is precluded (or must be conditioned) to include certain identified urban wildland interface communities near federal lands, and providing that a Fire Safe Plan approved by local fire district or by CDF is required to demonstrate that such development can be adequately protected before an exception to the prohibition is permitted.

## **GEOLOGY, SOILS, AND MINERAL RESOURCES**

### **IMPACT 5.9-4: ADDITIONAL DEVELOPMENT THAT COULD AFFECT THE RATE OR EXTENT OF EROSION**

#### **Change to Mitigation Measure 5.9-4(b): Restrict Development or Disturbance on Steep Slopes**

Revised Policy 7.1.2.1: Development or disturbance shall be prohibited on slopes exceeding ~~25%~~ 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes ~~25%~~ 30 percent and greater when:

- Reasonable use of the property would otherwise be denied.
- The location is necessary for the protection of the public health, safety, and welfare (including Fire Safe requirements) and there is no feasible alternative, as determined by a California-registered civil engineer, certified ~~or~~ engineering geologist, local fire district, or State fire official.
- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California-registered civil engineer or ~~an~~ certified engineering geologist.
- Replacement or repair of existing structures would occur in substantially the same footprint.
- The use is a horticultural or grazing use that utilizes “best management practices (BMPs)” recommended by the County Agricultural Commission and adopted by the Board of Supervisors

Access corridors on slopes ~~25-30 percent~~ and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation. Septic systems may only be located on slopes under ~~25-30 percent~~. Roads needed to complete circulation/access and for emergency access may be constructed on such cross slopes if all other standards are met.

## **Change to Mitigation Measure 5.9-4(c): Apply Erosion Control Measures to Agricultural Grading**

New Policy: The County shall require agricultural grading activities that convert one acre or more of undisturbed vegetation to agricultural cropland to obtain ~~a grading permit~~ an agricultural permit through the Agricultural Commissioner's office which may require approval of the Agricultural Commission. All erosion control measures included in the ~~grading~~ agricultural permit would be implemented. All agricultural practices, including fuel reduction and fire protection, that do not change the natural contour of the land and that use "best management practices" as recommended by the County Agricultural Commission and adopted by the Board of Supervisors shall be exempt from this policy.

New Implementation Measure: ~~The County shall amend the Grading Ordinance to incorporate the provisions of this mitigation measure.~~ Develop an agricultural permit program that includes standards for agricultural operations comparable to those in the Grading Ordinance and considers other issues important to the protection of agricultural lands.

New Implementation Measure AF-K: General Plan policies 7.1.2.1, 7.1.2.7, 7.3.3.4, and 7.4.2.2 provide that their requirements do not apply to agricultural operations if those operations are conducted in accordance with Best Management Practices adopted by the Board of Supervisors. Accordingly, in consultation with the Agricultural Commission and the University of California Cooperative Extension, the County shall develop Agricultural Best Management Practices for adoption by the Board of Supervisors and use by agricultural operations in complying with General Plan policies 7.1.2.1, 7.1.2.7, 7.3.3.4, and 7.4.2.2. The Best Management Practices shall provide a level of resource protection comparable to that of the referenced policies.

**Significance After Mitigation -- Significant and Unavoidable**

### **Effect on Efficacy of Mitigation**

The DEIR identified increases in erosion resulting from new construction and agricultural operations as a significant impact and proposed three mitigation measures to reduce this impact to a less than significant level, including Mitigation Measures 5.9-4(b) and (c).

The Board made several modifications to Mitigation Measure 5.9-4(b). It added language to clarify that the health and safety concerns that could allow for an exception to the slope thresholds include Fire Safe requirements if determined to be necessary by the local fire district or state fire official, and that engineering geologists making determinations pursuant to the exceptions are to be certified. These changes do not affect the substance of the measure. In addition, modifications (1) establish slope thresholds of 30 percent slope instead of 25 percent, and (2) exempt horticultural uses and grazing activities from the 30 percent slope prohibition if the use utilizes best management practices ("BMPs") recommended by the County Agricultural Commission and adopted by the Board of Supervisors. The Board also proposed a new implementation measure that requires the County to consult with the University of California Cooperative Extension and the Agricultural Commission to develop Agricultural BMPs for adoption by the Board, and that such BMPs provide a level of resource protection that is comparable to that provided by this policy and the other policies that provide for agricultural exceptions.

The modified measure would still substantially reduce the erosion impact identified in the EIR. The thresholds for development (other than access) have been reduced from the original 40 percent to 30 percent, and the policy has been strengthened to apply to "disturbance" as well as "development," and to "prohibit" rather than simply "discourage" development over the threshold.

In addition, as discussed in the EIR, development on slopes is subject to several existing County regulations. For example, the County's review process for subdivision projects requires the implementation of an erosion control plan, as well as conformance with the County Design and Improvements Standards Manual. The Design Manual includes the County's Hillside Design Standards, which specify minimum frontage and lot-size to slope relationships applicable to lots with a slope of ten percent or greater and prescribe best management practices for discretionary development projects on steep slopes. Grading and earthwork activities associated with development are with certain exceptions subject to the County's Grading, Erosion and Sediment Control Ordinance. In addition, the County's Grading Ordinance and Design Standards Manual have recently been revised to implement the County's new Storm Water Management Program prepared pursuant to the federal Clean Water Act. The new requirements will apply to projects disturbing one acre or more and are expected to be substantially more effective at controlling erosion than an indiscriminate slope limitation.

The exception to the 30 percent slope limit for agricultural activities is also limited. It applies only if the Board has adopted Agricultural BMPs for the County that provide a level of resource protection that is comparable to that provided by this and other General Plan polices, and those BMPs are utilized in the agricultural activity at issue. Agricultural BMPs, such as those that have been developed by the USDA Natural Resources Conservation Service and the University of California Cooperative Extension, can include measures and procedures to reduce erosion through proper grading, development of conservation cover, and correct rates of water application, and can address application of those techniques to sloped areas, to stream channels, and various types of plantings. The combination of application of County-approved BMPs and the requirement to comply with Regional Water Quality Control Board-imposed conditional waivers controlling runoff from agricultural lands (see discussions on pages 5.5-116 through 5.5-118 of the Draft EIR) would reduce the potential for agricultural activities to cause excessive erosion.

However, the modification to the slope requirements proposed as Mitigation Measure 5.9-4(b) are expected to lessen the effectiveness of the measure. Some development on slopes between 25 and 30 percent, and some agricultural grading activities on slopes above 30 percent, which would have been prohibited under proposed Mitigation Measure 5.9-4(b), can be expected to occur. It is not possible to quantify the incremental effect of allowing this additional development. The severity of erosion impacts depend on a number of factors in addition to slope, including soil type, vegetation, drainage contour, and site placement, as well as the implementation of best management practices, and in many cases development can occur on lands with 30 percent slopes without significant erosion impacts. The natural slope for a particular soil type tends to be a good indicator of slope stability for that soil type. Natural slopes for many of the soil types identified in the Soil Conservation Service Soil Survey of El Dorado Area, California are in some cases as high as 70 percent. In addition, engineered solutions for controlling erosion on steep slopes are typically available. As discussed above, development will be subject to a number of County requirements designed to substantially reduce erosion. However, it is expected that the modification of the slope threshold will generally result in more development on steeper slopes than would otherwise occur under the mitigation proposed in the EIR, which could increase erosion impacts in some cases, thereby reducing the effectiveness of the proposed mitigation.

The Board also proposed, with modifications, Mitigation Measure 5.9-4(c). The modifications (1) replace the grading permit requirement for agricultural grading activities with an agricultural permit through the Agricultural Commissioner's office (2) require that all erosion control measures included in the grading agricultural permit be implemented, and (3) add an exception to the permit requirement for agricultural practices that do not change the natural contour of the land, if they include the use of BMPs recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

The modifications to Mitigation Measure 5.9-4(c) will not reduce its effectiveness. The measure as modified will subject agricultural grading activities (which are not presently subject to permit review) to a

review process that is comparable to the grading permit process. The exception to the permit requirement applies only to activities that do not involve ground disturbance, and then only if the activity incorporates BMPs that have been adopted by the Board as providing a comparable level of resource protection.

In sum, the proposed mitigation measures will substantially reduce the severity of Impact 5.9-4, but will be less effective in preventing erosion than proposed Mitigation Measure 5.9-4(b). The effect of the modification, though incremental, is to change the significance of the impact after mitigation from less than significant to significant.

#### **IMPACT 5.9-5: REDUCTION IN THE ACCESSIBILITY OF MINERAL RESOURCES**

##### **Change to Mitigation Measure 5.9-5(a): Restrict Land Use Designations in Areas that May Contain Important Mineral Resources**

Revised Policy 2.2.2.7: The purpose of the Mineral Resource (-MR) overlay designation is to identify those areas that are designated as Mineral Resource Zone 2 (MRZ 2xx) on the State Classification Reports. Only the following land use designations shall be appropriate in areas designated MRZ-2xx in the State Classification Reports. The -MR overlay shall only be considered appropriate with the following base land use designations:

- Natural Resource (NR)
- Agricultural Land (AL)
- Open Space (OS)
- Industrial (I)
- Commercial (C)
- Public Facilities (PF)
- Rural Residential (RR)
- Low-Density Residential (LDR)

If appropriate, said properties shall also be similarly zoned with Mineral Resource (-MR) combining zone district in conformance with Policy 7.2.1.2. Industrial uses shall be limited to those uses compatible with mineral exploration.

Revised Policy 7.2.2.2: The General Plan designations, as shown on the General Plan land use maps, which are considered potentially compatible with surface mining shall include:

- Natural Resource (NR)
- Agricultural Land (AL)
- Open Space (OS)
- Industrial (I)

- Commercial (C)
- Public Facilities (PF)
- Rural Residential (RR)
- Low-Density Residential (RR)

All other General Plan designations are determined to be incompatible for surface mining. Industrial uses shall be limited to those compatible with mineral exploration.

**Change to Mitigation Measure 5.9-5(b):** ~~Amend General Plan Land Use Maps to Remove Land Uses Incompatible with Mineral Resource Overlay Areas~~

**Significance After Mitigation** -- Significant and Unavoidable

**Effect on Efficacy of Mitigation**

Mitigation Measures 5.9-5(a) and (b) proposed deletion of Commercial, Public Facilities, Rural Residential and Low Density Residential General Plan Designations from the list of designations that would be considered potentially compatible with the Mineral Resources (-MR) Overlay, and would have required the land use map to be revised to remove these base designations from lands within the -MR Overlay. The EIR identifies no additional measures that would avoid or further reduce this impact.

The proposed modifications are a rejection of these measures. However, although the rejection of this measure would allow some additional development in and near -MR lands, the measure would not have been effective at preventing the indirect impacts of such development on mineral resource accessibility in light of existing residential development and the effect of Measure A. GIS analysis indicates that, based on the location of existing developed residential parcels, Measure A's 10,000-foot buffer requirement already precludes new mining in most of the County, including the entirety of the -MR Overlay area. (See Exhibit 1, El Dorado County Planning Department, June 23, 2004).

The additional revision made to Policies 2.2.2.7 and 7.2.2.2 to include the new Agricultural Lands designation on the list of land use designations for which the -MR overlay is considered appropriate would not worsen this impact. Most agricultural uses do not create permanent coverage that would directly preclude future mineral extraction. In addition, for the reasons stated above, the designation would not have an indirect impact on mineral resource extraction because mining activities in the -MR Overlay are currently precluded by Measure A.

Because there are no available measures to effectively reduce the impact on mineral resource accessibility in view of Measure A, Impact 5.9-5 will not be reduced to a less-than-significant level.

**NOISE**

**IMPACT 5.10-1: EXPOSURE OF NOISE-SENSITIVE LAND USES TO SHORT-TERM (CONSTRUCTION) NOISE**

**Change to Mitigation Measure 5.10-1: Limit Noise-Generating Construction Activities.**

Renumber tables referenced in new Policy 6.5.1.11 to reference tables in the Public Health, Safety, and Noise Element.

**Significance After Mitigation** – Significant and Unavoidable

**Effect on Efficacy of Mitigation**

Policy 6.5.1.11 was revised to reference the applicable tables; this is a non-substantive change.

**AIR QUALITY**

**IMPACT 5.11-2: LONG-TERM OPERATIONAL (REGIONAL) EMISSIONS OF ROG, NO<sub>x</sub>, AND PM<sub>10</sub>**

**Change to Mitigation Measure 5.11-2(d): Regulate Wood-Burning Fireplaces and Stoves in New Development**

New Policy: The County shall regulate wood-burning fireplaces and stoves in all new development. Environmental Protection Agency (EPA)-approved stoves and fireplaces burning natural gas or propane are allowed. ~~The County shall require replacement of non-certified wood heaters upon sale of any residential, commercial or industrial property before the completion of escrow and developers of subdivisions shall retrofit non-certified wood heaters in an equal number of homes with EPA certified units. The County shall restrict the sale and installation of used wood heaters.~~ The County shall discourage the use of non-certified wood heaters and fireplaces during periods of unhealthy air quality.

**Significance After Mitigation** – Significant and Unavoidable

**Effect on Efficacy of Mitigation**

The revisions made to the new policy set forth by Mitigation Measure 5.11-2(d) eliminate the requirement that existing non-certified wood burning stoves and fireplaces be replaced by owners prior to the sale of property, that non-certified wood heaters be retrofit by subdividers, and that the County restrict the sale of used non-certified wood heaters. Impacts from wood burning sources are limited by restrictions on the use of non-EPA certified stoves in new homes, and will be further lessened by Mitigation Measure 5.11-2(e), which requires the County to develop an incentive program for replacing existing non-certified stoves. These measures will ensure that new development does not contribute substantially to pollutants from wood-burning sources, and will encourage replacement of existing systems that do not meet current EPA standards. However, a voluntary incentive program will not result in retrofitting of existing polluting systems at the same rate as a mandatory retrofit program. Because emissions from existing non-certified wood stoves and wood burning fireplaces substantially contribute to the County’s air quality problems, particularly with respect to reactive organic gases, carbon monoxide, and particulate matter, the proposed modification to this measure would decrease the effectiveness of the measure.

**BIOLOGICAL RESOURCES**

**IMPACT 5.12-1: LOSS AND FRAGMENTATION OF WILDLIFE HABITAT**

**Change to Mitigation Measure 5.12 1(a): Implement Mitigation Measure 5.9-4(b)**

**Change to Mitigation Measure 5.12-1(c): Implement Mitigation Measure 5.9-6(a)**

## **Changes to Mitigation Measure 5.12-1(e): Adopt a No-Net-Loss Policy and Mitigation Program for Important Habitat**

New (Replacement) Policy 7.4.1.6: All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

The County Agricultural Commission, Plant and Wildlife Technical Advisory Committee, representatives of the agricultural community, academia and other stakeholders shall be involved and consulted in defining the important habitats of the County and in the creation and implementation of the Integrated Natural Resources Management Plan (INRMP).

New Implementation Measure CO-U: Mitigation under Policy 7.4.1.6 shall include providing sufficient funding to the County's conservation fund to acquire and protect important habitat at a minimum 2:1 ratio. The costs associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. For larger development projects (i.e., those that exceed a total of 10 acres), in addition to contributing to the conservation fund at a minimum 2:1 ratio, onsite preservation and/or restoration of important habitat shall be required at a 1:1 ratio. Impacts on important habitat and mitigation requirements shall be addressed in a Biological Resources Study and an Important Habitat Mitigation Program (described below).

- A. Biological Resources Study. The County shall adopt biological resource assessment standards that apply to all discretionary projects that would result in disturbance of soil and native vegetation in areas that include important habitat as defined in the INRMP. The assessment of the project site must be in the form of an independent Biological Resources Study, and must be completed by a qualified biologist. The evaluation shall quantify the amount of important habitat, by habitat type, as defined in General Plan and delineated on maps included in the INRMP. The Biological Resources Study shall also address the potential for the project to adversely affect important habitat through conversion or fragmentation. This requirement shall not apply to projects that are on lands that either (1) have already been the subject of a study and for which all mitigation requirements are being implemented or (2) have been evaluated by the County and found to not possess any important habitat resources.
- B. Important Habitat Mitigation Program. The Biological Resource Study shall include an Important Habitat Mitigation Program that identifies options that would avoid, minimize, or compensate for impacts on important habitats in compliance with the standards of the INRMP and the General Plan. All mitigation programs shall include a monitoring and reporting component requiring reports to the County not less than once each year for a period of not less than 10 years. The report will include a description of the lands included in the mitigation program (including location and size), a summary of the evaluation criteria established at the time the mitigation program was approved, an evaluation of the mitigation program based on those criteria, and recommendations for action during the following year. The County shall adopt standards for evaluating mitigation programs proposed as part of the Biological Resources Study described above. The standards shall ensure that the mitigation reduces direct and cumulative impacts of proposed development on important habitats to less than significant levels in accordance with CEQA thresholds.

~~For all grading projects that will result in the conversion of one or more acres of important habitat to agriculture, the County shall require mitigation in the form of a fee in support of the County's conservation fund. When less than 10 acres of important habitat would be removed, the fee shall be sufficient to acquire, restore, and manage one acre of equivalent habitat for every acre of loss. When 10 acres or more of important habitat will be removed, the fees shall be sufficient to acquire, restore, and manage two acres for every acre of loss.~~

**Changes to Mitigation Measure 5.12-1(f): Require Mitigation for Loss of Woodland Habitat**

Replace Policy 7.4.4.4 with the following:

New Policy 7.4.4.4: For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1% total canopy cover or (2) are less than an acre and have at least 10% total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's INRMP conservation fund described in Policy 7.4.2.8 Mitigation Measure 5.12-1(d).

Option A

The County shall apply the following tree canopy retention standards:

<u>Percent Existing Canopy Cover</u>	<u>Canopy Cover to be Retained</u>
80-100	60% of existing canopy
60-79	70% of existing canopy
40-59	80% of existing canopy
20-39	85% of existing canopy
10-19	90% of existing canopy
1-9 for parcels > 1 acre	90% of existing canopy

Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8 Mitigation Measure 5.12-1(d). Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.

Option B



The project applicant shall provide sufficient funding to the County's INRMP's conservation fund, described in Policy 7.4.2.8 Mitigation Measure 5.12-1(d), to fully compensate for the impact to oak woodland habitat. To compensate for fragmentation as well as habitat loss, the preservation mitigation ratio shall be 2:1 and based on the total woodland acreage onsite directly impacted by habitat loss and indirectly impacted by habitat fragmentation. The costs associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8 Mitigation Measure 5.12-1(d).

### **Changes to Mitigation Measure 5.12-1(g): Develop and Implement an Oak Tree Preservation Ordinance**

New (Replacement) Policy 7.4.5.2: It shall be the policy of the County to preserve native oaks wherever feasible, through the review of all proposed development activities where such trees are present on either public or private property, while at the same time recognizing individual rights to develop private property in a reasonable manner. To ensure that oak tree loss is reduced to reasonable acceptable levels, the County shall develop and implement an Oak Tree Preservation Ordinance that includes the following components:

- A. Oak Tree Removal Permit Process. Except under special exemptions, a tree removal permit shall be required by the County for removal of any native oak tree with a single main trunk of at least 6" diameter at breast height (dbh), or a multiple trunk with an aggregate of at least 10" dbh. Special exemptions when a tree removal permit is not needed shall include tree removal of trees less than 36 inches in diameter at breast height on: 1) lands in Williamson Act contracts, Farmland Security Zone Programs, Timber Production Zones, Agricultural Districts, designated Agricultural Land (AL), and actions pursuant to a Fire Safe plan; 2) all single family residential lots of one acre or less that cannot be further subdivided; 3) when a native oak tree is cut down on the owner's property for the owner's personal use; and 4) when written approval has been received from the County Planning Department. In passing judgment upon tree removal permit applications, the County may impose such reasonable conditions of approval as are necessary to protect the health of existing oak trees, the public and the surrounding property, or sensitive habitats. The County Planning Department may condition any removal of native oaks upon the replacement of trees in kind. The replacement requirement shall be calculated based upon an inch for inch replacement of removed oaks. The total of replacement trees shall have a combined diameter of the tree(s) removed. Replacement trees may be planted onsite or in other areas to the satisfaction of the County Planning Department. The County may also condition any tree removal permit that would affect sensitive habitat (e.g., valley oak woodland), on preparation of a Biological Resources Study and an Important Habitat Mitigation Program as described in Mitigation 5.12-1(e) Policy 7.4.1.6. If an application is denied, the County shall provide written notification, including the reasons for denial, to the applicant.
- B. Tree Removal Associated with discretionary project. Any person desiring to remove a native oak shall provide the County with the following as part of the project application:
- a written statement by the applicant or an arborist stating the justification for the development activity, identifying how trees in the vicinity of the project or construction site will be protected and stating that all construction activity will follow approved preservation methods;

- a site map plan that identifies all native oaks on the project site; and
- a report by a certified arborist that provides specific information for all native oak trees on the project site.

C. Commercial Firewood Cutting. Fuel wood production is considered commercial when a party cuts firewood for sale or profit. An oak tree removal permit shall be required for commercial firewood cutting of any native oak tree. In reviewing a permit application, the Planning Department shall consider the following:

- whether the trees to be removed would have a significant negative environmental impact;
- whether the proposed removal would not result in clear-cutting, but will result in thinning or stand improvement;
- whether replanting would be necessary to ensure adequate regeneration;
- whether the removal would create the potential for soil erosion;
- whether any other limitations or conditions should be imposed in accordance with sound tree management practices; and
- what the extent of the resulting canopy cover would be.

D. Penalties. Fines will be issued to any person, firm, or corporation that is not exempt from the ordinance who damages or destroys an oak tree without first obtaining an oak tree removal permit. Fines may be as high as three times the current market value of replacement trees as well as the cost of replacement, and/or replacement of up to three times the number of trees required by the ordinance. If oak trees are removed without a tree removal permit, the County Planning Department may choose to deny or defer approval of any application for development of that property for a period of up to 5 years. All monies received for replacement of illegally removed or damaged trees shall be deposited in the County's Integrated Natural Resources Management Plan (INRMP) conservation fund.

**Significance After Mitigation** – Significant and Unavoidable

**Effect on Efficacy of Mitigation**

Mitigation Measure 5.12-1(a) proposed the adoption of Mitigation Measure 5.9-4(b) (restricting development on steep slopes). As discussed above with respect to Impact 5.9-4, this measure has been proposed by the Board with certain modifications. The proposed measure would substantially improve protection of habitat on steep slopes by changing the policy “discouraging” development on slopes of 40 percent or more to one generally prohibiting development on slopes of 30 percent or more, but would provide less protection than the measure as proposed in the EIR, which would have applied to all slopes over 25 percent. As revised, the policy would allow some development on slopes between 25 and 30 percent, and could impact habitat in that range. In addition, the modified measure would include an exception for agricultural and grazing activities that utilize BMPs adopted by the Board. This could result in some conversion to agricultural uses of habitat on lands with over 30 percent slope that would otherwise be prohibited by the measure as proposed in the EIR, although the impacts of this additional conversion would be substantially offset by the implementation of agricultural BMPs. Taken together, however, the modifications will reduce the effectiveness of Mitigation Measure 5.12-1(a) in mitigating for habitat loss.

The Board has proposed rejecting Mitigation Measure 5.12-1(c), which would have prohibited mining on lands designated Open Space, thereby reducing the effects of mining on habitat located within that designation. However, as discussed above with respect to Impact 5.9-5, Measure A's 10,000-foot buffer requirement already precludes new mining in most of the County, including the entirety of the –MR Overlay area. (El Dorado County Planning Department, June 23, 2004) and all areas designated Open Space. Accordingly, adoption of the measure proposed in the EIR would not have any practical effect on preserving habitat. In addition, to the extent any open space areas contain important habitat or other biological resources, development such as mining that could impact those resources would be subject to the other mitigation measures designed to protect those resources and incorporated into the proposed General Plan (see, e.g., Mitigation Measures 5.12-1(a), (b), (d), (e), (f) and (g)). In light of these protections and the severe restrictions already imposed by Measure A on the ability of new mining activities to locate in the County, the rejection of this mitigation measure would result in only slightly greater impacts related to the loss and fragmentation of wildlife habitat.

Mitigation Measure 5.12-1(e), as proposed in the EIR, would establish a no-net-loss policy and mitigation program for impacts to important habitats, including the requirement to provide funding sufficient to acquire and protect important habitat equivalent to that which is impacted. The proposed measure would have required agricultural projects resulting in the conversion of one or more acres of important habitat to pay a fee sufficient to acquire, preserve and restore important habitat at a 1:1 ratio, and for 10 or more acres of conversion, a 2:1 ratio would be required. The modification to the measure in the proposed General Plan, in addition to adding language to the policy identifying certain stakeholders that shall be consulted in the important habitat designation process and making other non-substantive changes that do not affect the efficacy of the measure, deletes the mitigation fee requirement applicable to agricultural activities. The exemption for agricultural activities will decrease the efficacy of the proposed measure by potentially allowing for the loss or fragmentation of important habitat due to new agricultural conversion without requiring the preservation of equivalent habitat.

Mitigation Measure 5.12-1(f) would protect oak and other hardwood woodland from development by requiring the retention of a specified percentage of existing canopy cover as well as replacement of the habitat at a 1:1 ratio, or alternatively by requiring an in lieu fee sufficient to acquire and preserve equivalent habitat at a 2:1 ratio. This policy was modified to clarify that it does not apply to agricultural cultivation. This modification does not alter the efficacy of the measure. The measure as proposed in the EIR was not intended to apply to agricultural cultivation. As discussed in the Response to Comments, Master Response 18, the canopy retention option would effectively preclude the development of agriculture in many areas of the County and is therefore in conflict with the objectives of the General Plan to promote agriculture. Accordingly, the modification will not lessen the effectiveness of the proposed measure.

The Board also modified Mitigation Measure 5.12-1(f) to provide an exception to the canopy retention requirements for actions taken pursuant to an approved Fire Safe Plan that are necessary to protect existing structures. This exception may result in the reduction of some oak tree canopy that would otherwise be protected under the measure as proposed in the EIR, but such reduction is expected to be small, because the policy is limited to the protection of existing development. Strict implementation of the canopy protection requirements could in some cases prevent or discourage the implementation of measures required in a Fire Safe Plan, which could increase fire hazard and safety risks.

Lastly, the EIR proposed Mitigation Measure 5.12-1(g), requiring development of an Oak Tree Protection Ordinance, including an oak tree removal permit process, to protect individual oak trees and woodlands that are not covered by Mitigation Measures 5.12-1(e) and (f). The Board proposed this measure with modifications that expand the list of exemptions for trees less than 36 inches in diameter to include removal on certain agricultural lands and instances where the tree is for the personal use of the owner. These

exemptions will allow for the removal of individual trees less than 36 inches without County review or conditions, and will therefore reduce the effectiveness of the measure.

In sum, the measures with the proposed modifications would still substantially reduce the severity of the significant and unavoidable impacts to wildlife habitat, but the effectiveness of those measures will be reduced overall by the combined effect of the exceptions added to the measures.

## **IMPACT 5.12-2: IMPACTS ON SPECIAL-STATUS SPECIES**

### **Change to Mitigation Measure 5.12-2(a): Implement Mitigation Measures 5.12-1(d) and 5.12-1(e)**

**Significance After Mitigation** – Significant and Unavoidable

#### **Effect on Efficacy of Mitigation**

As discussed above with respect to Impact 5.12-1, modified Mitigation Measure 5.12-1(e)'s exemption for agricultural activities will decrease the efficacy of the measure by potentially allowing for the loss or fragmentation of important habitat due to new agricultural conversion without requiring the preservation of equivalent habitat.

## **IMPACT 5.12-3: IMPACTS ON WILDLIFE MOVEMENT**

### **Change to Mitigation Measure 5.12-3(a): Implement Mitigation Measures 5.12-1(d) and 5.12-1(e)**

### **Change to Mitigation Measure 5.12-3(b): Apply -IBC Overlay to Lands Identified as Having High Wildlife Habitat Values**

New Policy: The -IBC overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands located within the overlay district shall be subject to the following provisions except that where the overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Land (-AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay:

- increased minimum parcel size;
- higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- lower thresholds for grading permits;
- higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- increased riparian corridor and wetland setbacks;
- greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Game~~USFWS/CDFG~~);

- standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;
- building permits discretionary or some other sort of “site review” to ensure that canopy is retained;
- more stringent standards for lot coverage, floor area ration (FAR), and building height; and
- no hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

The standards listed above shall be included in the Zoning Ordinance.

Wildland Fire Safe measures to protect existing structures are exempt from this policy, except that Fire Safe measures will be designed in so far as possible to be consistent with the objectives of the Important Biological Corridor.

New Implementation Measure CO-N: Review and update Important Biological Corridor (-IBC) Overlay land use designation consistent with Policy 7.4.2.9

New Policy: The Important Biological Corridor (-IBC) overlay shall be as set forth in Policy 7.4.2.9. Where the -IBC overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Land (-AL) designation the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

Modify Figure LU-1 (Land Use Diagram) to include Important Biological Corridor (-IBC) overlay.

## **Significance After Mitigation – Significant and Unavoidable**

### **Effect on Efficacy of Mitigation**

Mitigation Measure 5.12-3(a) calls for the adoption of Mitigation Measures 5.12-1(d) and (e). As discussed in the finding for Impact 5.12-1, Mitigation Measure 5.12-1(e) (no net loss policy) has been proposed with modifications that would provide an exception for agricultural activities and for actions pursuant to an approved Fire Safe Plan necessary to protect existing structures. The modifications to Measure 5.12-1(e) will lessen the effectiveness of that measure in protecting habitat.

Mitigation Measure 5.12-3(b) proposes a new policy that would apply the Important Biological Corridor (-IBC) overlay to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Lands within the –IBC overlay would be subject to a number of more stringent development restrictions to be established through the County’s Zoning Ordinance. The proposed General Plan includes the –IBC overlay from the Environmentally Constrained alternative land use diagram, and incorporates the new policy proposed by Mitigation Measure 5.12-3(b) as new policy 7.4.2.9, with the modifications set forth above. The modifications (1) exempt agricultural practices from the –IBC requirements to the extent that such practices do not interfere with the purposes of the –IBC overlay, (2) exempt Wildland Fire Safe measures to protect existing structures, but require that Fire Safe measures be designed to be consistent with IBC objectives to the extent possible, and (3) add a new implementation measure requiring review and update of the –IBC overlay designation consistent with policy 7.4.2.9. Similarly, new policy 2.2.2.8 exempts agricultural practices from the –IBC requirements to the extent that such practices do not interfere with the purposes of the –IBC overlay.

The agricultural exemption applies only where agricultural practices will not interfere with the purposes of the –IBC overlay, and is therefore not expected to reduce the effectiveness of the measure. The exemption recognizes that agricultural operations are fundamentally different than other types of development, in that they are land-intensive but can nevertheless provide habitat or wildlife movement corridors in some circumstances, and that therefore strict application of the IBC standards to agricultural lands may not be appropriate in all cases. The fire safe exemption is limited to measures necessary to protect existing structures and would require that the measures be consistent with IBC objectives to the extent feasible. However, this exemption could result in some clearing or fragmentation of habitat that would not have occurred under the measure as proposed in the EIR. Though not substantial, some reduction in the effectiveness of this measure is expected.

#### **IMPACT 5.12-4: REMOVAL, DEGRADATION, AND FRAGMENTATION OF SENSITIVE HABITATS**

##### **Change to Mitigation Measure 5.12-4(a): Implement Mitigation Measures 5.12-1(d), 5.12-1(e), and 5.12-3(b)**

##### **Change to Mitigation Measure 5.12-4(b): Implement Multiple Policies to Reduce Impacts on Sensitive Habitats**

New Policy: The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices” (BMPs) as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

New Implementation Measure AF-K: General Plan policies 7.1.2.1, 7.1.2.7, 7.3.3.4, and 7.4.2.2 provide that their requirements do not apply to agricultural operations if those operations are conducted in accordance with Best Management Practices adopted by the Board of Supervisors. Accordingly, in consultation with the Agricultural Commission and the University of California Cooperative Extension, the County shall develop Agricultural Best Management Practices for adoption by the Board of Supervisors and use by agricultural operations in complying with General Plan policies 7.1.2.1, 7.1.2.7, 7.3.3.4, and 7.4.2.2. The Best Management Practices shall provide a level of resource protection comparable to that of the referenced policies.

**Significance After Mitigation** – Significant and Unavoidable

### **Effect on Efficacy of Mitigation**

Mitigation Measure 5.12-4(a) proposed adoption of Mitigation Measures 5.12-1(d) (INRMP), 5.12-1(e) (no net loss policy), and 5.12-3(b) (-IBC overlay). As discussed above in the findings for Impacts 5.12-1 and 5.12-3, Measures 5.12-1(e) and 5.12-3(b) have been proposed with modifications to allow certain exceptions for agricultural and fire safe activities, and the effectiveness of the measures will be reduced by the modifications.

Mitigation Measure 5.12-4(b) proposes new policies that would require the County to develop a database of important surface water features and adopt new buffer and setback standards for the protection of riparian areas, and would require new development to integrate surface water features into new development in such a way to enhance the natural character of the site and avoid or minimize disturbance and fragmentation of the resource. This measure has been proposed with modifications that would exempt horticultural and grazing activities on agriculturally zoned lands that utilize best management practices (“BMPs”) as recommended by the County Agricultural Commission and adopted by the Board of Supervisors. A new implementation measure has also been added that would require the County to consult with the University of California Cooperative Extension and the Agricultural Commission to develop Agricultural Best management Practices for adoption by the Board, and that such BMPs provide a level of resource protection comparable to those of the applicable General Plan policies.

The proposed modification is not expected to substantially decrease the efficacy of the measures proposed in the EIR because the proposed exemption for agricultural activities applies only if the activity incorporates BMPs adopted by the Board, and because those BMPs are required to provide a comparable level of resource protection. The USDA Natural Resources Conservation Service and the University of California Cooperative Extension have developed BMPs that include measures to protect riparian habitats by, for example, controlling the rate and quantity of runoff, controlling the use of pesticides, surveying for and avoiding sensitive biological resources, and protection of stream channels.

## **CULTURAL RESOURCES**

[none]

## **LAKE TAHOE BASIN**

### **IMPACT 5.14-1: IMPACTS FROM NEW IN-BASIN DEVELOPMENT**

#### **Change to Mitigation Measure 5.14-1: Cooperate with TRPA in the implementation of actions recommended in the Threshold Evaluation Report**

New Implementation Measure LU-O: Coordinate the following actions with the Tahoe Regional Planning Agency (TRPA) and other agencies having land use jurisdiction in the Tahoe Basin to create a comprehensive approach to land use regulation in the Tahoe Basin:

- Preparation and adoption of a Community Plan for the Tahoma/Meeks Bay area;
- Identification of additional affordable housing opportunities;
- Modification of the County’s Zoning Ordinance to be consistent with, or adopt as County Code, the TRPA Code of Ordinances and Plan Area Statements; and
- Implementation of actions recommended in TRPA’s periodic threshold evaluation reports.

**Significance After Mitigation** – Significant and Unavoidable

**Effect on Efficacy of Mitigation**

The revisions made to the new implementation measure set forth by Mitigation Measure 5.14-1 will not diminish and may improve the effectiveness of this measure by ensuring that land use regulation is coordinated throughout the Lake Tahoe Basin.

**IMPACT 5.14-2: TRAFFIC AND AIR QUALITY IMPACTS FROM NEW OUT-OF-BASIN DEVELOPMENT**

**Changes to Mitigation Measure 5.14-2: Adopt Mitigation Measures 5.4-1(a), 5.4-1(b), 5.4-1(c) or 5.4-1(d) (traffic), and 5.11-2 (air quality - long-term regional emissions)**

**Significance After Mitigation** – Significant and Unavoidable

**Effect on Efficacy of Mitigation**

As discussed above for Impacts 5.4-1 and 5.11-2, the Board has modified Mitigation Measures 5.4-1(b), 5.4-1(d) and 5.11-2. These modifications will incrementally reduce the effectiveness of this mitigation measure to reduce traffic and air quality impacts from new out-of-basin development. Modified Mitigation Measure 5.4-1(b) would have the same effectiveness as the measure it modifies and would potentially reduce the overall traffic that would occur in El Dorado Hills because it would place an employment cap on the Business Park, which in turn would reduce potential trip generation. This would potentially reduce an increment of regional air emissions that could be transported to the Tahoe Basin, but the potential reduction would be minor. The modification to measure 5.4-1(d), related to modifications of the Circulation Diagram to include frequent transit and an exclusive right-of-way in the El Dorado Hills Business Park (it would now be a potential change rather than a mandatory change to the diagram) would not be expected to alter air emissions because this change in policy would not alter the feasibility of providing the referenced transit service. As described in the discussion of Impact 5.11-2, revisions made to the new policy set forth by Mitigation Measure 5.11-2(d) eliminate the requirement that existing non-certified wood burning stoves and fireplaces be replaced by owners prior to the sale of property, that non-certified wood heaters be retrofit by subdividers, and that the County restrict the sale of used non-certified wood heaters. The elimination of this measure reduces the potential to restrict certain air pollutants that are generated by this use (reactive organic gases, carbon monoxide, and particulate matter). This would reduce the potential to control the transport of these pollutants into the Tahoe Basin. Air quality impacts in the Basin will remain significant and unavoidable.